

IN THE UNITED STATES DISTRICT COURT FOR
THE NORTHERN DISTRICT OF ILLINOIS

OTTER PRODUCTS, LLC and)	
TREEFROG DEVELOPMENTS, INC.,)	CASE NO.: 1:19-cv-06195
)	
Plaintiffs,)	
)	JUDGE ROWLAND
v.)	
)	MAGISTRATE JUDGE HARJANI
FELLOWES, INC.,)	
)	
Defendant.)	

**ANSWER TO AMENDED COMPLAINT AND
COUNTERCLAIM**

Defendant Fellowes, Inc. (“Fellowes”), by and through its undersigned counsel, hereby answers the Amended Complaint of Plaintiff Otter Products, LLC (“OtterBox”) and TreeFrog Developments Inc. (“TreeFrog Developments,” and collectively with OtterBox, “Plaintiffs”), and otherwise states as noted below.

Fellowes notes that, before filing this Answer, Fellowes filed a Rule 12 Motion to For a More Definite Statement of Plaintiffs’ claims regarding trade dress (Counts 1, 2, 3, 12 and 13)(D.E. 27). Nonetheless, Fellowes attempts to respond to the trade dress averments and allegations below because they are intertwined with others not being contested and leaving them with no response risks the perception that they may be deemed admitted in some way. Accordingly, Fellowes reserves its right to amend the aforementioned trade dress pleadings when the Court rules on the pending motion.

PARTIES

1. OtterBox is a limited liability company duly organized and existing under the laws of the State of Colorado, having its principal place of business located at 209 S. Meldrum Street,

Fort Collins, Colorado 80521. Among other things, OtterBox designs, manufacturers, and markets protective cases to protect smart phones and tablet computers in all environments; under the OtterBox and LifeProof marks.

ANSWER: Fellowes lacks sufficient knowledge or information to form a belief as to the truth of the allegations of paragraph 1 of Plaintiffs' Amended Complaint and, therefore, denies the allegations in this paragraph.

2. TreeFrog Developments is a corporation duly organized and existing under the laws of the State of Delaware, having its principal place of business at 15110 Avenue of Science, San Diego, California 92128. TreeFrog Developments developed the original LifeProof brand protective case products and licensed various intellectual property for related patents, trade dress, trademarks, and other intellectual property to OtterBox.

ANSWER: Fellowes lacks sufficient knowledge or information to form a belief as to the truth of the allegations of paragraph 2 of Plaintiffs' Amended Complaint and, therefore, denies the allegations in this paragraph.

3. Fellowes is an Illinois corporation headquartered in Itasca, Illinois with its principal place of business at 1789 Norwood Avenue, Itasca, Illinois 60143.

ANSWER: Fellowes admits the allegations of paragraph 3 of Plaintiffs' Amended Complaint.

JURISDICTION AND VENUE

4. This action arises under the federal Lanham Act, 15 U.S.C. §§ 1051 *et seq.*, the Patent Act, 35 U.S.C. §§ 1 *et seq.*, and related laws of the State of Illinois.

ANSWER: Fellowes admits that this action arises under the statutes and laws cited in this paragraph 4 but denies the remaining allegations of this paragraph 4.

5. This Court has subject matter jurisdiction over this action under 15 U.S.C. § 1121,

and 28 U.S.C. §§ 1331 and 1338. Because Plaintiffs and Fellowes are citizens of different states and the amount in controversy exceeds \$75,000 exclusive of fees and costs, this Court also has diversity jurisdiction over the parties under 28 U.S.C. § 1332.

ANSWER: Fellowes admits that this Court has subject matter jurisdiction and diversity jurisdiction but denies the remaining allegations of this paragraph 5.

6. This Court has supplemental jurisdiction over Plaintiffs' state law claims under 28 U.S.C. § 1367(a), as the state law claims are so closely related to the Plaintiffs' federal claims for unfair competition and trade dress infringement under the Lanham Act that they form part of the same case or controversy and derive from a common nucleus of operative facts.

ANSWER: Fellowes admits that this Court has supplemental jurisdiction but denies the remaining allegations of this paragraph 6.

7. On information and belief, Defendant's Blackweb Waterproof Phone Case and Blackweb Rugged Phone Case products—which are alleged herein to infringe upon Plaintiffs' trade dress and patent rights, and which further constitute deceptive trade practices under Illinois law and common law unfair competition in Plaintiffs' related state law claims—were and continue to be used, imported, offered for sale, and/or sold in this District.

ANSWER: Fellowes denies the allegations of paragraph 7 of Plaintiffs' Amended Complaint.

8. This Court has personal jurisdiction over Fellowes because Fellowes is incorporated in the State of Illinois, maintains its principal place of business within this District, engages in continuous and systematic business activities in this District, and has committed the acts of trade dress infringement, patent infringement, Illinois statutory deceptive trade practices, and common law unfair competition complained of herein in this District.

ANSWER: Fellowes admits that this Court has personal jurisdiction over Fellowes but denies

the remaining allegations of paragraph 8.

9. Venue is proper in this district under 28 U.S.C. §§ 1391 and 1400(b) because Fellowes is deemed to be a resident of this District based on its principal place of business, has a regular and established place of business in this District, and has committed tortious acts in this District as complained of herein.

ANSWER: Fellowes admits that venue is proper but denies the remaining allegations of Paragraph 9.

GENERAL ALLEGATIONS

10. In 1998, Curtis R. Richardson founded OtterBox out of his garage in Fort Collins, Colorado. In that garage, Mr. Richardson created a novel, first-of-its-kind prototype of a protective case designed to allow users to protect their mobile devices without sacrificing access to the device's controls or the use of the device. The product line became a rapid success in the marketplace, quickly cementing OtterBox's reputation for high-quality, protective cases for mobile devices.

ANSWER: Fellowes lacks sufficient knowledge or information to form a belief as to the truth of the allegations of paragraph 10 of Plaintiffs' Amended Complaint and, therefore, denies the allegations in this paragraph.

11. Since those early days developing protective cases, OtterBox has maintained a reputation as a leading innovator in device protection and interaction. Throughout its product lines, OtterBox incorporates creativity, careful engineering, and cutting-edge design.

ANSWER: Fellowes lacks sufficient knowledge or information to form a belief as to the truth of the allegations of paragraph 11 of Plaintiffs' Amended Complaint and, therefore, denies the allegations in this paragraph.

12. In the years that followed, OtterBox engineered and developed new technologies and designs. These designs included the benchmark DEFENDER Series brand cases with a dual-layer hard shell and cushion layer design, and many others.

ANSWER: Fellowes lacks sufficient knowledge or information to form a belief as to the truth of the allegations of paragraph 12 of Plaintiffs' Amended Complaint and, therefore, denies the allegations in this paragraph.

13. OtterBox's industry-leading efforts to develop and implement new technologies for these and other protective cases have been recognized through the award of numerous patents.

Today, over 150 utility patents are assigned to OtterBox, protecting various aspects and embodiments of its industry-leading protective cases.

ANSWER: Fellowes lacks sufficient knowledge or information to form a belief as to the truth of the allegations of paragraph 13 of Plaintiffs' Amended Complaint and, therefore, denies the allegations in this paragraph.

14. The OtterBox DEFENDER Series brand cases, for example, embody technology disclosed in at least U.S. Patent No. 9,498,033 and many others. (www.otterbox.com/ip).

ANSWER: Fellowes lacks sufficient knowledge or information to form a belief as to the truth of the allegations of paragraph 14 of Plaintiffs' Amended Complaint and, therefore, denies the allegations in this paragraph.

15. The DEFENDER Series brand cases have been identified as patented articles, including by marking the protective cases with "Patents: www.otterbox.com/ip" to notify the public that they incorporated patented teachings and technologies.

ANSWER: Fellowes lacks sufficient knowledge or information to form a belief as to the truth

of the allegations of paragraph 15 of Plaintiffs' Amended Complaint and, therefore, denies the allegations in this paragraph.

Plaintiffs' Development of and Rights in the LIFEPROOF Trade Dress and Patents¹

16. In 2009, Gary Rayner invented a protective case to allow users to protect their mobile devices from dirt, snow, water, and physical drops. Mr. Rayner founded TreeFrog Developments and adopted the mark LIFEPROOF to identify and distinguish this product line from other, less protective cases in the market.

ANSWER: Fellowes lacks sufficient knowledge or information to form a belief as to the truth of the allegations of paragraph 16 of Plaintiffs' Amended Complaint and, therefore, denies the allegations in this paragraph.

17. At least as early as May 27, 2011, TreeFrog Developments began using the LIFEPROOF mark in connection with protective cases, encasements, housings, covers, and carrying cases, most famously for the Apple iPhone and other smart phone devices.

ANSWER: Fellowes lacks sufficient knowledge or information to form a belief as to the truth of the allegations of paragraph 17 of Plaintiffs' Amended Complaint and, therefore, denies the allegations in this paragraph.

18. From the beginning, TreeFrog Developments conceived of, developed, and adopted a unique overall appearance for its protective cases. In 2011, TreeFrog Developments released a protective case for the Apple iPhone 4S (the LifeProof FRĒ), featuring characteristic "curved side bumpers" that framed the mute toggle and volume buttons:

¹ The titles from the Amended Complaint are left in only for reference. To the extent they require any response, they are denied.



The curved, mirrored design of the two side bumpers serves to visually link each of the features on the side of the device—*e.g.*, the mute toggle and volume buttons for the Apple iPhone—into a single design element.

ANSWER: Fellowes lacks sufficient knowledge or information to form a belief as to the truth of the allegations of paragraph 18 of Plaintiffs’ Amended Complaint and, therefore, denies the allegations in this paragraph.

19. In 2013, Plaintiffs OtterBox and TreeFrog Developments agreed to work together to implement, develop, and evolve the overall appearance of LifeProof-branded products. As part of that relationship, Plaintiffs agreed that OtterBox would own any subsequent developments, modifications, and enhancements that it contributed to the LIFEPROOF intangible properties through that collaboration, including to the LIFEPROOF trademarks, trade dress, and improvements to inventions patented by TreeFrog Development.

ANSWER: Fellowes lacks sufficient knowledge or information to form a belief as to the truth

of the allegations of paragraph 19 of Plaintiffs' Amended Complaint and, therefore, denies the allegations in this paragraph.

20. In 2014, and within the scope of the Plaintiffs' relationship, OtterBox conceptualized and developed the use of contrast piping—the “color pop band”—and a trapezoidal branding tag on the side of LifeProof brand cases. These design elements were first incorporated into the overall appearance of the LifeProof FRĒ for the Apple iPhone 6, released in 2014, and have been used repeatedly and consistently in the years that followed for additional protective case offerings.

ANSWER: Fellowes lacks sufficient knowledge or information to form a belief as to the truth of the allegations of paragraph 20 of Plaintiffs' Amended Complaint and, therefore, denies the allegations in this paragraph.

21. Today, through the combined efforts of Plaintiffs, LifeProof brand protective cases implement cutting-edge technology to maximize protection while ensuring that users can continue to access the features and controls of their mobile devices. These efforts to innovate and engineer new protective technologies have resulted in the issuance of over three dozen utility patents.

ANSWER: Fellowes lacks sufficient knowledge or information to form a belief as to the truth of the allegations of paragraph 21 of Plaintiffs' Amended Complaint and, therefore, denies the allegations in this paragraph.

22. These innovative teachings are implemented by and featured in products across the LifeProof brand product lines. The LifeProof FRĒ brand cases, for example, implement technology disclosed by U.S. Patent Nos. 8,342,325; 8,393,466; 8,526,180; 8,564,950; and 9,549,598, amongst others. (www.lifeproof.com/ip). The LifeProof FRĒ Power brand cases

include teachings from U.S. Patent No. 8,526,180; 8,564,950; and 9,549,598, amongst others. *Id.* And the innovative LifeProof NÜÜD brand cases, which offered a first-of-its-kind waterproof case without use of a membrane, include technology from at least U.S. Patent Nos. 8,526,180; 8,531,834; and 8,564,950. *Id.*

ANSWER: Fellowes lacks sufficient knowledge or information to form a belief as to the truth of the allegations of paragraph 22 of Plaintiffs’ Amended Complaint and, therefore, denies the allegations in this paragraph.

23. Each of these LifeProof brand product lines have been identified as patented articles, including by marking the protective cases with “Patents: www.lifeproof.com/ip”, to notify the public that they incorporated patented teachings and technologies.

ANSWER: Fellowes lacks sufficient knowledge or information to form a belief as to the truth of the allegations of paragraph 23 of Plaintiffs’ Amended Complaint and, therefore, denies the allegations in this paragraph.

The LIFEPROOF Trade Dress

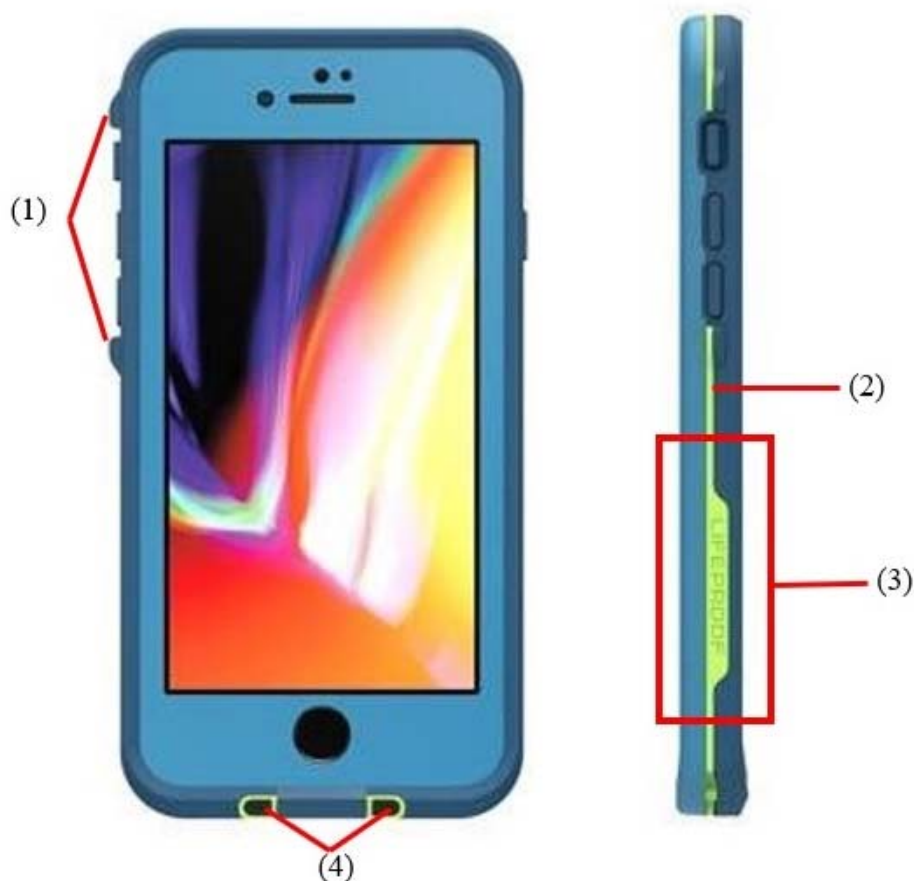
24. Beginning with the original cases designed by TreeFrog Developments and through the design and development of protective cases for later generations of iPhones and other smart devices, the design and overall appearance of LifeProof brand protective cases is unique, aesthetic and non-functional, and consumers have come to associate these distinctive elements with the LIFEPROOF brand and products. The resulting overall visual appearance serves as trade dress by serving as an indicator of the source of LifeProof brand products (“LIFEPROOF Trade Dress”).

ANSWER: To the extent they are understood, Fellowes denies the allegations of paragraph 24 of Plaintiffs’ Amended Complaint.

25. The LIFEPROOF Trade Dress is defined by the total image and overall visual impression created by, individually and in combination, the following features: (1) curved side

bumpers framing the mute toggle and volume buttons; (2) the “color pop band” between the top and bottom members of the protective case; (3) a trapezoidal branding tag on the side(s) of the case; and (4) where the protective case includes speaker apertures, speaker aperture contrast piping.² Reproduced below is an image of an exemplar LifeProof brand product bearing the LIFEPROOF Trade Dress:

ANSWER: To the extent they are understood, Fellowes denies the allegations of paragraph 25 of Plaintiffs’ Amended Complaint.



² Plaintiffs do not define the use of color, in the abstract, as an element of the LIFEPROOF Trade Dress. As set forth in detail herein, the “color pop band,” “trapezoidal brand tag,” and “speaker aperture contrast piping” are defined by the size, shape, location, and use of contrasting materials and textures (including through the use of contrasting colors) of the respective elements.

LifeProof FRĒ for iPhone 7 and 8 (www.lifeproof.com)

Including (1) curved side bumpers; (2) “color pop band”; (3) trapezoidal branding tag; and (4) speaker aperture contrast piping.

26. The overall visual impression created by these defined elements, individually and in combination, is protectable as the LIFEPROOF Trade Dress.

ANSWER: To the extent they are understood, Fellowes denies the allegations of paragraph 26 of Plaintiffs’ Amended Complaint.

COUNT I

Lanham Act Infringement of LIFEPROOF Trade Dress, 15 U.S.C. § 1125(a)

27. Plaintiffs repeat and re-allege each and every allegation of the foregoing paragraphs as though fully set forth herein.

ANSWER: Fellowes incorporates each and every answer to each and every allegation of the foregoing paragraphs as though fully set forth herein.

28. As its first claim for relief, Plaintiffs allege trade dress infringement pursuant to 15 U.S.C. § 1125(a), based on Fellowes’ unauthorized adoption and use in commerce of the LIFEPROOF Trade Dress in the design of the Blackweb Waterproof Phone Case products.

ANSWER: To the extent they are understood, Fellowes denies the allegations of paragraph 28 of Plaintiffs’ Amended Complaint.


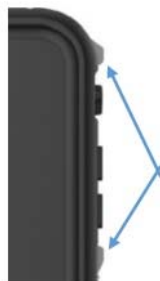
29. LifeProof-branded products such as the LifeProof FRĒ brand case have incorporated the LIFEPROOF Trade Dress through the overall visual appearance created by, individually and in combination, the following features: (1) curved side bumpers flanking the switches and buttons on the side of the device (e.g., the mute toggle and volume buttons of the Apple iPhone); (2) “color pop band” between the top and bottom members of the protective case; (3) a trapezoidal branding tag; and (4) speaker aperture contrast piping.



ANSWER: To the extent they are understood, Fellowes denies the allegations of paragraph 29 of Plaintiffs' Amended Complaint.

30. The Blackweb Waterproof Phone Case products improperly appropriate the overall visual impression of the LIFEPROOF Trade Dress by adopting and using these elements, without authorization, and thereby infringe upon the LIFEPROOF Trade Dress.

ANSWER: To the extent they are understood, Fellowes denies the allegations of paragraph 30 of Plaintiffs' Amended Complaint.

31. As set forth in the exemplary protected elements below, and on information and belief, Fellowes adopted each of the protected elements in order to mimic the overall distinctive visual impression created by the LIFEPROOF Trade Dress in an effort to directly compete with and replace genuine LifeProof-branded products in the marketplace:

<i>Element</i>	<i>LifeProof FRĒ for iPhone 7/8</i>	<i>Blackweb Waterproof Phone Case for iPhone 7/8</i>
Curved Side Bumpers		

<p>“Color Pop Band” (orange annotation) & Trapezoidal Brand Tagging (green annotation)</p>		
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<i>Element</i>	<i>LifeProof FRĒ for iPhone 7/8</i>	<i>Blackweb Waterproof Phone Case for iPhone 7/8</i>
Speaker Aperture Contrast Piping		

ANSWER: To the extent they are understood, Fellowes denies the allegations of paragraph 31 of Plaintiffs’ Amended Complaint.

32. As set forth in detail below, the LIFEPROOF Trade Dress is non-functional, has acquired secondary meaning, and there is a likelihood of confusion between the LIFEPROOF

Trade Dress and the Blackweb Waterproof Phone Case products.

ANSWER: To the extent they are understood, Fellowes denies the allegations of paragraph 32 of Plaintiffs' Amended Complaint.



The LifeProof Trade Dress is Non-Functional

33. The design of each of the defined elements is non-functional and instead contributes to and creates the unique and distinguishable overall visual impression of the LIFEPROOF Trade Dress.

ANSWER: To the extent the allegations are understood, Fellowes denies the allegations of paragraph 33 of Plaintiffs' Amended Complaint.

The Curved Side Bumpers

34. First, the abundance of available phone case products that either use different designs for side bumpers or exclude them altogether demonstrates that the size, shape, location, and curved design of the side bumpers of the LIFEPROOF Trade Dress is not essential to any protective qualities, or other functionality, provided by the product's design or to competition in the protective phone case market. A non-exhaustive sampling of such alternative (and null) designs are included below:

<i>Product</i>	<i>Detail</i>
LifeProof FRĒ for iPhone 7/8	
Blackweb Waterproof Phone Case for iPhone 7/8	

<p>Tech21 Evo Aqua 360° Edition for iPhone 7</p>	 <p>Source: www.youtube.com/ (Tech21 Official Channel)</p>
<p>Punk Case iPhone 7 Studstar Series</p>	 <p>Source: www.punkcase.com</p>
<p>Catalyst Impact Protection Case for iPhone 7/8</p>	 <p>Source: www.catalystcase.com</p>
<p>Ghostek NAUTICAL2 for iPhone 7</p>	 <p>Source: www.ghostek.com</p>

ANSWER: To the extent they are understood, Fellowes denies the allegations set forth in paragraph 34 of Plaintiffs' Amended Complaint.


35. The particular design, and in particular the size, shape, and location of the curved side bumpers of the LIFEPROOF Trade Dress, serves no functional purpose. Instead, the curved side bumpers serve to visually link the switches and buttons on the side of the device (e.g., the mute toggle and volume switches of the Apple iPhone) into a single design element. Any protective qualities provided by the bumpers are not provided by the design of the element, and could be equally accomplished by moving the bumpers, or adopting a shape or size distinct from

the non-functional and ornamental design implemented in the LIFEPROOF Trade Dress.

ANSWER: To the extent they are understood, Fellowes denies the allegations of paragraph 35 of Plaintiffs’ Amended Complaint.

The “Color Pop Band”

36. Second, the independently molded and separately colorable “color pop band” employed in the LIFEPROOF Trade Dress between the top and bottom members of the protective case is solely aesthetic and serves no utilitarian function:

<i>Product</i>	<i>Side Profile</i>
LifeProof FRĒ for iPhone 7/8	

ANSWER: To the extent they are understood, Fellowes denies the allegations of paragraph 35 of Plaintiffs’ Amended Complaint.

37. Indeed, the “color pop band” consists of the same physical material as the underlying frame of the top and bottom members of the LifeProof brand protective cases, and therefore does not provide additional protective qualities (including, e.g., acting as a seal). For example, eliminating the “color pop band” by extending the surrounding overmolded plastic, or by using material of the same color and texture as the surrounding plastics, would not impact the protective qualities of the case.

ANSWER: To the extent they are understood, Fellowes denies the allegations of paragraph 37 of Plaintiffs’ Amended Complaint.

38. Further, the introduction of a second color to the injection molding process introduces added complexity and increases the cost of manufacture without affording additional utility, leaving the election to include the “color pop band” solely an aesthetic consideration

unrelated to decreasing the cost or reducing complexity of manufacture.


ANSWER: To the extent they are understood, Fellowes denies the allegations of paragraph 38 of Plaintiffs’ Amended Complaint.

39. Instead, the size, shape, and location of, and use of contrasting material for the “color pop band” are aesthetic considerations and unrelated to the product’s functionality or marketplace competitiveness.

ANSWER: To the extent they are understood, Fellowes denies the allegations of paragraph 39 of Plaintiffs’ Amended Complaint.

The Trapezoidal Branding Tag

40. Third, the use of a trapezoidal branding tag employed in the LIFEPROOF Trade Dress is an aesthetic consideration which provides no added functionality or utility:

<i>Product</i>	<i>Side Profile</i>
LifeProof FRĒ for iPhone 7/8	

ANSWER: To the extent they are understood, Fellowes denies the allegations of paragraph 40 of Plaintiffs’ Amended Complaint.

41. The inclusion of branding text does not make the size, shape, use of contrasting materials, and location of the underlying trapezoidal branding tag functional. Moreover, because the branding text (e.g., “LIFEPROOF”) is embossed into the material of the trapezoidal branding tag, the lettering can be nearly or entirely illegible to an observer any more than a few feet away —e.g., a potential consumer who sees the case in use by another patron of a coffee shop or on the street:



LifeProof FRE for iPhone X and Blackweb Waterproof Phone Case for iPhone X

ANSWER: To the extent they are understood, Fellowes denies the allegations of paragraph 41 of Plaintiffs’ Amended Complaint.

42. As with the manufacturing process for the “color pop band,” introduction of the trapezoidal branding tag in a contrast shade or hue on the side of products using the LIFEPROOF Trade Dress increases cost and complexity of manufacture without providing any additional protective qualities or competitive advantage in the market.

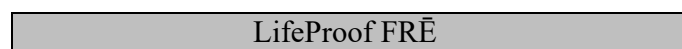
ANSWER: To the extent they are understood, Fellowes denies the allegations of paragraph 42 of Plaintiffs’ Amended Complaint.

43. Instead, the size, shape, and location of, and use of contrasting material for the trapezoidal branding tag are aesthetic considerations and unrelated to the product’s functionality.

ANSWER: To the extent they are understood, Fellowes denies the allegations of paragraph 43 of Plaintiffs’ Amended Complaint.

The Speaker Aperture Contrast Piping

44. Fourth, on the designs for certain protective cases such as the FRE for the Apple iPhone 7/8 and the Apple iPhone 7 Plus/8 Plus, Plaintiffs have extended the design of the “color pop band” of the LIFEPROOF Trade Dress to include contrast piping around speaker apertures at the base of the phone, *e.g.* (purple annotation):





ANSWER: Fellowes admits that in two places on the lower portion of the phone case in this picture a portion of the inner structure is at the surface with a contrasting color but, to the extent they are understood, denies the rest of the allegations set forth in paragraph 44 of Plaintiffs' Amended Complaint.

45. As with the “color pop band” and trapezoidal branding tag discussed above, the use of contrasting material to visually highlight the speaker apertures in the LIFEPROOF Trade Dress increases the cost and complexity of manufacture without providing any additional protective qualities (including water resistance), acoustic enhancements, or competitive advantage in the market. For example, while the membrane outlined by the contrast piping serves a role in waterproofing the case, the size, shape, location, and use of contrast materials for the speaker

aperture contrast piping itself is a design decision serving no functional purpose.

ANSWER: To the extent they are understood, Fellowes denies the allegations of paragraph 45 of Plaintiffs' Amended Complaint.

The LIFEPROOF Trade Dress Has Acquired Secondary Meaning

46. By virtue of Plaintiffs' hard work and investments, including through their respective contributions to the development of the unique overall image of LifeProof brand products and significant efforts marketing and advertising LifeProof's protective case products, the LIFEPROOF Trade Dress has acquired a secondary meaning, serving to visually identify authentic LifeProof brand products instantly and to distinguish LifeProof brand products in the marketplace for consumers.

ANSWER: To the extent they are understood, Fellowes denies the allegations of paragraph 46 of Plaintiffs' Amended Complaint.

47. LifeProof-branded products sold by Plaintiff OtterBox use the distinctive LIFEPROOF Trade Dress in commerce to visually identify LifeProof-branded products and distinguish LifeProof brand products in the marketplace for consumers.

ANSWER: To the extent they are understood, Fellowes denies the allegations of paragraph 47 of Plaintiffs' Amended Complaint.

48. In turn, the elements contributing to the overall visual appearance of the LIFEPROOF Trade Dress allow customers to associate products as originating with Plaintiffs, crediting the quality, reputation, and goodwill of the LifeProof brand and avoiding confusion with other brands.

ANSWER: To the extent they are understood, Fellowes denies the allegations of paragraph 48 of Plaintiffs' Amended Complaint.

49. LifeProof-branded products have received numerous industry awards and recognitions from organizations and publications such as PCMag, Parent Tested Parent Approved, and Field & Stream. The LIFEPROOF brand has the second-highest aided advertising awareness of all major providers of protective cases for personal mobile devices, tied with Apple and second only to OtterBox itself.

ANSWER: Fellowes lacks sufficient knowledge or information to form a belief as to the truth of the allegations of paragraph 49 of Plaintiffs' Amended Complaint and, therefore, denies the allegations in this paragraph.

50. The LIFEPROOF Trade Dress is the fruit of a years-long, multi-million-dollar advertising campaign and market presence. Through the course of these sales and their relationship, Plaintiffs have invested significant resources in marketing, promoting, and advertising LifeProof brand products. Since 2014, OtterBox has spent over \$50 million on advertising, including prominent imagery of protective cases featuring the LIFEPROOF Trade Dress. OtterBox has also appeared at trade shows and hosting booths, again prominently featuring imagery of the LIFEPROOF Trade Dress. OtterBox has also expanded and increased brand awareness by sponsoring events such as Red Bull Cliff Diving, World Surf League, and the X Games.

ANSWER: Fellowes lacks sufficient knowledge or information to form a belief as to the truth of the allegations of paragraph 50 of Plaintiffs' Amended Complaint and, therefore, denies the allegations in this paragraph.

51. Driven by Plaintiffs' promotional efforts and the brand recognition enabled by the LIFEPROOF Trade Dress, LifeProof brand products have been the subject of over 2,500 unique media stories, both online and in print. Among others, these have included media stories on:

- BuzzFeed
- 9to5 Mac
- Trend Hunter
- Health
- Gear Patrol
- Forbes
- SELF
- Outside
- Golf Digest
- Wall Street Journal
- Business Insider
- USA Today
- GQ
- TechCrunch
- Fatherly
- Popular Science
- Runner's World
- Tom's Guide
- Afar

ANSWER: Fellowes lacks sufficient knowledge or information to form a belief as to the truth of the allegations of paragraph 51 of Plaintiffs' Amended Complaint and, therefore, denies the allegations in this paragraph.

52. Based on unique visitor information for each website, media mentioning LifeProof's products have been viewed more than 5.25 billion times.

ANSWER: Fellowes lacks sufficient knowledge or information to form a belief as to the truth of the allegations of paragraph 52 of Plaintiffs' Amended Complaint and, therefore, denies the allegations in this paragraph.

53. These efforts to build awareness of and familiarity with the LIFEPROOF Trade Dress, combined with Plaintiffs' reputation for engineering and manufacturing the most protective, highest quality cases on the market, have enabled Plaintiffs to sell millions of LifeProof-branded protective cases.

ANSWER: Fellowes lacks sufficient knowledge or information to form a belief as to the truth of the allegations of paragraph 53 of Plaintiffs' Amended Complaint and, therefore, denies the allegations in this paragraph.

54. Since 2011, Plaintiffs have sold more than 50 million LifeProof-branded cases in

the United States, generating over \$1.8 billion in sales.

ANSWER: Fellowes lacks sufficient knowledge or information to form a belief as to the truth of the allegations of paragraph 54 of Plaintiffs' Amended Complaint and, therefore, denies the allegations in this paragraph.

55. The LIFEPROOF Trade Dress, through Plaintiffs' distinctive design efforts, careful cultivation of goodwill, and hard-earned reputation for high quality, has acquired additional distinctiveness and secondary meaning in the marketplace.

ANSWER: To the extent they are understood, Fellowes denies the allegations of paragraph 55 of Plaintiffs' Amended Complaint.

The Blackweb Waterproof Phone Case Products Create a Likelihood of Consumer Confusion and Actual Confusion

56. On information and belief, Fellowes designs, manufactures, uses, imports, offers for sale, and sells for distribution through Walmart's online and brick-and-mortar stores nationwide, the Blackweb Waterproof Phone Case products.

ANSWER: Fellowes admits that it sells Blackweb Waterproof phone cases to Walmart but denies the remaining allegations of paragraph 56 of Plaintiffs' Amended Complaint.

57. Fellowes offers Blackweb Waterproof Phone Case products for at least the Apple iPhone 7/8, the iPhone 7+/8+, the iPhone XR, iPhone Xs, and the iPhone Xs Max, and, on information and belief, previously offered the Blackweb Waterproof Phone Case for at least the Samsung Galaxy J7 (collectively, the "Blackweb Waterproof Phone Case products," and exclusive of the Blackweb Waterproof Phone Case for the Samsung Galaxy J7, the "Blackweb Waterproof Phone Case for Apple iPhone products").

ANSWER: Fellowes admits the allegations of paragraph 57 of Plaintiffs' Amended Complaint.

58. For example, although the external packaging of the Blackweb Waterproof Phone Case for the iPhone 7/8 assigns ownership of the “BLACKWEB” mark to Walmart, Inc. and purports that the product is “Distributed by Walmart Inc.,” the internal brochure informs that Defendant “Fellowes warrants products to be free from defects in manufacturing” and instructs consumers to contact Fellowes directly for customer support and warranty questions.

ANSWER: To the extent it is understood, Fellowes admits the allegations of paragraph 58 of Plaintiffs’ Amended Complaint.

59. On information and belief, Fellowes intentionally and willfully set out to benefit from the Plaintiffs’ years of investment and labor in the LifeProof brand product lines by intentionally copying the LifeProof brand cases in nearly every respect, including at least the LIFEPROOF Trade Dress elements discussed above as well as Plaintiffs’ technologies protected by numerous patents assigned to OtterBox and TreeFrog Developments.

ANSWER: To the extent they are understood, Fellowes denies the allegations of paragraph 59 of Plaintiffs’ Amended Complaint.

60. On information and belief, Fellowes copied the LIFEPROOF Trade Dress in order to confuse consumers as to the true origin of the products and thereby to improperly benefit from Plaintiffs’ hard-earned market presence and reputation for engineering and manufacturing the most protective, highest-quality cases on the market.

ANSWER: To the extent they are understood, Fellowes denies the allegations of paragraph 60 of Plaintiffs’ Amended Complaint.

61. Fellowes’ continued sale of the Blackweb Waterproof Phone Case products using the LIFEPROOF Trade Dress is likely to cause consumers to confuse the Blackweb Waterproof Phone Case products as a LifeProof brand product sold by Plaintiffs, permitting Fellowes to

unjustly benefit from Plaintiffs' efforts to establish the LIFEPROOF Trade Dress in the public consciousness.

ANSWER: To the extent they are understood, Fellowes denies the allegations of paragraph 61 of Plaintiffs' Amended Complaint.

62. That is, because of Fellowes' improper and unauthorized use of the LIFEPROOF Trade Dress, consumers are likely to mistakenly believe that the Blackweb Waterproof Phone Case products are manufactured by, authorized by, or otherwise affiliated in some way with Plaintiffs and their combined history of designing and making protective cases of the highest quality.

ANSWER: To the extent they are understood, Fellowes denies the allegations of paragraph 62 of Plaintiffs' Amended Complaint.

63. Fellowes' use of the LIFEPROOF Trade Dress is especially likely to confuse consumers as the infringing Blackweb Waterproof Phone Case products are currently sold not only through the same trade channels, but also physically alongside and in-between Plaintiffs' marquee products in Walmart stores:



ANSWER: Fellowes admits that its products may, at times, be placed by Walmart, in a Walmart store, near a product of Plaintiffs’ but denies the rest of the allegations in paragraph 63 of Plaintiffs’ Amended Complaint.

64. Further, the protectable design elements describing the overall visual appearance of the LIFEPROOF Trade Dress are featured prominently on the packaging for the Blackweb Waterproof Phone Case products. For example, the packaging for the Blackweb Waterproof Phone Case for the iPhone 7+/8+ features all four elements defined at Paragraphs 25 above:³



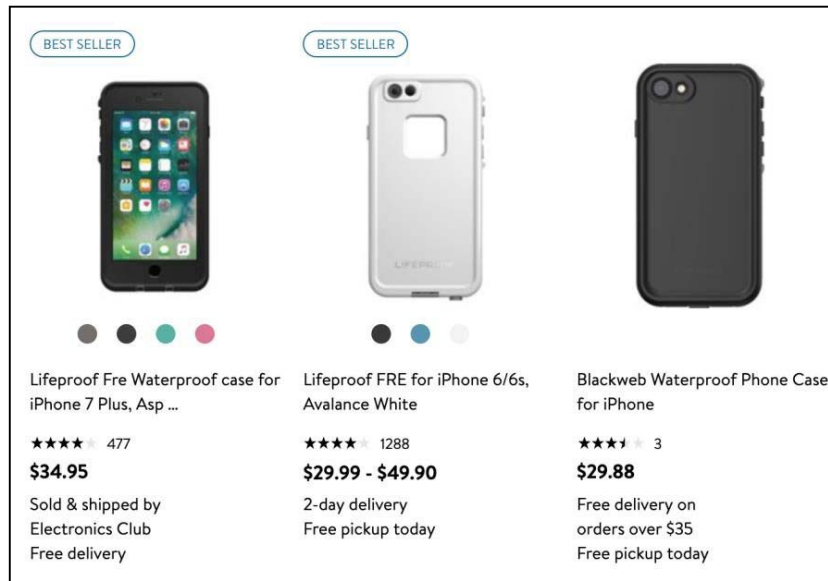
³ Defined elements of LLIFEPROOF Trade Dress annotated as follows:

<i>Defined Element</i>	<i>Annotation</i>
Curved Side Bumpers	Blue
“Color Pop Band”	Orange
Trapezoidal Branding Tag	Green
Speaker Aperture Contrast Piping	Purple

<p>Package Sleeve</p>	
<p>Package Back</p>	

ANSWER: To the extent they are understood, Fellowes denies the allegations of paragraph 64 of Plaintiffs' Amended Complaint.

65. The unauthorized Blackweb Waterproof Phone Case products are also available through Walmart's website, at www.walmart.com, where they are sold alongside LifeProof brand products authorized to use the LIFEPROOF Trade Dress:



Source: Walmart.com

ANSWER: Fellowes does not control how Walmart chooses to sell or display Walmart's Blackweb products, including the phone cases at issue here, and therefore denies the allegations of paragraph 65 of Plaintiffs' Amended Complaint.

66. On information and belief, Fellowes designs, manufactures, markets, and sells in commerce in this District—and by virtue of its distribution relationship with Walmart, throughout the United States—the Blackweb Waterproof Phone Case products to directly compete with LifeProof brand products.

ANSWER: Fellowes admits that it sells Blackweb Waterproof phone cases to Walmart but denies the remaining allegations of paragraph 66 of Plaintiffs' Amended Complaint

67. Fellowes has adopted the overall visual impression created by the defined elements of the LIFEPROOF Trade Dress without authorization to create a product so

aesthetically and visually similar to Plaintiffs' LifeProof brand products as to create a likelihood of consumer confusion, e.g.:⁴



⁴ All images of LifeProof FRE brand products from www.lifeproof.com. Defined elements of LIFEPROOF Trade Dress annotated as follows:

<i>Defined Element</i>	<i>Annotation</i>
Curved Side Bumpers	Blue
"Color Pop Band"	Orange
Trapezoidal Branding Tag	Green
Speaker Aperture Contrast Piping	Purple





ANSWER: To the extent they are understood, Fellowes denies the allegations of paragraph 67 of Plaintiffs' Amended Complaint.

68. On information and belief, Fellowes adopted the overall appearance of the LIFEPROOF Trade Dress without authorization with the intention of creating a product with an

overall visual impression so aesthetically similar to Plaintiffs' LifeProof brand products that consumers will mistakenly believe the Blackweb Waterproof Phone Case products are related to, affiliated, or otherwise authorized by Plaintiffs:

<i>LifeProof FRĒ</i> (iPhone 7/8) ⁵	<i>Blackweb Waterproof Phone Case</i> (iPhone 7/8) ⁶
	
<i>LifeProof FRĒ</i> (iPhone XR) ⁴	<i>Blackweb Waterproof Phone Case</i> (iPhone XR) ⁵

⁵ www.lifeproof.com

⁶ www.walmart.com



ANSWER: To the extent they are understood, Fellowes denies the allegations of paragraph 68 of Plaintiffs’ Amended Complaint.

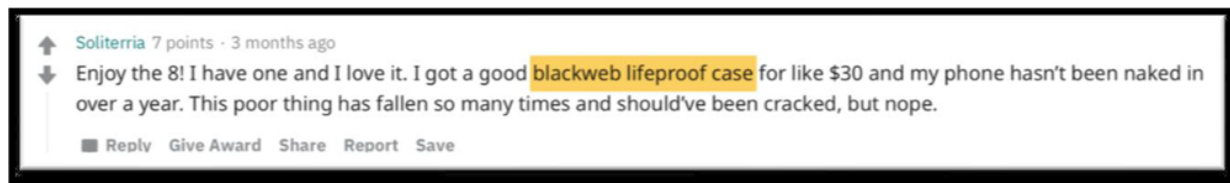
69. In so doing, on information and belief, Fellowes intends that consumers will mistakenly purchase the Blackweb Waterproof Phone Case products in order to improperly benefit through higher sales, to the detriment of Plaintiffs’ own sales.

ANSWER: Fellowes denies the allegations of paragraph 69 of Plaintiffs’ Amended Complaint.

70. Further, through the conduct alleged herein, Fellowes has caused actual consumer confusion.

ANSWER: Fellowes denies the allegations of paragraph 70 of Plaintiffs’ Amended Complaint.

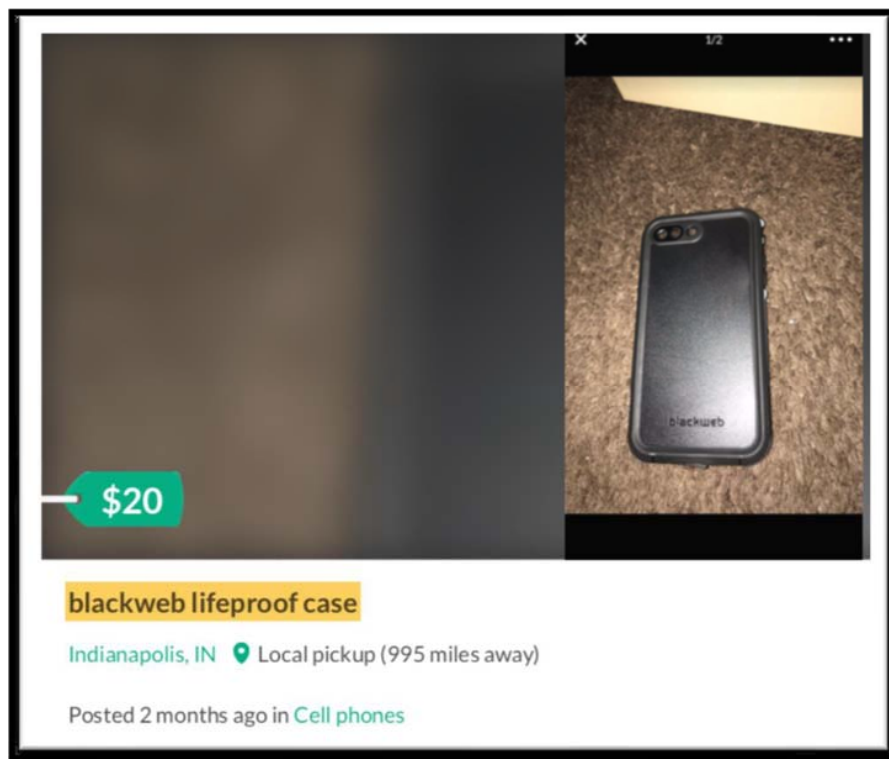
71. For example, three months ago, a user posted on a forum of the website Reddit.com that they had purchased a “blackweb lifeproof case”:



(yellow highlight added)

ANSWER: Fellowes lacks sufficient knowledge or information to form a belief as to the truth of the allegations of paragraph 71 of Plaintiffs' Amended Complaint and, therefore, denies the allegations in this paragraph.

72. In another case, only two months ago, a user posted a Blackweb Waterproof Phone Case on the website OfferUp.com, listing the product as the "Blackweb LifeProof Case":



(yellow highlighting added)

ANSWER: Fellowes lacks sufficient knowledge or information to form a belief as to the truth of the allegations of paragraph 72 of Plaintiffs' Amended Complaint and, therefore, denies the

allegations in this paragraph.

73. In these and, on information and belief, other cases, consumers have been confused by Fellowes' use of the LIFEPROOF Trade Dress and mistakenly believed the Blackweb Waterproof Phone Case products are related to, affiliated, or otherwise authorized by Plaintiffs.

ANSWER: To the extent they are understood, Fellowes denies the allegations of paragraph 73 of Plaintiffs' Amended Complaint.

74. Through Fellowes' ongoing and unauthorized use, Fellowes infringes the LIFEPROOF Trade Dress and unfairly competes with Plaintiffs in the marketplace.

ANSWER: To the extent they are understood, Fellowes denies the allegations of paragraph 74 of Plaintiffs' Amended Complaint.

75. The marketing, offer for sale, and sale of the Blackweb Waterproof Phone Case products are likely to cause and actually cause confusion, mistake, or otherwise deceive the relevant public, including consumers shopping at Walmart's physical and online locations nationwide.

ANSWER: Fellowes denies the allegations of paragraph 75 of Plaintiffs' Amended Complaint.

76. Fellowes' actions irreparably harm the value of Plaintiffs' LIFEPROOF Trade Dress, and further cause irreparable injury to Plaintiffs' invaluable reputation and goodwill as market leaders in the protective case market.

ANSWER: To the extent they are understood, Fellowes denies the allegations of paragraph 76 of Plaintiffs' Amended Complaint.

77. As demonstrated through the wholesale mimicry of Plaintiffs' LifeProof brand protective cases, Fellowes created, adopted, and used in commerce the design of the Blackweb

Waterproof Phone Case products with full knowledge of Plaintiffs' rights in the LIFEPROOF Trade Dress.

ANSWER: To the extent they are understood, Fellowes denies the allegations of paragraph 77 of Plaintiffs' Amended Complaint.

78. Further, the mimicry of the overall visual impression created by the defined elements of the LIFEPROOF Trade Dress, on product-by-product basis, demonstrates that Fellowes undertook a concerted effort to copy each LifeProof brand product released by Plaintiffs.

ANSWER: To the extent they are understood, Fellowes denies the allegations of paragraph 78 of Plaintiffs' Amended Complaint.

79. On information and belief, Defendant undertook an intentional, individualized effort to directly copy, as closely as possible, each variant of the LifeProof FRĒ brand cases released by Plaintiffs when developing the corresponding Blackweb Waterproof Phone Cases.

ANSWER: Fellowes denies the allegations of paragraph 79 of Plaintiffs' Amended Complaint.

80. If a defined element of the LIFEPROOF Trade Dress was not included in a LifeProof FRĒ brand product for a particular smart phone, Defendant did not include it in the corresponding Blackweb Waterproof Phone Case product for that same smartphone.

ANSWER: Fellowes lacks sufficient knowledge or information to form a belief as to the truth of the allegations of paragraph 80 of Plaintiffs' Amended Complaint due to the lack of clarity and vague and unclear nature and, therefore, denies the allegations in this paragraph.

81. Consequently, Fellowes' efforts to sell and its sales of the Blackweb Waterproof Phone Case products have been and continue to be in bad faith and with a willful and deliberate intent to pass off these products as those of Plaintiffs, in order to trade on the goodwill carefully

cultivated and developed by Plaintiffs since the release of the first products in 2011 and over the course of their relationship.

ANSWER: Fellowes denies the allegations of paragraph 81 of Plaintiffs' Amended Complaint.

82. Fellowes' historical and ongoing willful and deliberate conduct makes this an exceptional case within the meaning of 15 U.S.C. § 1117(a). Plaintiffs are entitled to the recovery of their actual and enhanced damages or the disgorgement of Fellowes' profits, of Plaintiffs' attorneys' fees, and of the costs of this litigation.

ANSWER: Fellowes denies the allegations of paragraph 82 of Plaintiffs' Amended Complaint.

83. Unless the Court intervenes and restrains further misconduct and unfair competition, Fellowes will continue its efforts to confuse and mislead consumers in the marketplace, and to improperly draw upon Plaintiffs' good reputation and customer goodwill.

ANSWER: Fellowes denies the allegations of paragraph 83 of Plaintiffs' Amended Complaint.

84. Unchecked, Fellowes' infringing activities have injured Plaintiffs, and unjustly enriched Fellowes, which activities will continue to cause substantial and irreparable injuries and damage to the public and to Plaintiffs. Plaintiffs have no remedy at law adequate to fully compensate the injury and damages caused by Fellowes' ongoing trade dress infringement.

ANSWER: Fellowes denies the allegations of paragraph 84 of Plaintiffs' Amended Complaint.

COUNT II

Federal Unfair Competition, 15 U.S.C. § 1125(a)

85. Plaintiffs repeat and re-allege each and every allegation of the foregoing

paragraphs as though fully set forth herein.

ANSWER: Fellowes incorporates each and every answer to each and every allegation of the foregoing paragraphs as though fully set forth herein.

86. The acts of Fellowes complained of herein constitutes federal unfair competition and false designation of origin in violation of the Lanham Act, 15 U.S.C. § 1125(a).

ANSWER: Fellowes denies the allegations of paragraph 86 of Plaintiffs' Amended Complaint.

87. Fellowes' activities are likely to cause confusion, mistake, or deception among consumers, purchasers, and users of the parties' goods as to the source or origin, and as to the approval or sponsorship of, affiliation between, or endorsement by Plaintiff's and Fellowes, in violation of 15 U.S.C. § 1125(a).

ANSWER: Fellowes denies the allegations of paragraph 87 of Plaintiffs' Amended Complaint.

88. By virtue of its distribution relationship with Walmart, Fellowes' Blackweb Waterproof Phone Case product is in interstate commerce, including at least availability for sale through Walmart's physical and online stores.

ANSWER: Fellowes admits that it sells Blackweb Waterproof phone cases to Walmart and understands that Walmart owns stores around the United States as well as a Walmart website. Beyond that, this paragraph sets forth allegations that present legal conclusions and questions of law and therefore no answer is required. To the extent an answer is required, Fellowes denies the remaining allegations of paragraph 88 of Plaintiffs' Amended Complaint.

89. Plaintiffs have suffered and continue to suffer damages resulting from Fellowes' improper conduct, including, without limitation, through the loss of sales Plaintiffs would have made but for Fellowes' actions in an amount to be proven at trial, and through the loss of goodwill, injury to reputation, and loss of exclusivity in Plaintiffs' LIFEPROOF Trade Dress rights.

ANSWER: To the extent they are understood, Fellowes denies the allegations of paragraph 89 of Plaintiffs' Amended Complaint.

90. As the direct and, on information and belief, intended result of Fellowes' conduct, Fellowes has been unjustly enriched through the sales of Blackweb Waterproof Phone Case products. Fellowes should be ordered to disgorge any and all profits earned as a result of its unlawful conduct.

ANSWER: Fellowes denies the allegations of paragraph 90 of Plaintiffs' Amended Complaint.

91. Unless the Court intervenes and restrains further misconduct and unfair competition, Fellowes will continue its efforts to confuse and mislead consumers in the marketplace, and to improperly draw upon Plaintiffs' good reputation and customer goodwill.

ANSWER: To the extent they are understood, Fellowes denies the allegations of paragraph 91 of Plaintiffs' Amended Complaint.

92. Unchecked, Fellowes' infringing activities have injured Plaintiffs, and unjustly enriched Fellowes, which activities will continue to cause substantial and irreparable injuries and damage to the public and to Plaintiffs. Plaintiffs have no remedy at law adequate to fully compensate the injury and damages caused by Fellowes' ongoing trade dress infringement.

ANSWER: To the extent they are understood, Fellowes denies the allegations of paragraph 92 of Plaintiffs' Amended Complaint.

93. Fellowes' historical and ongoing willful and deliberate conduct makes this an exceptional case within the meaning of 15 U.S.C. § 1117(a). Plaintiffs are entitled to the recovery of their actual and enhanced damages or the disgorgement of Fellowes' profits, of Plaintiffs' attorneys' fees, and of the costs of this litigation.

ANSWER: Fellowes denies the allegations of paragraph 93 of Plaintiffs' Amended

Complaint.

COUNT III

*Dilution of the LIFEPROOF Trade
Dress, 15 U.S.C. § 1125(c)*

94. Plaintiffs repeat and re-allege each and every allegation of the foregoing paragraphs as though fully set forth herein.

ANSWER: Fellowes incorporates each and every answer to each and every allegation of the foregoing paragraphs as though fully set forth herein.

95. As set forth in detail, above, the LIFEPROOF Trade Dress is distinctive, well-known and famous, and serves to instantly and visually identify Plaintiffs' LifeProof brand products to consumers in the marketplace.

ANSWER: To the extent they are understood, Fellowes denies the allegations of paragraph 95 of Plaintiffs' Amended Complaint.

96. Defendant Fellowes is using the LIFEPROOF Trade Dress in the market without authorization.

ANSWER: To the extent they are understood, Fellowes denies the allegations of paragraph 96 of Plaintiffs' Amended Complaint.

97. Fellowes' use of protected design elements and the LIFEPROOF Trade Dress began after Plaintiffs' conception, development, and application of the LIFEPROOF Trade Dress for its LifeProof brand products.

ANSWER: To the extent they are understood, Fellowes denies the allegations of paragraph 97 of Plaintiffs' Amended Complaint.

98. Indeed, and on information and belief, Fellowes intentionally set out to copy Plaintiffs' LIFEPROOF Trade Dress across various products.

ANSWER: To the extent they are understood, Fellowes denies the allegations of paragraph 98 of Plaintiffs' Amended Complaint.

99. Fellowes' unauthorized actions are likely to weaken, and on information and belief have weakened, the ability of the LIFEPROOF Trade Dress to clearly distinguish the source of LifeProof brand products in the marketplace.

ANSWER: To the extent they are understood, Fellowes denies the allegations of paragraph 99 of Plaintiffs' Amended Complaint.

100. Fellowes' historical and ongoing willful and deliberate conduct makes this an exceptional case within the meaning of 15 U.S.C. § 1117(a).

ANSWER: To the extent they are understood, Fellowes denies the allegations of paragraph 100 of Plaintiffs' Amended Complaint.

101. Fellowes' actions have irreparably harmed Plaintiffs, including through damage to Plaintiff's goodwill, reputation, and business, and the value of Plaintiffs' LIFEPROOF Trade Dress. Such harm will continue if Defendant is not enjoined from further use.

ANSWER: To the extent they are understood, Fellowes denies the allegations of paragraph 101 of Plaintiffs' Amended Complaint.

COUNT IV

Infringement of U.S. Patent No. 8,342,325, under 35 U.S.C. § 271

102. Plaintiffs repeat and re-allege each and every allegation and exhibit of the foregoing paragraphs as though fully set forth herein.

ANSWER: Fellowes incorporates each and every answer to each and every allegation of the foregoing paragraphs as though fully set forth herein.

103. As its fourth claim for relief, Plaintiffs allege that Fellowes has infringed U.S. Patent No. 8,342,325, entitled "Housing for receiving and encasing an object" (the "325 Patent"),

which was duly and lawfully issued by the United States Patent and Trademark Office on January 1, 2013. A true and correct copy of the '325 Patent is attached as **Exhibit A1**.

ANSWER: Fellowes denies the allegations of paragraph 103 of Plaintiffs' Amended Complaint but admits that a copy of the '325 Patent, with an issue date of January 1, 2013, is attached as Exhibit A1.

104. The '325 Patent lists Gary Rayner, Andrew C. Crawford, and Alfred Blochlinger as inventors.

ANSWER: Fellowes admits the allegations of paragraph 104 of Plaintiffs' Amended Complaint.

105. The rights, title, and interest in the '325 Patent were assigned to TreeFrog Developments—the sole owner of the '325 Patent—and licensed to OtterBox.

ANSWER: Fellowes lacks sufficient knowledge or information to form a belief as to the truth of the allegations of paragraph 105 of Plaintiffs' Amended Complaint and, therefore, denies the allegations in this paragraph.

106. Plaintiffs have complied with the statutory notice provision of 35 U.S.C. § 287, including by physically marking its embodying products with an address of a posting on the Internet (www.lifeproof.com/ip), accessible to the public without charge, that associates Plaintiffs' embodying products with the number of the '325 Patent.

ANSWER: This paragraph sets forth allegations that present legal conclusions and questions of law and therefore no answer is required.

107. By so marking the embodying products, Plaintiffs have provided Fellowes with constructive notice of the '325 Patent.

ANSWER: This paragraph sets forth allegations that present legal conclusions and questions

of law and therefore no answer is required.

108. By filing the Original Complaint (Dkt. 1) in this Action, Plaintiffs provided further actual notice of the '325 Patent and Fellowes' infringement thereof.

ANSWER: This paragraph sets forth allegations that present legal conclusions and questions of law and therefore no answer is required.

109. Further, on information and belief based on the wholesale mimicry of embodying LifeProof brand products, Fellowes is, or has been, in physical possession of embodying LifeProof brand products, carefully examined same, and thereby received direct knowledge that the LifeProof brand products were patented by virtue of the physical marking.

ANSWER: Fellowes admits that it is in physical possession of LifeProof brand products but denies the remaining allegations of paragraph 109 of Plaintiffs' Amended Complaint.

110. Further, counsel for Plaintiffs provided actual notice of the '325 Patent in a letter sent to Steven L. Carson, General Counsel of Defendant Fellowes, via FedEx on October 12, 2018. That letter was delivered on October 15, 2018, and directed Mr. Carson's attention to the '325 Patent, among others.

ANSWER: This paragraph sets forth allegations that present legal conclusions and questions of law and therefore no answer is required. To the extent any answer is required, Fellowes admits that Steven L. Carson received a letter concerning plaintiffs' intellectual property in October of 2018 but denies the remaining allegations of paragraph 110 of Plaintiffs' Amended Complaint.

111. Notwithstanding notice that the features and technologies of the LifeProof brand products were covered by numerous patents, Fellowes deliberately and willfully copied the embodying designs, which deliberate and willful copying, on information and belief, continues

to this day unabated through the continued manufacture, use, distribution, offers for sale, and sale of the Blackweb Waterproof Phone Case products.

ANSWER: Fellowes denies the allegations of paragraph 111 of Plaintiffs' Amended Complaint.

112. By virtue of this deliberate conduct, Fellowes' infringement of the '325 Patent's teachings has been and continues to be willful, entitling Plaintiffs to enhanced damages.

ANSWER: Fellowes denies the allegations of paragraph 112 of Plaintiffs' Amended Complaint.

113. Fellowes has at no time been licensed to practice the teachings of the '325 Patent.

ANSWER: Fellowes admits that it does not have a license to the '325 Patent.

114. Fellowes has infringed and continues to infringe one or more claims of the '325 Patent literally and/or under the doctrine of equivalents, through its manufacture, use, sale, importation, and/or offer to sale the Blackweb Waterproof Phone Case products.

ANSWER: Fellowes denies the allegations of paragraph 114 of Plaintiffs' Amended Complaint.

115. For example, the Blackweb Waterproof Phone Case products meet each and every limitation of at least claim 1 of the '325 Patent, as shown in **Exhibit A2**.

ANSWER: Fellowes denies the allegations of paragraph 115 of Plaintiffs' Amended Complaint.

116. Further, Fellowes has contributorily infringed and induced infringement of the '325 Patent, and continues to do so, by offering to sell and selling the Blackweb Waterproof Phone Case products to Walmart, and through Walmart, to Fellowes' customers who directly infringe the '325 Patent through at least the use of the product.

ANSWER: Fellowes denies the allegations of paragraph 116 of Plaintiffs' Amended Complaint.

117. As set forth in Exhibit A2, the Blackweb Waterproof Phone Case products constitute a material part of at least claim 1 of the '325 Patent, which on information and belief Fellowes knows are especially made for use in infringement of at least claim 1 of the '325 Patent. The Blackweb Waterproof Phone Case products are not a staple article of commerce suitable for a substantial non-infringing use.

ANSWER: Fellowes denies the allegations of paragraph 117 of Plaintiffs' Amended Complaint.

118. Fellowes' historical and ongoing willful and deliberate conduct makes this an exceptional case where the trebling of damages and an award of fees under 35 U.S.C. §§ 284 and 285 is warranted.

ANSWER: Fellowes denies the allegations of paragraph 118 of Plaintiffs' Amended Complaint.

119. Plaintiffs have suffered and will continue to suffer damages from Fellowes' ongoing acts of infringement.

ANSWER: Fellowes denies the allegations of paragraph 119 of Plaintiffs' Amended Complaint.

COUNT V

Infringement of U.S. Patent No. 8,393,466, under 35 U.S.C. § 271

120. Plaintiffs repeat and re-allege each and every allegation and exhibit of the foregoing paragraphs as though fully set forth herein.

ANSWER: Fellowes incorporates each and every answer to each and every allegation of the

foregoing paragraphs as though fully set forth herein.

121. As its fifth claim for relief, Plaintiffs allege that Fellowes has infringed U.S. Patent No. 8,393,466, entitled “Housing for encasing an object” (the “’466 Patent”), which was duly and lawfully issued by the United States Patent and Trademark Office on March 12, 2013. A true and correct copy of the ’466 Patent is attached as **Exhibit B1**.

ANSWER: Fellowes denies the allegations of paragraph 121 of Plaintiffs’ Amended Complaint but admits that a copy of the ’466 Patent, with an issue date of March 12, 2013, is attached as Exhibit B1.

122. The ’466 Patent lists Gary Rayner, Andrew C. Crawford, and Alfred Blochlinger as inventors.

ANSWER: Fellowes admits the allegations of paragraph 122 of Plaintiffs’ Amended Complaint.

123. The rights, title, and interest in the ’466 Patent were assigned to TreeFrog Developments—the sole owner of the ’466 Patent—and licensed to OtterBox.

ANSWER: Fellowes lacks sufficient knowledge or information to form a belief as to the truth of the allegations of paragraph 123 of Plaintiffs’ Amended Complaint and, therefore, denies the allegations in this paragraph.

124. Plaintiffs have complied with the statutory notice provision of 35 U.S.C. § 287, including by physically marking the embodying products with an address of a posting on the Internet (www.lifeproof.com/ip), accessible to the public without charge, that associates Plaintiffs’ embodying products with the number of the ’466 Patent.

ANSWER: This paragraph sets forth allegations that present legal conclusions and questions of law and therefore no answer is required. To the extent any answer is required, Fellowes lacks

sufficient knowledge or information to form a belief as to the truth of the allegations of paragraph 124 of Plaintiffs' Amended Complaint and, therefore, denies the allegations in this paragraph.

125. By so marking the embodying products, Plaintiffs have provided Fellowes with constructive notice of the '466 Patent.

ANSWER: This paragraph sets forth allegations that present legal conclusions and questions of law and therefore no answer is required. To the extent any answer is required, Fellowes lacks sufficient knowledge or information to form a belief as to the truth of the allegations of paragraph 125 of Plaintiffs' Amended Complaint and, therefore, denies the allegations in this paragraph.

126. By filing the Original Complaint in this Action, Plaintiffs provided further actual notice of the '466 Patent and Fellowes' infringement thereof.

ANSWER: This paragraph sets forth allegations that present legal conclusions and questions of law and therefore no answer is required.

127. Further, on information and belief based on the wholesale mimicry of embodying LifeProof brand products, Fellowes is, or has been, in physical possession of embodying LifeProof brand products, carefully examined same, and thereby received direct knowledge that the LifeProof brand products were patented by virtue of the physical marking.

ANSWER: Fellowes admits that it is in physical possession of LifeProof brand products but denies the remaining allegations of paragraph 127 of Plaintiffs' Amended Complaint.

128. Further, counsel for Plaintiffs provided actual notice of the '466 Patent in a letter sent to Steven L. Carson, General Counsel of Defendant Fellowes, via FedEx on October 12, 2018. That letter was delivered on October 15, 2018, and directed Mr. Carson's attention to the '466 Patent, among others.

ANSWER: This paragraph sets forth allegations that present legal conclusions and questions

of law and therefore no answer is required. To the extent any answer is required, Fellowes admits that Steven L. Carson received a letter concerning plaintiffs intellectual property in October of 2018 but denies the remaining allegations of paragraph 128 of Plaintiffs' Amended Complaint.

129. Notwithstanding notice that the features and technologies of the LifeProof brand products were covered by numerous patents, Fellowes deliberately and willfully copied the embodying designs, which deliberate and willful copying, on information and belief, continues to this day unabated through the continued manufacture, use, distribution, offers for sale, and sale of the Blackweb Waterproof Phone Case products.

ANSWER: Fellowes denies the allegations of paragraph 129 of Plaintiffs' Amended Complaint.

130. By virtue of this deliberate conduct, Fellowes' infringement of the '466 Patent's teachings has been and continues to be willful, entitling Plaintiffs to enhanced damages.

ANSWER: Fellowes denies the allegations of paragraph 130 of Plaintiffs' Amended Complaint.

131. Fellowes has at no time been licensed to practice the '466 Patent.

ANSWER: Fellowes admits that it does not have a license to the '466 Patent.

132. Fellowes has infringed and continues to infringe one or more claims of the '466 Patent literally and/or under the doctrine of equivalents, through its manufacture, use, sale, importation, and/or offer to sale the Blackweb Waterproof Phone Case products.

ANSWER: Fellowes denies the allegations of paragraph 132 of Plaintiffs' Amended Complaint.

133. For example, the Blackweb Waterproof Phone Case products meet each and every limitation of at least claim 1 of the '466 Patent, as shown in **Exhibit B2**.

ANSWER: Fellowes denies the allegations of paragraph 133 of Plaintiffs' Amended Complaint.

134. Further, Fellowes has contributorily infringed and induced infringement of the '466 Patent, and continues to do so, by offering to sell and selling the Blackweb Waterproof Phone Case products to Walmart, and through Walmart, to Fellowes' customers who directly infringe the '466 Patent through at least the use of the product.

ANSWER: Fellowes denies the allegations of paragraph 134 of Plaintiffs' Amended Complaint.

135. As set forth in Exhibit B2, the Blackweb Waterproof Phone Case products constitute a material part of at least claim 1 of the '466 Patent, which on information and belief Fellowes knows are especially made for use in infringement of at least claim 1 of the '466 Patent. The Blackweb Waterproof Phone Case products are not a staple article of commerce suitable for a substantial non-infringing use.

ANSWER: Fellowes denies the allegations of paragraph 135 of Plaintiffs' Amended Complaint.

136. Fellowes' historical and ongoing willful and deliberate conduct makes this an exceptional case where the trebling of damages and an award of fees under 35 U.S.C. §§ 284 and 285 is warranted.

ANSWER: Fellowes denies the allegations of paragraph 136 of Plaintiffs' Amended Complaint.

137. Plaintiffs have suffered and will continue to suffer damages from Fellowes' ongoing acts of infringement.

ANSWER: Fellowes denies the allegations of paragraph 137 of Plaintiffs' Amended

Complaint.

COUNT VI

Infringement of U.S. Patent No. 8,526,180, under 35 U.S.C. § 271

138. Plaintiffs repeat and re-allege each and every allegation and exhibit of the foregoing paragraphs as though fully set forth herein.

ANSWER: Fellowes incorporates each and every answer to each and every allegation of the foregoing paragraphs as though fully set forth herein.

139. As its sixth claim for relief, Plaintiffs allege that Fellowes has infringed U.S. Patent No. 8,526,180, entitled “Housing for encasing an object having an electrical connection” (the “’180 Patent”), which was duly and lawfully issued by the United States Patent and Trademark Office on September 3, 2013. A true and correct copy of the ’180 Patent is attached as **Exhibit C1**.

ANSWER: Fellowes denies the allegations of paragraph 139 of Plaintiffs’ Amended Complaint but admits that a copy of the ’180 Patent, with an issue date of September 3, 2013, is attached as Exhibit C1.

140. The ’180 Patent lists Gary Rayner as inventor.

ANSWER: Fellowes admits the allegations of paragraph 140 of Plaintiffs’ Amended Complaint.

141. The rights, title, and interest in the ’180 Patent were assigned to TreeFrog Developments—the sole owner of the ’180 Patent—and licensed to OtterBox.

ANSWER: Fellowes lacks sufficient knowledge or information to form a belief as to the truth of the allegations of paragraph 141 of Plaintiffs’ Amended Complaint and, therefore, denies the allegations in this paragraph.

142. Plaintiffs have complied with the statutory notice provision of 35 U.S.C. § 287,

including by physically marking the embodying products with an address of a posting on the Internet (www.lifeproof.com/ip), accessible to the public without charge, that associates Plaintiffs' embodying products with the number of the '180 Patent.

ANSWER: This paragraph sets forth allegations that present legal conclusions and questions of law and therefore no answer is required. To the extent any answer is required, Fellowes lacks sufficient knowledge or information to form a belief as to the truth of the allegations of paragraph 142 of Plaintiffs' Amended Complaint and, therefore, denies the allegations in this paragraph.

143. By so marking the embodying products, Plaintiffs have provided Fellowes with constructive notice of the '180 Patent.

ANSWER: This paragraph sets forth allegations that present legal conclusions and questions of law and therefore no answer is required. To the extent any answer is required, Fellowes lacks sufficient knowledge or information to form a belief as to the truth of the allegations of paragraph 143 of Plaintiffs' Amended Complaint and, therefore, denies the allegations in this paragraph.

144. By filing the Original Complaint in this Action, Plaintiffs provided further actual notice of the '180 Patent and Fellowes' infringement thereof.

ANSWER: This paragraph sets forth allegations that present legal conclusions and questions of law and therefore no answer is required.

145. Further, on information and belief based on the wholesale mimicry of embodying LifeProof brand products, Fellowes is, or has been, in physical possession of embodying LifeProof brand products, carefully examined same, and thereby received direct knowledge that the LifeProof brand products were patented by virtue of the physical marking.

ANSWER: Fellowes admits that it is in physical possession of LifeProof brand products but denies the remaining allegations of paragraph 145 of Plaintiffs' Amended Complaint.

146. Further, counsel for Plaintiffs provided actual notice of the '180 Patent in a letter sent to Steven L. Carson, General Counsel of Defendant Fellowes, via FedEx on October 12, 2018. That letter was delivered on October 15, 2018, and directed Mr. Carson's attention to the '180 Patent, among others.

ANSWER: This paragraph sets forth allegations that present legal conclusions and questions of law and therefore no answer is required. To the extent any answer is required, Fellowes admits that Steven L. Carson received a letter concerning plaintiffs intellectual property in October of 2018 but denies the remaining allegations of paragraph 146 of Plaintiffs' Amended Complaint.

147. Notwithstanding notice that the features and technologies of the LifeProof brand products were covered by numerous patents, Fellowes deliberately and willfully copied the embodying designs, which deliberate and willful copying, on information and belief, continues to this day unabated through the continued manufacture, use, distribution, offers for sale, and sale of the Blackweb Waterproof Phone Case products.

ANSWER: Fellowes denies the allegations of paragraph 147 of Plaintiffs' Amended Complaint.

148. By virtue of this deliberate conduct, Fellowes' infringement of the '180 Patent's teachings has been and continues to be willful, entitling Plaintiffs to enhanced damages.

ANSWER: Fellowes denies the allegations of paragraph 148 of Plaintiffs' Amended Complaint.

149. Fellowes has at no time been licensed to practice the teachings of the '180 Patent.

ANSWER: Fellowes admits that it does not have a license to the '180 Patent.

150. Fellowes has infringed and continues to infringe one or more claims of the '180 Patent literally and/or under the doctrine of equivalents, through its manufacture, use, sale, importation, and/or offer to sale the Blackweb Waterproof Phone Case products.

ANSWER: Fellowes denies the allegations of paragraph 150 of Plaintiffs' Amended Complaint.

151. For example, the Blackweb Waterproof Phone Case products meet each and every limitation of at least claim 1 of the '180 Patent, as shown in **Exhibit C2**.

ANSWER: Fellowes denies the allegations of paragraph 151 of Plaintiffs' Amended Complaint.

152. Further, Fellowes has contributorily infringed and induced infringement of the '180 Patent, and continues to do so, by offering to sell and selling the Blackweb Waterproof Phone Case products to Walmart, and through Walmart, to Fellowes' customers who directly infringe the '180 Patent through at least the use of the product.

ANSWER: Fellowes denies the allegations of paragraph 152 of Plaintiffs' Amended Complaint.

153. As set forth in Exhibit C2, the Blackweb Waterproof Phone Case products constitute a material part of at least claim 1 of the '180 Patent, which on information and belief Fellowes knows are especially made for use in infringement of at least claim 1 of the '180 Patent. The Blackweb Waterproof Phone Case products are not a staple article of commerce suitable for a substantial non-infringing use.

ANSWER: Fellowes denies the allegations of paragraph 153 of Plaintiffs' Amended Complaint.

154. Fellowes' historical and ongoing willful and deliberate conduct makes this an

exceptional case where the trebling of damages and an award of fees under 35 U.S.C. §§ 284 and 285 is warranted.

ANSWER: Fellowes denies the allegations of paragraph 154 of Plaintiffs' Amended Complaint.

155. Plaintiffs have suffered and will continue to suffer damages from Fellowes' ongoing acts of infringement.

ANSWER: Fellowes denies the allegations of paragraph 155 of Plaintiffs' Amended Complaint.

COUNT VII

Infringement of U.S. Patent No. 8,531,834, under 35 U.S.C. § 271

156. Plaintiffs repeat and re-allege each and every allegation and exhibit of the foregoing paragraphs as though fully set forth herein.

ANSWER: Fellowes incorporates each and every answer to each and every allegation of the foregoing paragraphs as though fully set forth herein.

157. As its seventh claim for relief, Plaintiffs allege that Fellowes has infringed U.S. Patent No. 8,531,834, entitled "Housing for encasing a tablet computer" (the "'834 Patent"), which was duly and lawfully issued by the United States Patent and Trademark Office on September 10, 2013. A true and correct copy of the '834 Patent is attached as **Exhibit D1**.

ANSWER: Fellowes denies the allegations of paragraph 157 of Plaintiffs' Amended Complaint but admits that a copy of the '834 Patent, with an issue date of September 10, 2013, is attached as Exhibit D1.

158. The '834 Patent lists Gary Rayner, Andrew C. Crawford, and Alfred Blochlinger as inventors.

ANSWER: Fellowes admits the allegations of paragraph 158 of Plaintiffs' Amended

Complaint.

159. The rights, title, and interest in the '834 Patent were assigned to TreeFrog Developments—the sole owner of the '834 Patent—and licensed to OtterBox.

ANSWER: Fellowes lacks sufficient knowledge or information to form a belief as to the truth of the allegations of paragraph 159 of Plaintiffs' Amended Complaint and, therefore, denies the allegations in this paragraph.

160. Plaintiffs have complied with the statutory notice provision of 35 U.S.C. § 287, including by physically marking the embodying products with an address of a posting on the Internet (www.lifeproof.com/ip), accessible to the public without charge, that associates Plaintiffs' embodying products with the number of the '834 Patent.

ANSWER: This paragraph sets forth allegations that present legal conclusions and questions of law and therefore no answer is required. To the extent any answer is required, Fellowes lacks sufficient knowledge or information to form a belief as to the truth of the allegations of paragraph 160 of Plaintiffs' Amended Complaint and, therefore, denies the allegations in this paragraph.

161. By so marking the embodying products, Plaintiffs have provided Fellowes with constructive notice of the '834 Patent.

ANSWER: This paragraph sets forth allegations that present legal conclusions and questions of law and therefore no answer is required. To the extent any answer is required, Fellowes lacks sufficient knowledge or information to form a belief as to the truth of the allegations of paragraph 161 of Plaintiffs' Amended Complaint and, therefore, denies the allegations in this paragraph.

162. By filing the Original Complaint in this Action, Plaintiffs provided further actual notice of the '834 Patent and Fellowes' infringement thereof.

ANSWER: This paragraph sets forth allegations that present legal conclusions and questions

of law and therefore no answer is required.

163. Further, on information and belief based on the wholesale mimicry of embodying LifeProof brand products, Fellowes is, or has been, in physical possession of embodying LifeProof brand products, carefully examined same, and thereby received direct knowledge that the LifeProof brand products were patented by virtue of the physical marking.

ANSWER: Fellowes admits that it is in physical possession of LifeProof brand products but denies the remaining allegations of paragraph 163 of Plaintiffs' Amended Complaint.

164. Notwithstanding notice that the features and technologies of the LifeProof brand products were covered by numerous patents, Fellowes deliberately and willfully copied the embodying designs, which deliberate and willful copying, on information and belief, continues to this day unabated through the continued manufacture, use, distribution, offers for sale, and sale of the Blackweb Waterproof Phone Case products.

ANSWER: Fellowes denies the allegations of paragraph 164 of Plaintiffs' Amended Complaint.

165. By virtue of this deliberate conduct, Fellowes' infringement of the '834 Patent's teachings has been and continues to be willful, entitling Plaintiffs to enhanced damages.

ANSWER: Fellowes denies the allegations of paragraph 165 of Plaintiffs' Amended Complaint.

166. Fellowes has at no time been licensed to practice the teachings of the '834 Patent.

ANSWER: Fellowes admits that it does not have a license to the '834 Patent.

167. Fellowes has infringed and continues to infringe one or more claims of the '834 Patent literally and/or under the doctrine of equivalents, through its manufacture, use, sale, importation, and/or offer to sale the Blackweb Waterproof Phone Case products.

ANSWER: Fellowes denies the allegations of paragraph 167 of Plaintiffs' Amended Complaint.

168. For example, the Blackweb Waterproof Phone Case products meet each and every limitation of at least claim 28 of the '834 Patent, as shown in **Exhibit D2**.

ANSWER: Fellowes denies the allegations of paragraph 168 of Plaintiffs' Amended Complaint.

169. Further, Fellowes has contributorily infringed and induced infringement of the '834 Patent, and continues to do so, by offering to sell and selling the Blackweb Waterproof Phone Case products to Walmart, and through Walmart, to Fellowes' customers who directly infringe the '834 Patent through at least the use of the product.

ANSWER: Fellowes denies the allegations of paragraph 169 of Plaintiffs' Amended Complaint.

170. As set forth in Exhibit D2, the Blackweb Waterproof Phone Case products constitute a material part of at least claim 28 of the '834 Patent, which on information and belief Fellowes knows are especially made for use in infringement of at least claim 28 of the '834 Patent. The Blackweb Waterproof Phone Case products are not a staple article of commerce suitable for a substantial non-infringing use.

ANSWER: Fellowes denies the allegations of paragraph 170 of Plaintiffs' Amended Complaint.

171. Fellowes' historical and ongoing willful and deliberate conduct makes this an exceptional case where the trebling of damages and an award of fees under 35 U.S.C. §§ 284 and 285 is warranted.

ANSWER: Fellowes denies the allegations of paragraph 171 of Plaintiffs' Amended

Complaint.

172. Plaintiffs have suffered and will continue to suffer damages from Fellowes' ongoing acts of infringement.

ANSWER: Fellowes denies the allegations of paragraph 172 of Plaintiffs' Amended Complaint.

COUNT VIII

Infringement of U.S. Patent No. 8,564,950, under 35 U.S.C. § 271

173. Plaintiffs repeat and re-allege each and every allegation and exhibit of the foregoing paragraphs as though fully set forth herein.

ANSWER: Fellowes incorporates each and every answer to each and every allegation of the foregoing paragraphs as though fully set forth herein.

174. As its eighth claim for relief, Plaintiffs allege that Fellowes has infringed U.S. Patent No. 8,564,950, entitled "Housing encasing a device having a switch" (the "'950 Patent"), which was duly and lawfully issued by the United States Patent and Trademark Office on October 22, 2013. A true and correct copy of the '950 Patent is attached as **Exhibit E1**.

ANSWER: Fellowes denies the allegations of paragraph 174 of Plaintiffs' Amended Complaint but admits that a copy of the '950 Patent, with an issue date of October 22, 2013, is attached as Exhibit E1.

175. The '950 Patent lists Gary Rayner, Andrew C. Crawford, Alfred Blochlinger, and Gareth F. Watt as inventors.

ANSWER: Fellowes admits the allegations of paragraph 175 of Plaintiffs' Amended Complaint.

176. The rights, title, and interest in the '950 Patent were assigned to TreeFrog Developments—the sole owner of the '950 Patent—and licensed to OtterBox.

ANSWER: Fellowes lacks sufficient knowledge or information to form a belief as to the truth of the allegations of paragraph 176 of Plaintiffs' Amended Complaint and, therefore, denies the allegations in this paragraph.

177. Plaintiffs have complied with the statutory notice provision of 35 U.S.C. § 287, including by physically marking the embodying products with an address of a posting on the Internet (www.lifeproof.com/ip), accessible to the public without charge, that associates Plaintiffs' embodying products with the number of the '950 Patent.

ANSWER: This paragraph sets forth allegations that present legal conclusions and questions of law and therefore no answer is required. To the extent any answer is required, Fellowes lacks sufficient knowledge or information to form a belief as to the truth of the allegations of paragraph 177 of Plaintiffs' Amended Complaint and, therefore, denies the allegations in this paragraph.

178. By so marking the embodying products, Plaintiffs have provided Fellowes with constructive notice of the '950 Patent.

ANSWER: This paragraph sets forth allegations that present legal conclusions and questions of law and therefore no answer is required. To the extent any answer is required, Fellowes lacks sufficient knowledge or information to form a belief as to the truth of the allegations of paragraph 178 of Plaintiffs' Amended Complaint and, therefore, denies the allegations in this paragraph.

179. By filing the Original Complaint in this Action, Plaintiffs provided further actual notice of the '950 Patent and Fellowes' infringement thereof.

ANSWER: This paragraph sets forth allegations that present legal conclusions and questions of law and therefore no answer is required.

180. Further, on information and belief based on the wholesale mimicry of embodying LifeProof brand products, Fellowes is, or has been, in physical possession of embodying LifeProof brand products, carefully examined same, and thereby received direct knowledge that the LifeProof brand products were patented by virtue of the physical marking.

ANSWER: Fellowes admits that it is in physical possession of LifeProof brand products but denies the remaining allegations of paragraph 180 of Plaintiffs' Amended Complaint.

181. Further, counsel for Plaintiffs provided actual notice of the '950 Patent in a letter sent to Steven L. Carson, General Counsel of Defendant Fellowes, via FedEx on October 12, 2018. That letter was delivered on October 15, 2018, and directed Mr. Carson's attention to the '950 Patent, among others.

ANSWER: This paragraph sets forth allegations that present legal conclusions and questions of law and therefore no answer is required. To the extent any answer is required, Fellowes admits that Steven L. Carson received a letter concerning plaintiffs' intellectual property in October of 2018 but denies the remaining allegations of paragraph 110 of Plaintiffs' Amended Complaint.plaint.

182. Notwithstanding notice that the features and technologies of the LifeProof brand products were covered by numerous patents, Fellowes deliberately and willfully copied the embodying designs, which deliberate and willful copying, on information and belief, continues to this day unabated through the continued manufacture, use, distribution, offers for sale, and sale of the Blackweb Waterproof Phone Case products.

ANSWER: Fellowes denies the allegations of paragraph 182 of Plaintiffs' Amended Complaint.

183. By virtue of this deliberate conduct, Fellowes' infringement of the '950 Patent's

teachings has been and continues to be willful, entitling Plaintiffs to enhanced damages.

ANSWER: Fellowes denies the allegations of paragraph 183 of Plaintiffs' Amended Complaint.

184. Fellowes has at no time been licensed to practice the teachings of the '950 Patent.

ANSWER: Fellowes admits that it does not have a license to the '950 Patent.

185. Fellowes has infringed and continues to infringe one or more claims of the '950 Patent literally and/or under the doctrine of equivalents, through its manufacture, use, sale, importation, and/or offer to sale the Blackweb Waterproof Phone Case for Apple iPhone products.

ANSWER: Fellowes denies the allegations of paragraph 185 of Plaintiffs' Amended Complaint.

186. For example, the Blackweb Waterproof Phone Case for Apple iPhone products meet each and every limitation of at least claim 17 of the '950 Patent, as shown in **Exhibit E2**.

ANSWER: Fellowes denies the allegations of paragraph 186 of Plaintiffs' Amended Complaint.

187. Further, Fellowes has contributorily infringed and induced infringement of the '950 Patent, and continues to do so, by offering to sell and selling the Blackweb Waterproof Phone Case for Apple iPhone products to Walmart, and through Walmart, to Fellowes' customers who directly infringe the '950 Patent through at least the use of the product.

ANSWER: Fellowes denies the allegations of paragraph 187 of Plaintiffs' Amended Complaint.

188. As set forth in Exhibit E2, the Blackweb Waterproof Phone Case for Apple iPhone products constitutes a material part of at least claim 17 of the '950 Patent, which on information and belief Fellowes knows are especially made for use in infringement of at least claim 17 of the

'950 Patent. The Blackweb Waterproof Phone Case for Apple iPhone products are not a staple article of commerce suitable for a substantial non-infringing use.

ANSWER: Fellowes denies the allegations of paragraph 188 of Plaintiffs' Amended Complaint.

189. Fellowes' historical and ongoing willful and deliberate conduct makes this an exceptional case where the trebling of damages and an award of fees under 35 U.S.C. §§ 284 and 285 is warranted.

ANSWER: Fellowes denies the allegations of paragraph 189 of Plaintiffs' Amended Complaint.

190. Plaintiffs have suffered and will continue to suffer damages from Fellowes' ongoing acts of infringement.

ANSWER: Fellowes denies the allegations of paragraph 190 of Plaintiffs' Amended Complaint.

COUNT IX

Infringement of U.S. Patent No. 9,549,598, under 35 U.S.C. § 271

191. Plaintiffs repeat and re-allege each and every allegation and exhibit of the foregoing paragraphs as though fully set forth herein.

ANSWER: Fellowes incorporates each and every answer to each and every allegation of the foregoing paragraphs as though fully set forth herein.

192. As its ninth claim for relief, Plaintiffs allege that Fellowes has infringed U.S. Patent No. 9,549,598, entitled "Housing for encasing an electronic device" (the "'598 Patent"), which was duly and lawfully issued by the United States Patent and Trademark Office on January 24, 2017. A true and correct copy of the '598 Patent is attached as **Exhibit F1**.

ANSWER: Fellowes denies the allegations of paragraph 192 of Plaintiffs' Amended

Complaint but admits that a copy of the '598 Patent, with an issue date of January 24, 2017, is attached as Exhibit F1.

193. The '598 Patent lists Gary Rayner, Andrew C. Crawford, and Alfred Blochlinger as inventors.

ANSWER: Fellowes admits the allegations of paragraph 193 of Plaintiffs' Amended Complaint.

194. The rights, title, and interest in the '598 Patent were assigned to TreeFrog Developments—the sole owner of the '598 Patent—and licensed to OtterBox.

ANSWER: Fellowes lacks sufficient knowledge or information to form a belief as to the truth of the allegations of paragraph 194 of Plaintiffs' Amended Complaint and, therefore, denies the allegations in this paragraph.

195. Plaintiffs have complied with the statutory notice provision of 35 U.S.C. § 287, including by physically marking the embodying products with an address of a posting on the Internet (www.lifeproof.com/ip), accessible to the public without charge, that associates Plaintiffs' embodying products with the number of the '598 Patent.

ANSWER: This paragraph sets forth allegations that present legal conclusions and questions of law and therefore no answer is required. To the extent any answer is required, Fellowes lacks sufficient knowledge or information to form a belief as to the truth of the allegations of paragraph 195 of Plaintiffs' Amended Complaint and, therefore, denies the allegations in this paragraph.

196. By so marking the embodying products, Plaintiffs have provided Fellowes with constructive notice of the '598 Patent.

ANSWER: This paragraph sets forth allegations that present legal conclusions and questions

of law and therefore no answer is required. To the extent any answer is required, Fellowes lacks sufficient knowledge or information to form a belief as to the truth of the allegations of paragraph 196 of Plaintiffs' Amended Complaint and, therefore, denies the allegations in this paragraph.

197. By filing the Original Complaint in this Action, Plaintiffs provided further actual notice of the '598 Patent and Fellowes' infringement thereof.

ANSWER: This paragraph sets forth allegations that present legal conclusions and questions of law and therefore no answer is required.

198. Further, on information and belief based on the wholesale mimicry of embodying LifeProof brand products, Fellowes is, or has been, in physical possession of embodying LifeProof brand products, carefully examined same, and thereby received direct knowledge that the LifeProof brand products were patented by virtue of the physical marking.

ANSWER: Fellowes admits that it is in physical possession of LifeProof brand products but denies the remaining allegations of paragraph 198 of Plaintiffs' Amended Complaint.

199. Notwithstanding notice that the features and technologies of the LifeProof brand products were covered by numerous patents, Fellowes deliberately and willfully copied the embodying designs, which deliberate and willful copying, on information and belief, continues to this day unabated through the continued manufacture, use, distribution, offers for sale, and sale of the Blackweb Waterproof Phone Case products.

ANSWER: Fellowes denies the allegations of paragraph 199 of Plaintiffs' Amended Complaint.

200. By virtue of this deliberate conduct, Fellowes' infringement of the '598 Patent's teachings has been and continues to be willful, entitling Plaintiffs to enhanced damages.

ANSWER: Fellowes denies the allegations of paragraph 200 of Plaintiffs' Amended Complaint.

201. Fellowes has at no time been licensed to practice the teachings of the '598 Patent.

ANSWER: Fellowes admits that it does not have a license to the '598 Patent.

202. Fellowes has infringed and continues to infringe one or more claims of the '598 Patent literally and/or under the doctrine of equivalents, through its manufacture, use, sale, importation, and/or offer to sale the Blackweb Waterproof Phone Case products.

ANSWER: Fellowes denies the allegations of paragraph 202 of Plaintiffs' Amended Complaint.

203. For example, the Blackweb Waterproof Phone Case products meet each and every limitation of at least claim 17 of the '598 Patent, as shown in **Exhibit F2**.

ANSWER: Fellowes denies the allegations of paragraph 203 of Plaintiffs' Amended Complaint.

204. Further, Fellowes has contributorily infringed and induced infringement of the '598 Patent, and continues to do so, by offering to sell and selling the Blackweb Waterproof Phone Case products to Walmart, and through Walmart, to Fellowes' customers who directly infringe the '598 Patent through at least the use of the product.

ANSWER: Fellowes denies the allegations of paragraph 204 of Plaintiffs' Amended Complaint.

205. As set forth in Exhibit F2, the Blackweb Waterproof Phone Case products constitute a material part of at least claim 17 of the '598 Patent, which on information and belief Fellowes knows are especially made for use in infringement of at least claim 17 of the '598 Patent. The Blackweb Waterproof Phone Case products are not a staple article of commerce suitable for

a substantial non-infringing use.

ANSWER: Fellowes denies the allegations of paragraph 205 of Plaintiffs' Amended Complaint.

206. Fellowes' historical and ongoing willful and deliberate conduct makes this an exceptional case where the trebling of damages and an award of fees under 35 U.S.C. §§ 284 and 285 is warranted.

ANSWER: Fellowes denies the allegations of paragraph 206 of Plaintiffs' Amended Complaint.

207. Plaintiffs have suffered and will continue to suffer damages from Fellowes' ongoing acts of infringement.

ANSWER: Fellowes denies the allegations of paragraph 207 of Plaintiffs' Amended Complaint.

COUNT X

Infringement of U.S. Patent No. 9,660,684, under 35 U.S.C. § 271

208. Plaintiffs repeat and re-allege each and every allegation and exhibit of the foregoing paragraphs as though fully set forth herein.

ANSWER: Fellowes incorporates each and every answer to each and every allegation of the foregoing paragraphs as though fully set forth herein.

209. As its tenth claim for relief, Plaintiffs allege that Fellowes has infringed U.S. Patent No. 9,660,684, entitled "Housing for encasing a mobile computing device" (the "'684 Patent"), which was duly and lawfully issued by the United States Patent and Trademark Office on May 23, 2017. A true and correct copy of the '684 Patent is attached as **Exhibit G1**.

ANSWER: Fellowes denies the allegations of paragraph 209 of Plaintiffs' Amended

Complaint but admits that a copy of the '684 Patent, with an issue date of May 23, 2017, is attached as Exhibit G1.

210. The '684 Patent lists Gary Rayner as inventor.

ANSWER: Fellowes admits the allegations of paragraph 210 of Plaintiffs' Amended Complaint.

211. The rights, title, and interest in the '684 Patent were assigned to TreeFrog Developments—the sole owner of the '684 Patent—and licensed to OtterBox.

ANSWER: Fellowes lacks sufficient knowledge or information to form a belief as to the truth of the allegations of paragraph 211 of Plaintiffs' Amended Complaint and, therefore, denies the allegations in this paragraph.

212. Plaintiffs have complied with the statutory notice provision of 35 U.S.C. § 287.

ANSWER: This paragraph sets forth allegations that present legal conclusions and questions of law and therefore no answer is required.

213. By filing the Original Complaint in this Action, Plaintiffs provided actual notice of the '684 Patent and Fellowes' infringement thereof.

ANSWER: This paragraph sets forth allegations that present legal conclusions and questions of law and therefore no answer is required.

214. Notwithstanding notice that the features and technologies of the '684 Patent are patented, Fellowes deliberately and willfully copied the embodying designs, which deliberate and willful infringement, on information and belief, continues to this day unabated through the continued manufacture, use, distribution, offers for sale, and sale of the Blackweb Waterproof Phone Case products.

ANSWER: Fellowes denies the allegations of paragraph 214 of Plaintiffs' Amended

Complaint.

215. By virtue of this deliberate conduct, Fellowes' infringement of the '684 Patent's teachings has been and continues to be willful, entitling Plaintiffs to enhanced damages.

ANSWER: Fellowes denies the allegations of paragraph 215 of Plaintiffs' Amended Complaint.

216. Fellowes has at no time been licensed to practice the teachings of the '684 Patent.

ANSWER: Fellowes admits that it does not have a license to the '684 Patent.

217. Fellowes has infringed and continues to infringe one or more claims of the '684 Patent literally and/or under the doctrine of equivalents, through its manufacture, use, sale, importation, and/or offer to sale the Blackweb Waterproof Phone Case for Apple iPhone products.

ANSWER: Fellowes denies the allegations of paragraph 217 of Plaintiffs' Amended Complaint.

218. For example, the Blackweb Waterproof Phone Case for Apple iPhone products meet each and every limitation of at least claim 8 of the '684 Patent, as shown in **Exhibit G2**.

ANSWER: Fellowes denies the allegations of paragraph 218 of Plaintiffs' Amended Complaint.

219. Further, Fellowes has contributorily infringed and induced infringement of the '684 Patent, and continues to do so, by offering to sell and selling the Blackweb Waterproof Phone Case for Apple iPhone products to Walmart, and through Walmart, to Fellowes' customers who directly infringe the '684 Patent through at least the use of the product.

ANSWER: Fellowes denies the allegations of paragraph 219 of Plaintiffs' Amended Complaint.

220. As set forth in Exhibit G2, the Blackweb Waterproof Phone Case for Apple iPhone

products constitute a material part of at least claim 8 of the '684 Patent, which on information and belief Fellowes knows are especially made for use in infringement of at least claim 15 of the '684 Patent. The Blackweb Waterproof Phone Case for Apple iPhone products are not a staple article of commerce suitable for a substantial non-infringing use.

ANSWER: Fellowes denies the allegations of paragraph 220 of Plaintiffs' Amended Complaint.

221. Fellowes' historical and ongoing willful and deliberate conduct makes this an exceptional case where the trebling of damages and an award of fees under 35 U.S.C. §§ 284 and 285 is warranted.

ANSWER: Fellowes denies the allegations of paragraph 221 of Plaintiffs' Amended Complaint.

222. Plaintiffs have suffered and will continue to suffer damages from Fellowes' ongoing acts of infringement.

ANSWER: Fellowes denies the allegations of paragraph 221 of Plaintiffs' Amended Complaint.

COUNT XI

Infringement of U.S. Patent No. 9,498,033, under 35 U.S.C. § 271

223. Plaintiffs repeat and re-allege each and every allegation and exhibit of the foregoing paragraphs as though fully set forth herein.

ANSWER: Fellowes incorporates each and every answer to each and every allegation of the foregoing paragraphs as though fully set forth herein.

224. As its eleventh claim for relief, Plaintiffs allege that Fellowes has infringed U.S. Patent No. 9,498,033, entitled "Protective enclosure for an electronic device" (the "'033 Patent"), which was duly and lawfully issued by the United States Patent and Trademark Office on

November 22, 2016. A true and correct copy of the '033 Patent is attached as **Exhibit H1**.

ANSWER: Fellowes denies the allegations of paragraph 224 of Plaintiffs' Amended Complaint but admits that a copy of the '033 Patent, with an issue date of November 22, 2016, is attached as Exhibit H1.

225. The '033 Patent lists Curtis Richardson, Alan V. Morine, Brian P. Thomas, Jamie L. Johnson, and Jason M. Thompson as inventors.

ANSWER: Fellowes admits the allegations of paragraph 225 of Plaintiffs' Amended Complaint.

226. The rights, title, and interest in the '033 Patent were assigned to OtterBox, which is the sole owner of the '033 Patent.

ANSWER: Fellowes lacks sufficient knowledge or information to form a belief as to the truth of the allegations of paragraph 226 of Plaintiffs' Amended Complaint and, therefore, denies the allegations in this paragraph.

227. Plaintiffs have complied with the statutory notice provision of 35 U.S.C. § 287, including by physically marking the embodying products with an address of a posting on the Internet (www.otterbox.com/ip), accessible to the public without charge, that associates Plaintiffs' embodying products with the number of the '033 Patent.

ANSWER: This paragraph sets forth allegations that present legal conclusions and questions of law and therefore no answer is required. To the extent any answer is required, Fellowes lacks sufficient knowledge or information to form a belief as to the truth of the allegations of paragraph 227 of Plaintiffs' Amended Complaint and, therefore, denies the allegations in this paragraph.

228. By so marking the embodying products, Plaintiffs have provided Fellowes with

constructive notice of the '033 Patent.

ANSWER: This paragraph sets forth allegations that present legal conclusions and questions of law and therefore no answer is required. To the extent any answer is required, Fellowes lacks sufficient knowledge or information to form a belief as to the truth of the allegations of paragraph 228 of Plaintiffs' Amended Complaint and, therefore, denies the allegations in this paragraph.

229. By filing the Original Complaint in this Action, Plaintiffs provided further actual notice of the '033 Patent and Fellowes' infringement thereof.

ANSWER: This paragraph sets forth allegations that present legal conclusions and questions of law and therefore no answer is required.

230. Notwithstanding notice that the features and technologies of the OtterBox products were covered by numerous patents, Fellowes deliberately and willfully copied the embodying designs, which deliberate and willful copying, on information and belief, continues to this day unabated.

ANSWER: Fellowes denies the allegations of paragraph 230 of Plaintiffs' Amended Complaint.

231. By virtue of this deliberate conduct, Fellowes' infringement of the '033 Patent's teachings has been and continues to be willful, entitling Plaintiffs to enhanced damages.

ANSWER: Fellowes denies the allegations of paragraph 231 of Plaintiffs' Amended Complaint.

232. Fellowes has at no time been licensed to practice the teachings of the '033 Patent.

ANSWER: Fellowes admits that it does not have a license to the '033 Patent.

233. Fellowes offers Blackweb Rugged Phone Case products for at least the Apple

iPhone 6/6S/7/8, the Apple iPhone 6+/7+/8+, the Apple iPhone X/Xs, the Apple iPhone XR, the Apple iPhone Xs Max, the Apple iPhone 11, the Samsung Galaxy S10, the Samsung Galaxy S10+, and the Samsung Galaxy S10E (collectively, the “Blackweb Rugged Phone Case products”), including color variants for each.

ANSWER: Fellowes admits the allegations of paragraph 233 of Plaintiffs’ Amended Complaint.

234. On information and belief, Fellowes designs, manufactures, uses, imports, and offers for sale, and sells for distribution through Walmart’s online and brick-and-mortar stores nationwide, the Blackweb Rugged Phone Case products.

ANSWER: Fellowes admits that it sells Blackweb Waterproof phone cases to Walmart but denies the remaining allegations of paragraph 234 of Plaintiffs’ Amended Complaint.

235. Fellowes has infringed and continues to infringe one or more claims of the ’033 Patent literally and/or under the doctrine of equivalents, through its manufacture, use, sale, importation, and/or offer to sale the Blackweb Rugged Phone Case products.

ANSWER: Fellowes denies the allegations of paragraph 235 of Plaintiffs’ Amended Complaint.

236. For example, the Blackweb Rugged Phone Case products meet each and every limitation of at least claim 1 of the ’033 Patent, as shown in **Exhibit H2**.

ANSWER: Fellowes denies the allegations of paragraph 236 of Plaintiffs’ Amended Complaint.

237. Further, Fellowes has contributorily infringed and induced infringement of the ’033 Patent, and continues to do so, by offering to sell and selling the Blackweb Rugged Phone Case products to Walmart, and through Walmart, to Fellowes’ customers who directly infringe the ’033

Patent through at least the use of the product.

ANSWER: Fellowes denies the allegations of paragraph 237 of Plaintiffs' Amended Complaint.

238. As set forth in Exhibit H2, the Blackweb Rugged Phone Case products constitute a material part of at least claim 1 of the '033 Patent, which on information and belief Fellowes knows are especially made for use in infringement of at least claim 1 of the '033 Patent. The Blackweb Rugged Phone Case products are not a staple article of commerce suitable for a substantial non-infringing use.

ANSWER: Fellowes denies the allegations of paragraph 238 of Plaintiffs' Amended Complaint.

239. Fellowes' historical and ongoing willful and deliberate conduct makes this an exceptional case where the trebling of damages and an award of fees under 35 U.S.C. §§ 284 and 285 is warranted.

ANSWER: Fellowes denies the allegations of paragraph 239 of Plaintiffs' Amended Complaint.

240. Plaintiffs have suffered and will continue to suffer damages from Fellowes' ongoing acts of infringement.

ANSWER: Fellowes denies the allegations of paragraph 240 of Plaintiffs' Amended Complaint.

241. Plaintiffs have suffered and will continue to suffer damages from Fellowes' ongoing acts of infringement.

ANSWER: Fellowes denies the allegations of paragraph 241 of Plaintiffs' Amended Complaint.

COUNT XII

Illinois Uniform Deceptive Trade Practices Act, 815 ILCS 510/1 *et seq.*

242. Plaintiffs repeat and re-allege each and every allegation and exhibit of the foregoing paragraphs as though fully set forth herein.

ANSWER: Fellowes incorporates each and every answer to each and every allegation of the foregoing paragraphs as though fully set forth herein.

243. As its twelfth claim for relief, Plaintiffs allege unfair and deceptive acts in violation of the Illinois Uniform Deceptive Trade Practices Act, codified at 815 ILCS 510/1 *et seq.*

ANSWER: Fellowes denies the allegations of paragraph 243 of Plaintiffs' Amended Complaint.

244. Plaintiffs and Fellowes are competitors in the protective case market. This competition is demonstrated by, at least, the presentation of the accused products alongside and in-between Plaintiffs' respective products:



ANSWER: Fellowes admits the allegations of paragraph 244 of Plaintiffs' Amended Complaint.

245. As detailed above, Fellowes has willfully and deliberately designed its Blackweb Waterproof Phone Case products in a way likely to cause and that, on information and belief, actually has caused confusion in and misunderstanding for consumers as to the affiliation, source, sponsorship, approval, certification, connection, or authorization of the subject products sold in the State of Illinois by Fellowes.

ANSWER: Fellowes denies the allegations of paragraph 245 of Plaintiffs' Amended Complaint.

246. Fellowes' actions constitute unfair and deceptive acts and practices in the conduct of business, trade, or commerce, in violation of the Illinois Uniform Deceptive Trade Practices Act, 815 ILCS 510/1 *et seq.*

ANSWER: Fellowes denies the allegations of paragraph 246 of Plaintiffs' Amended Complaint.

247. The consuming public is likely to be and, on information and belief has been, damaged as a result of Fellowes' deceptive trade practices.

ANSWER: Fellowes denies the allegations of paragraph 247 of Plaintiffs' Amended Complaint.

248. As detailed above, the wholesale mimicry by Fellowes of products authorized to use the LIFEPROOF Trade Dress and design language has been willful and deliberate. This conduct has caused, and will continue to cause, Plaintiffs irreparable injury and damages for which there is no adequate remedy at law.

ANSWER: Fellowes denies the allegations of paragraph 248 of Plaintiffs' Amended Complaint.

COUNT XIII

Unfair Competition Under the Common Law of the State of Illinois

249. Plaintiffs repeat and re-allege each and every allegation and exhibit of the foregoing paragraphs as though fully set forth herein.

ANSWER: Fellowes incorporates each and every answer to each and every allegation of the foregoing paragraphs as though fully set forth herein.

250. As its thirteenth claim for relief, Plaintiffs allege unfair competition under the common law of the State of Illinois.

ANSWER: Fellowes denies the allegations of paragraph 250 of Plaintiffs' Amended Complaint.

251. Through the sale of the Blackweb Waterproof Phone Case products, Fellowes has engaged in unfair competition under the common law of the State of Illinois.

ANSWER: Fellowes denies the allegations of paragraph 251 of Plaintiffs' Amended Complaint.

252. As detailed above, Fellowes has sought to mislead consumers, by creating a likelihood that the relevant market for consumers of protective cases is likely to believe that the Blackweb Waterproof Phone Case products were designed, manufactured, sold, or otherwise authorized by Plaintiffs.

ANSWER: Fellowes denies the allegations of paragraph 252 of Plaintiffs' Amended Complaint.

253. Fellowes' actions have damaged and will continue to damage Plaintiffs irreparably, for which injury and damages Plaintiffs have no adequate remedy at law.

ANSWER: Fellowes denies the allegations of paragraph 253 of Plaintiffs' Amended Complaint.

AFFIRMATIVE DEFENSES

Defendant's Affirmative Defenses are listed below. Fellowes reserves the right to amend its answer to add additional Affirmative Defenses consistent with the facts discovered in this case. To the extent any affirmative defense raises an issue that is part of Plaintiffs' prima face case, Defendant is not assuming the burden of proof or conceding any such issue need not be established by the Plaintiff.

First Affirmative Defense

The Complaint Fails to State a Claim Upon Which Relief can be Granted

The Amended Complaint claims against Fellowes, in whole or in part, and each cause of action alleged therein, fail to state a claim upon which relief can be granted. This certainly includes the trade dress allegations, which are the subject of a pending motion to dismiss.

Second Affirmative Defense

Non-Distinctive/Lack of Secondary Meaning Trade Dress

Plaintiffs are barred from the relief they seek for infringement of their trade dress because the design elements are not protectable. Plaintiffs cannot establish either inherent or acquired distinctiveness for their phone cases.

Third Affirmative Defense

Functional Trade Dress

Plaintiffs are barred from the relief they seek for infringement of their trade dress because the design elements are not protectable under the Lanham Act, 15 U.S.C. §1052(e)(5). Plaintiffs' alleged trade dress contains features that have utilitarian and/or aesthetic functionality.

Fourth Affirmative Defense

Branding Defense

Plaintiffs are barred from the relief they seek for any trade dress infringement because Walmart's brand name of Blackweb is prominently displayed on two different places on each

phone case. The Blackweb name is also on the packaging and on other products in the Walmart store. Labelling an otherwise infringing product with a clear indication of source can counter any possible consumer confusion. Furthermore, the LIFEPROOF word mark has become generic and alternatively is descriptive.

Fifth Affirmative Defense
Non-Infringement of the '325 Patent

Plaintiffs are barred from the relief they seek for infringement of the '325 Patent because Fellowes has not infringed, induced infringement of, or contributed to the infringement of any valid claim of the '325 Patent.

Sixth Affirmative Defense
Invalidity of the '325 Patent

Plaintiffs are barred from the relief they seek for infringement of the '325 Patent because the claims of the '325 Patent are invalid for failing to meet one or more conditions for patentability set forth in 35 U.S.C. §§ 101, *et seq.*, including without limitation 35 U.S.C. §§102, 103, and/or 112.

Seventh Affirmative Defense
Non-Infringement of the '466 Patent

Plaintiffs are barred from the relief they seek for infringement of the '466 Patent because Fellowes has not infringed, induced infringement of, or contributed to the infringement of any valid claim of the '466 Patent.

Eighth Affirmative Defense
Invalidity of the '466 Patent

Plaintiffs are barred from the relief they seek for infringement of the '466 Patent because the claims of the '466 Patent are invalid for failing to meet one or more conditions for patentability set forth in 35 U.S.C. §§ 101, *et seq.*, including without limitation 35 U.S.C. §§102,

103, and/or 112.

Ninth Affirmative Defense
Non-Infringement of the '180 Patent

Plaintiffs are barred from the relief they seek for infringement of the '180 Patent because Fellowes has not infringed, induced infringement of, or contributed to the infringement of any valid claim of the '180 Patent.

Tenth Affirmative Defense
Invalidity of the '180 Patent

Plaintiffs are barred from the relief they seek for infringement of the '180 Patent because the claims of the '180 Patent are invalid for failing to meet one or more conditions for patentability set forth in 35 U.S.C. §§ 101, *et seq.*, including without limitation 35 U.S.C. §§102, 103, and/or 112.

Eleventh Affirmative Defense
Non-Infringement of the '834 Patent

Plaintiffs are barred from the relief they seek for infringement of the '834 Patent because Fellowes has not infringed, induced infringement of, or contributed to the infringement of any valid claim of the '834 Patent.

Twelfth Affirmative Defense
Invalidity of the '834 Patent

Plaintiffs are barred from the relief they seek for infringement of the '834 Patent because the claims of the '834 Patent are invalid for failing to meet one or more conditions for patentability set forth in 35 U.S.C. §§ 101, *et seq.*, including without limitation 35 U.S.C. §§102, 103, and/or 112.

Thirteenth Affirmative Defense
Non-Infringement of the '950 Patent

Plaintiffs are barred from the relief they seek for infringement of the '950 Patent because

Fellowes has not infringed, induced infringement of, or contributed to the infringement of any valid claim of the '950 Patent.

Fourteenth Affirmative Defense
Invalidity of the '950 Patent

Plaintiffs are barred from the relief they seek for infringement of the '950 Patent because the claims of the '950 Patent are invalid for failing to meet one or more conditions for patentability set forth in 35 U.S.C. §§ 101, *et seq.*, including without limitation 35 U.S.C. §§102, 103, and/or 112.

Fifteenth Affirmative Defense
Non-Infringement of the '598 Patent

Plaintiffs are barred from the relief they seek for infringement of the '598 Patent because Fellowes has not infringed, induced infringement of, or contributed to the infringement of any valid claim of the '598 Patent.

Sixteenth Affirmative Defense
Invalidity of the '598 Patent

Plaintiffs are barred from the relief they seek for infringement of the '598 Patent because the claims of the '598 Patent are invalid for failing to meet one or more conditions for patentability set forth in 35 U.S.C. §§ 101, *et seq.*, including without limitation 35 U.S.C. §§102, 103, and/or 112.

Seventeenth Affirmative Defense
Non-Infringement of the '684 Patent

Plaintiffs are barred from the relief they seek for infringement of the '684 Patent because Fellowes has not infringed, induced infringement of, or contributed to the infringement of any valid claim of the '684 Patent.

Eighteenth Affirmative Defense
Invalidity of the '684 Patent

Plaintiffs are barred from the relief they seek for infringement of the ‘684 Patent because the claims of the ‘684 Patent are invalid for failing to meet one or more conditions for patentability set forth in 35 U.S.C. §§ 101, *et seq.*, including without limitation 35 U.S.C. §§102, 103, and/or 112.

Nineteenth Affirmative Defense
Non-Infringement of the ‘033 Patent

Plaintiffs are barred from the relief they seek for infringement of the ‘033 Patent because Fellowes has not infringed, induced infringement of, or contributed to the infringement of any valid claim of the ‘033 Patent.

Twentieth Affirmative Defense
Invalidity of the ‘033 Patent

Plaintiffs are barred from the relief they seek for infringement of the ‘033 Patent because the claims of the ‘033 Patent are invalid for failing to meet one or more conditions for patentability set forth in 35 U.S.C. §§ 101, *et seq.*, including without limitation 35 U.S.C. §§102, 103, and/or 112.

Twenty First Affirmative Defense
Estoppel

Plaintiffs’ claims are barred, in whole or in part, by the doctrines of waiver and/or estoppel. Plaintiffs are estopped from asserting any interpretation of any of the patent claims that could cover any of Fellowes’ products.

Twenty Second Affirmative Defense
Misuse

Plaintiffs’ claims are barred, in whole or in part, by the doctrine of misuse.

Twenty Third Affirmative Defense
No Actual Injury/ Lack of Causation

Plaintiffs suffered no actual injury and, to the extent either one did, Fellowes was not the

proximate or legal cause of Plaintiffs injury.

Twenty Fourth Affirmative Defense
Ambiguity

Plaintiffs did not clearly state the amount or issues in this case, making it difficult for Fellowes to respond. Fellowes requests that the Court grant leave to amend this Answer to allow additional defenses once additional information is discovered that will allow any defenses to be known or understood by Fellowes, especially with regard to, but not limited to, the trade dress allegations.

Twenty Fifth Affirmative Defense
Failure to Add A Necessary and/or Indispensable

Party

Plaintiffs have failed to add a necessary and/or indispensable party.

Twenty Sixth Affirmative Defense
Lack of Standing

Plaintiffs amended complaint pleads that patent infringement causes of action as Plaintiffs collectively, although it pleads that Otterbox Products owns one of the patents (the '033 patent) and Treefrog owns the remainder. Assuming *arguendo* those pleadings of ownership are true, there are no facts indicating Otterbox has standing as a plaintiff to assert infringement of any Treefrog-owned patent nor are there facts indicating Treefrog has standing as plaintiff to assert infringement of any Otterbox-owned patent. Likewise, the alleged Lifeproof trade dress is purportedly owned by Treefrog, and assuming *arguendo* that is true there are no facts pled indicating Otterbox has standing as a plaintiff to assert infringement of Treefrog-owned trade dress rights.

Twenty Seventh Affirmative Defense
Limitations on Recovery

Plaintiffs claims for damages and other remedies are limited by 35 U.S.C. §§ 286, 287, and/or 288. Plaintiff is barred under 35 U.S.C. § 287 from recovering damages prior to the date of the filing of the Complaint or Amended Complaint. Plaintiffs are barred by 35 U.S.C. § 288 from recovering costs associated with this action.

Plaintiffs are not entitled to enhanced damages under 35 U.S.C. § 284, at least because Plaintiffs have failed to show, and cannot show, that Fellowes has intentionally, willfully, or deliberately infringed any valid and enforceable claim of the patents being asserted by Plaintiffs.

Fellowes has engaged in all of its activities in good faith, and Plaintiffs cannot prove that this is an exceptional case justifying an award of attorneys' fees against Fellowes pursuant to 35 U.S.C. § 285.

Prayer For Relief

To the extent Plaintiffs' Prayer for Relief is deemed to allege any facts or entitlements to the relief requested, Fellowes denies each and every allegation. Fellowes denies that Plaintiffs are entitled to any relief from Fellowes, including the relief Plaintiff seeks in its Prayer for Relief. Plaintiff's Prayer for Relief should be denied in its entirety and with prejudice, and Plaintiffs should take nothing.

DEMAND FOR TRIAL

Fellowes relies upon Plaintiff's demand for a jury trial but also separately demands a trial by jury on all issues so triable.

COUNTERCLAIMS

For its counterclaims against Plaintiffs Otter Products, LLC (“OtterBox”) and TreeFrog Developments Inc. (“TreeFrog Developments,” and collectively with OtterBox, “Plaintiffs-Counterclaim Defendants” or “Counterclaim Defendants”), Defendant-Counterclaim Plaintiff Fellowes, Inc. (“Fellowes” or “Counterclaim Plaintiff”), alleges as follows:

PARTIES

1. Fellowes is an Illinois corporation headquartered in Itasca, Illinois with its principal place of business at 1789 Norwood Avenue, Itasca, Illinois 60143.

2. Upon information and belief based on Paragraph 1 of the Amended Complaint as pled by Plaintiffs, OtterBox is a limited liability company organized and existing under the laws of the State of Colorado, having its principal place of business located at 209 S. Meldrum Street, Fort Collins, Colorado 80521.

3. Upon information and belief based on Paragraph 2 of the Amended Complaint as pled by Plaintiffs, TreeFrog Developments is a corporation organized and existing under the laws of the State of Delaware, having its principal place of business at 15110 Avenue of Science, San Diego, California 92128.

JURISDICTION AND VENUE

4. These counterclaims arise under the patent laws of the United States, 35 U.S.C. §§ 1 et seq.

5. This Court has subject matter jurisdiction over this action under at least 35 U.S.C. § 271 *et seq.* and 28 U.S.C. §§ 1331, 1338, 2201, and 2202. Because Fellowes and Plaintiffs-Counterclaim Defendants are citizens of different states and the matter in controversy exceeds \$75,000 exclusive of fees and costs, this Court also has diversity jurisdiction over the parties under

28 U.S.C. § 1332.

6. The LIFEPROOF FRĒ phone case is alleged to infringe upon Defendant-Counterclaim Plaintiff's patent rights.

7. Upon information and belief, at least one of the Plaintiffs-Counterclaim Defendants offer the LIFEPROOF FRĒ phone case for sale in this district.

8. Upon information and belief, at least one of the Plaintiffs-Counterclaim Defendants' have sold a LIFEPROOF FRĒ phone case to an end user in this district.

9. Upon information and belief, at least one of the Plaintiffs-Counterclaim Defendants' have shipped a LIFEPROOF FRĒ phone case to an end user in this district.

10. Upon information and belief, at least one of the Plaintiffs-Counterclaim Defendants' have shipped LIFEPROOF FRĒ phone cases to a distributor located in this district.

11. Upon information and belief, at least one of the Plaintiffs-Counterclaim Defendants' have shipped LIFEPROOF FRĒ phone cases to a warehouse located in this district.

12. Upon information and belief, the Plaintiffs-Counterclaim Defendants' sell and/or offer to sell LIFEPROOF FRĒ phone cases in this district.

13. Upon information and belief, Plaintiffs-Counterclaim Defendants' LIFEPROOF FRĒ phone case – which is alleged herein to infringe upon Defendant-Counterclaim Plaintiff's patent rights – is and continues to be used, imported, offered for sale, and/or sold in this District.

14. On information and belief, customers in this District have purchased LIFEPROOF FRĒ phone cases through the website linked to otterbox.com, a website owned and operated by one of the Plaintiffs.

15. On information and belief, customers in this District have purchased OtterBox branded phone cases through the website linked to otterbox.com, a website owned and operated

by one of the Plaintiffs-Counterclaim Defendants.

16. On information and belief, customers in this District have purchased LIFEPROOF FRĒ phone cases through the website linked to lifeproof.com, a website owned and operated by one of the Plaintiffs-Counterclaim Defendants.

17. On information and belief, customers in this District have purchased Lifeproof branded phone cases through the website linked to lifeproof.com, a website owned and operated by one of the Plaintiffs-Counterclaim Defendants.

18. On information and belief, customers in this District have purchased LIFEPROOF FRĒ phone cases from sellers in this District such as Verizon, Best Buy, AT&T, Walmart, Sprint, Target, T-Mobile, Amazon, and/or the Apple Store. See <https://www.otterbox.com/en-us/where-else-to-buy.html>.

19. On information and belief, customers in this District have purchased OtterBox and Lifeproof branded phone cases from sellers in this District such as Verizon, Best Buy, AT&T, Walmart, Sprint, Target, T-Mobile, Amazon, and/or the Apple Store. See <https://www.otterbox.com/en-us/where-else-to-buy.html>.

20. On information and belief, Plaintiffs sell and ship LIFEPROOF FRĒ phone cases to Verizon, Best Buy, AT&T, Walmart, Sprint, Target, T-Mobile, Amazon, and/or the Apple Store. See <https://www.otterbox.com/en-us/where-else-to-buy.html>.

21. On information and belief, Plaintiffs sell and ship OtterBox and Lifeproof branded phone cases to Verizon, Best Buy, AT&T, Walmart, Sprint, Target, T-Mobile, Amazon, and/or the Apple Store. See <https://www.otterbox.com/en-us/where-else-to-buy.html>.

22. Plaintiffs-Counterclaim Defendants have consented to the personal jurisdiction of this Court at least by commencing its action for patent infringement in this District, as set forth in

the Amended Complaint. Personal jurisdiction is also proper in this District because each Plaintiff-Counterclaim Defendant has availed itself of the rights and benefits of the laws of Illinois, each has derived substantial revenue from the sales of their products in Illinois, and each has systematic and continuous business contacts with Illinois.

23. Venue is proper in this district under 28 U.S.C. §§1391 and 1400(b) and for other reasons. To the extent venue is proper in the underlying patent infringement action, venue is also proper here as to these Counterclaims.

GENERAL ALLEGATIONS

24. Among other things, Fellowes designs, sells, and offers for sale protective cases to protect smart phones and tablets.

25. Fellowes' protective cases are designed to maximize protection of an electronic device and also provide access to features and controls of those devices. Fellowes' innovative technology has resulted in the issuance of a number of utility patents.

26. Fellowes sells phone cases bearing the brand Blackweb ("Blackweb Phone Cases") to Walmart Inc. ("Walmart").

27. U.S. Trademark Registration 5,622,964 is for the word mark "Blackweb".

28. U.S. Trademark Registration 5,622,964 is owned by Walmart Apollo LLC.

29. Blackweb is a trademark owned by Walmart Apollo LLC.

30. Fellowes sells Blackweb Phone Cases only to Walmart.

31. Walmart sells many products which have the Blackweb mark.

32. Blackweb is a private label of Walmart.

33. Upon information and belief based on Paragraph 1 of the Amended Complaint, Plaintiff-Counterclaim Defendant OtterBox designs, manufactures, and markets protective cases to protect phones and tablets under the OtterBox and Lifeproof marks.

34. Upon information and belief based on Paragraph 2 of the Amended Complaint, TreeFrog Developments developed the Lifeproof brand protective case products and licensed various intellectual property for related patents to OtterBox.

35. Upon information and belief, OtterBox sued TreeFrog for patent infringement and acquired TreeFrog during the pendency of that lawsuit.

36. OtterBox has previously sued numerous entities in the United States for patent infringement.

37. Plaintiffs-Counterclaim Defendants filed a complaint in this Court on September 16, 2019.

38. In the first complaint which Plaintiffs-Counterclaim Defendants filed in this Court on September 16, 2019, Plaintiffs alleged the phone cases sold by Fellowes infringed ten U.S. Patents: 8,342,325; 8,393,466; 8,526,180; 8,531,834; 8,564,950; 9,549,598; 9,660,684; 9,498,033; 9,906,259; and 10,044,396.

39. Two months later, Plaintiffs-Counterclaim Defendants filed an amended complaint in this Court, on November 20, 2019.

40. In the amended complaint which Plaintiffs-Counterclaim Defendants filed in this Court on November 20, 2019, Plaintiffs-Counterclaim Defendants did not allege that the phone cases sold by Fellowes infringed U.S. Patent Nos. 9,906,259 and 10,044,396.

41. Plaintiffs-Counterclaim Defendants alleged that Fellowes infringed two U.S. patents in a complaint filed in September of 2019 and withdrew those allegations of infringement in November of 2019.

42. On information and belief, one or more claims of U.S. Patent No. 9,906,259 are invalid.

43. On information and belief, one or more claims of U.S. Patent No. 10,044,396 are invalid.

44. On information and belief, no Fellowes' phone case, known to Plaintiffs-Counterclaim Defendants before November 20, 2019, infringe any claim of U.S. Patent No. 9,906,259.

45. On information and belief, no Fellowes' phone case, known to Plaintiffs-Counterclaim Defendants before November 20, 2019, infringe any claim of U.S. Patent No. 10,044,396.

46. On information and belief, Plaintiffs-Counterclaim Defendants are aware of no Fellowes' product which infringes any claim of U.S. Patent Nos. 9,906,259 or 10,044,396.

47. Plaintiffs-Counterclaim Defendants do not assert that Fellowes products infringe U.S. Patent Nos. 9,906,259 or 10,044,396

48. In the Amended Complaint, Plaintiffs-Counterclaim Defendants alleged trade dress infringement of the LIFEPROOF FRĒ phone case.

49. Upon information and belief, Plaintiff-Counterclaim Defendant OtterBox currently manufactures, sells, and offers for sale the LIFEPROOF FRĒ phone case.

50. Upon information and belief, Plaintiffs-Counterclaim Defendants have, and continue to manufacture, sell and offer to sell a product – the LIFEPROOF FRĒ – that infringes Fellowes’ patents.

51. The LIFEPROOF FRĒ phone case Plaintiffs-Counterclaim Defendants allege is protected by trade dress includes the LIFEPROOF FRĒ phone case that Fellowes alleges infringe its patents.

52. On information and belief Plaintiffs-Counterclaim Defendants make, use, sell, and offer to sell other protective cases which infringe the two Fellowes patents being asserted below.

COUNT I

Infringement of U.S. Patent No. 10,084,502 under 35 U.S.C. § 271

53. Fellowes incorporates by reference the foregoing paragraphs of this Counterclaim as if fully set forth herein.

54. Fellowes is the owner of all right, title, and interest in U.S. Patent No. 10,084,502 (“the ‘502 Patent”), entitled “Electronic device case with a friction surface,” which was duly and lawfully issued by the United States Patent and Trademark Office on September 25, 2018. A true and correct copy of the ‘502 Patent is attached as Exhibit A.

55. The ‘502 Patent lists Harsh Gandhi, Taiwon Choi, and Michael Schmidt as inventors.

56. The rights, title, and interest in the ‘502 Patent were assigned to Fellowes.

57. Fellowes has complied with the statutory notice provision of 35 U.S.C. § 287.

58. By so marking the embodying products, Fellowes has provided Plaintiffs-Counterclaim Defendants with constructive notice of the ‘502 Patent.

59. At least one of the Plaintiffs-Counterclaim Defendants had knowledge of the ‘502 Patent before the filing of this counterclaim.

60. Plaintiffs-Counterclaim Defendants have never had a license to the ‘502 Patent.

61. Plaintiffs-Counterclaim Defendants have infringed and continue to infringe one or more claims of the ‘502 Patent, directly and indirectly, literally and/or under the doctrine of equivalents, by at least making, using, selling, and/or offering to sell in the United States, or importing into the United States, products that practice the ‘502 Patent in violation of 35 U.S.C. § 271.

62. For example, Counterclaim Defendants’ LIFEPROOF FRĒ phone case product meets each and every limitation of at least claim 1 of the ‘502 Patent, as shown in Exhibit B. On information and belief, other cases of Counterclaim Defendants’ infringe one or more claims of the ‘502 patent.

63. Counterclaim Defendants’ infringement of the ‘502 Patent has caused and will continue to cause damage to Fellowes for which Fellowes is entitled to recovery under 35 U.S.C. § 284.

64. Fellowes has been irreparably harmed by Counterclaim Defendants’ infringement, for which there is no adequate remedy at law, and as such, harm will continue unless enjoined by this Court.

COUNT II

Infringement of U.S. Patent No. 9,853,674, under 35 U.S.C. § 271

65. Fellowes incorporates by reference the foregoing paragraphs of this Counterclaim as if fully set forth herein.

66. Fellowes is the owner of all right, title, and interest in U.S. Patent No. 9,853,674 (“the ‘674 Patent”), entitled “Electronic device case with a friction surface,” which was duly and lawfully issued by the United States Patent and Trademark Office on December 26, 2017. A true and correct copy of the ‘674 Patent is attached as Exhibit C.

67. The ‘674 Patent lists Harsh Gandhi, Taiwon Choi, and Michael Schmidt as inventors.

68. The rights, title, and interest in the ‘674 Patent were assigned to Fellowes.

69. Fellowes has complied with the statutory notice provision of 35 U.S.C. § 287.

70. By so marking the embodying products, Defendant-Counterclaim Plaintiff has provided Counterclaim Defendants with constructive notice of the ‘674 Patent.

71. At least one of the Plaintiffs-Counterclaim Defendants had knowledge of the ‘502 Patent before the filing of this counterclaim.

72. Plaintiffs-Counterclaim Defendants have never had a license to the ‘674 Patent.

73. Plaintiffs-Counterclaim Defendants have infringed and continue to infringe one or more claims of the ‘674 Patent, directly and indirectly, literally and/or under the doctrine of equivalents, by at least making, using, selling, and/or offering to sell in the United States, or importing into the United States, products that practice the ‘674 Patent in violation of 35 U.S.C. § 271.

74. For example, Counterclaim Defendants’ LIFEPROOF FRĒ phone case product meets each and every limitation of at least claim 1 of the ‘674 Patent, as shown in Exhibit B. On information and belief, other cases of Counterclaim Defendants’ infringe one or more claims of the ‘674 patent.

75. Counterclaim Defendants infringement of the '674 Patent has caused and will continue to cause damage to Fellowes for which Fellowes is entitled to recovery under 35 U.S.C. § 284.

76. Fellowes has been irreparably harmed by Counterclaim Defendants' infringement, for which there is no adequate remedy at law, and as such, harm will continue unless enjoined by this Court.

COUNT III

Non-Infringement and Invalidity of U.S. Patent Nos. 8,342,325; 8,393,466;

8,526,180; 8,531,834; 8,564,950; 9,549,598; 9,660,684; and 9,498,033;

77. Fellowes incorporates by reference the foregoing paragraphs of this Counterclaim as if fully set forth herein.

78. Plaintiffs-Counterclaim Defendants are currently asserting that Fellowes Blackweb products infringe one or more claims of U.S. Patent Nos. 8,342,325; 8,393,466; 8,526,180; 8,531,834; 8,564,950; 9,549,598; 9,660,684; and 9,498,033 (collectively "OBX Asserted Patents").

79. Fellowes alleges that the Fellowes Blackweb products being accused of infringement, do not infringe any OBX Asserted Patents. For example, none of the Blackweb products meet each and every claim limitation of any of the OBX Asserted Patents.

80. Fellowes has not and is not now infringing, inducing the infringement of, or contributing to the infringement of any valid and enforceable claim of the OBX Asserted Patents, including but not limited those claims asserted in the exhibits of the amended complaint.

81. Fellowes alleges that one or more claims of each of the OBX Asserted Patents are invalid under 35 U.S.C. §101 et seq., including but not limited to §§ 102, 103, and 112.

82. Based on the infringement allegations in Plaintiffs-Counterclaim Defendants' Amended Complaint, one or more claims of each OBX Asserted Patent is invalid as (1) anticipated because a single prior art reference discloses each and every element claimed in the OBX Asserted Patents, and/or (2) obvious under a combination of two or more prior art references.

83. For example, U.S. Patent Publication 2006/0274493 (the "'493 Publication") discloses a "protective enclosure for an electronic device... that comprises a shell that is... substantially watertight, substantially rigid and substantially crush-resistant." '493 Publication, Abstract. Moreover, the shell of the '493 Publication, in some embodiments, is comprised of a top and bottom member and has a protective screen membrane that is rigid and clear. *Id.* at ¶¶[0089], [0092].

84. Given the state of the art, and based on Plaintiffs-Counterclaim Defendants' infringement allegations, claims of the OBX Asserted Patents are invalid over the prior art, including but not limited to, for example, combinations of the following, which a person having ordinary skill in the would understand and appreciate to be invalidating prior art:

85. The '493 Publication (published December 7, 2006);

86. Japanese Patent Application Publication No. H11-192116A (published July 21, 1999);

87. The Motion Computing User Guide (published October 2006);

88. U.S. Patent 7,963,419 (issued Jun. 21, 2011); and/or

89. U.S. Patent 4,457,447 (issued July 3, 1984).

90. Based on the foregoing, a justiciable controversy exists between Fellowes and Plaintiffs-Counterclaim Defendants as to whether Fellowes' Blackweb products infringe the 'OBX Asserted Patents and whether the applicable claims of those same patents are valid.

91. As a result of the acts described in the preceding paragraphs, there exists a controversy of sufficient immediacy and reality to warrant the issuance of a declaratory judgment of non-infringement and invalidity.

92. A judicial declaration is necessary and appropriate so that Fellowes may ascertain its rights regarding the OBX Asserted Patents.

93. Fellowes is entitled to a declaratory judgment that it has not infringed and does not infringe, directly or indirectly, any valid and enforceable claim of the OBX Asserted Patents.

94. Fellowes is entitled to a declaratory judgment that the OBX Asserted Patents are invalid under one or more of 35 U.S.C. §101 et seq, including but not limited to §§102, 103, and 112.

PRAYER FOR RELIEF

WHEREFORE, Defendant-Counterclaim Plaintiff respectfully requests that the Court enter judgment as follows:

- A. Dismissing Plaintiff-Counterclaim Defendant's claims;
- B. Adjudging that Plaintiffs-Counterclaim Defendants have infringed the '502 and '674 Patents, directly and indirectly, in violation of 35 U.S.C. § 271;
- C. Granting an injunction temporarily and permanently enjoining Plaintiff-Counterclaim Defendant, its employees, agents, officers, directors, attorneys, successors, affiliates, subsidiaries, and assigns, and all of those in active concert and participation with any of the foregoing persons or entities, from infringing, contributing to the infringement of, or inducing infringement of the '502 and '674 Patents;
- D. Granting each Count of the Counterclaims for Fellowes and against Plaintiffs-Counterclaim Defendants;

E. Adjudging that the asserted claims of U.S. Patent Nos. 8,342,325; 8,393,466; 8,526,180; 8,531,834; 8,564,950; 9,549,598; 9,660,684; and 9,498,033 are invalid and unenforceable;

F. Adjudging that Fellowes has not infringed, directly, contributorily, or by inducement, any asserted claim of U.S. Patent Nos. 8,342,325; 8,393,466; 8,526,180; 8,531,834; 8,564,950; 9,549,598; 9,660,684; and 9,498,033;

G. Ordering Plaintiffs-Counterclaim Defendants to account and pay damages adequate to compensate Fellowes for Plaintiffs-Counterclaim Defendants infringement of the '502 and '674 Patents, but in no event less than a reasonable royalty, such amount to be trebled based on Plaintiffs-Counterclaim Defendants willful infringement, pursuant to 35 U.S.C. § 284 and including pre-judgment and post-judgment interest and costs,

H. That this case be found exceptional based on Plaintiffs-Counterclaim Defendants deliberate infringing actions and disregard for Fellowes' patent rights, and that this Court award Fellowes attorneys' fees, pursuant to 35 U.S.C. § 285, and

I. Awarding Fellowes such other and further relief as this Court deems just and proper.

JURY DEMAND

Fellowes hereby demands trial by jury on all issues triable by a jury.

Dated: December 4, 2019

Respectfully submitted,

/s/ Peter J. Shakula

Peter J. Shakula (#6204370)

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WOOD PHILLIPS

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Attorney for Defendant

Fellowes, Inc.

CERTIFICATE OF SERVICE

I certify that on December 4, 2019 a copy of the foregoing **ANSWER TO AMENDED COMPLAINT AND COUNTERCLAIM** was filed electronically. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access the filing through the Court's system. All other counsel of record not deemed to have consented to electronic service were served with a true and correct copy of the foregoing by U.S. mail.

/s/ Peter J. Shakula

Peter J. Shakula

EXHIBIT A



US010084502B2

(12) **United States Patent**
Gandhi et al.

(10) **Patent No.: US 10,084,502 B2**

(45) **Date of Patent: *Sep. 25, 2018**

(54) **ELECTRONIC DEVICE CASE WITH A FRICTION SURFACE**

(71) Applicant: **Fellowes, Inc.**, Itasca, IL (US)

(72) Inventors: **Harsh Gandhi**, Carol Stream, IL (US);
Taiwon Choi, Glenview, IL (US);
Michael Schmidt, Chicago, IL (US)

(73) Assignee: **FELLOWES, INC.**, Itasca, IL (US)

(*) Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 U.S.C. 154(b) by 0 days.

This patent is subject to a terminal disclaimer.

(21) Appl. No.: **15/807,867**

(22) Filed: **Nov. 9, 2017**

(65) **Prior Publication Data**

US 2018/0069586 A1 Mar. 8, 2018

Related U.S. Application Data

(63) Continuation of application No. 15/337,518, filed on Oct. 28, 2016, now Pat. No. 9,853,674, which is a (Continued)

(51) **Int. Cl.**
H04B 1/08 (2006.01)
H04B 1/3888 (2015.01)
H04M 1/02 (2006.01)

(52) **U.S. Cl.**
CPC **H04B 1/3888** (2013.01); **H04M 1/0202** (2013.01); **H04M 1/026** (2013.01)

(58) **Field of Classification Search**
USPC 455/575.1-575.9, 128, 347-351
See application file for complete search history.

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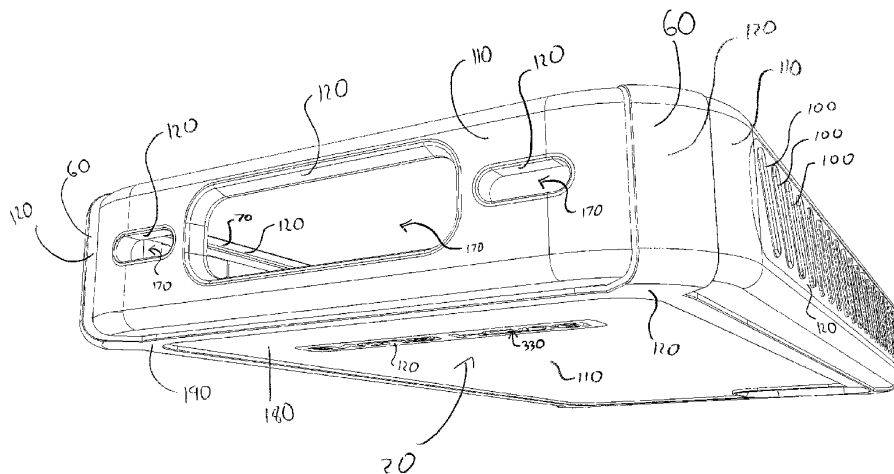
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(57) **ABSTRACT**

A case for use with an electronic device includes a base portion with side portions extending therefrom forming a pocket. The case also includes a first material generally at an exterior of the pocket, forming a majority of an exterior surface of the base portion, and a second material secured to and having a higher coefficient of friction than the first material, generally at an interior of the pocket. The second material protrudes through aperture(s) in the first material at the base portion to protrude from the interior to the exterior of the base portion, and outward from the first material such that the second material contacts a support surface when the base portion is placed thereon. The protruding second material extends away from the aperture(s) on opposing surfaces of the first material at the exterior and interior of the pocket to provide securement between the first and second materials.

25 Claims, 10 Drawing Sheets



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continuation of application No. 14/174,436, filed on Feb. 6, 2014, now Pat. No. 9,521,220.

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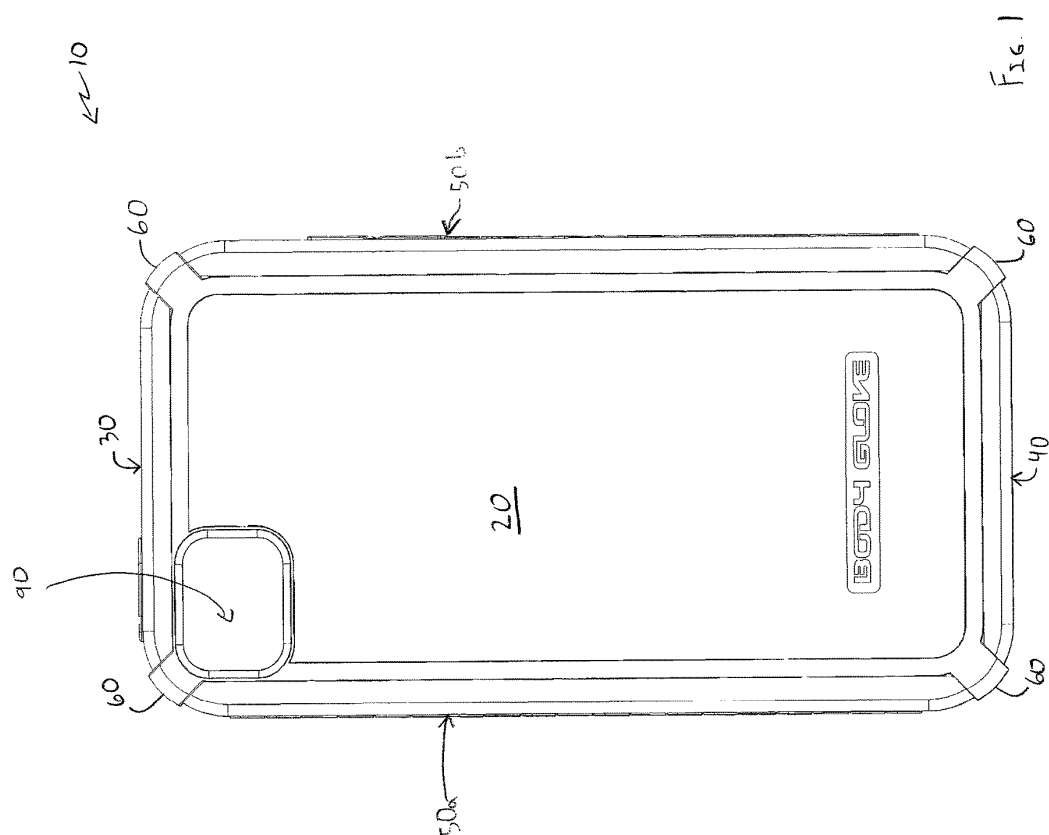
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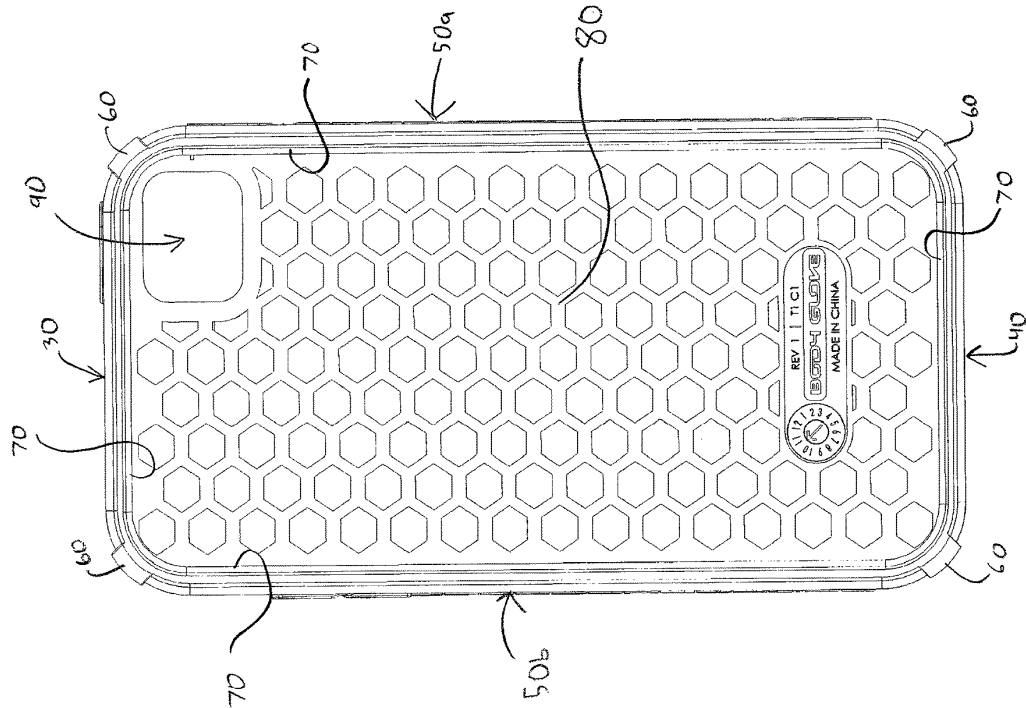


FIG. 2

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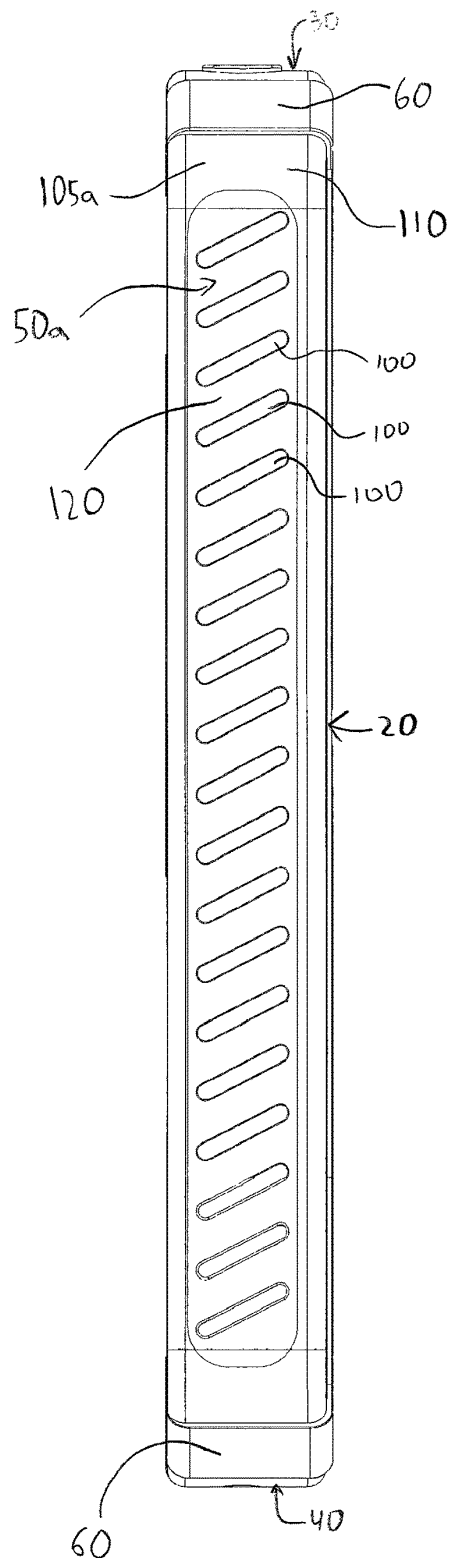


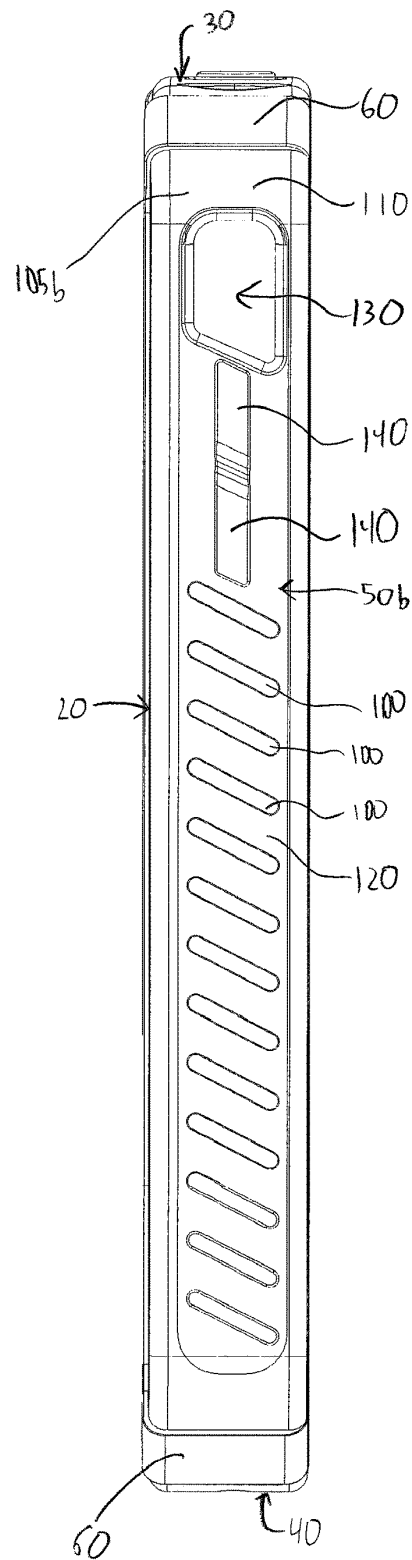
FIG. 3

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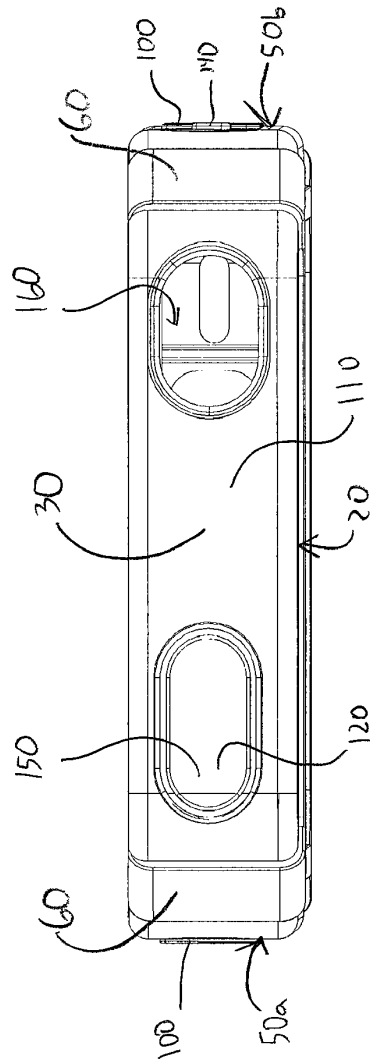


Fig. 5

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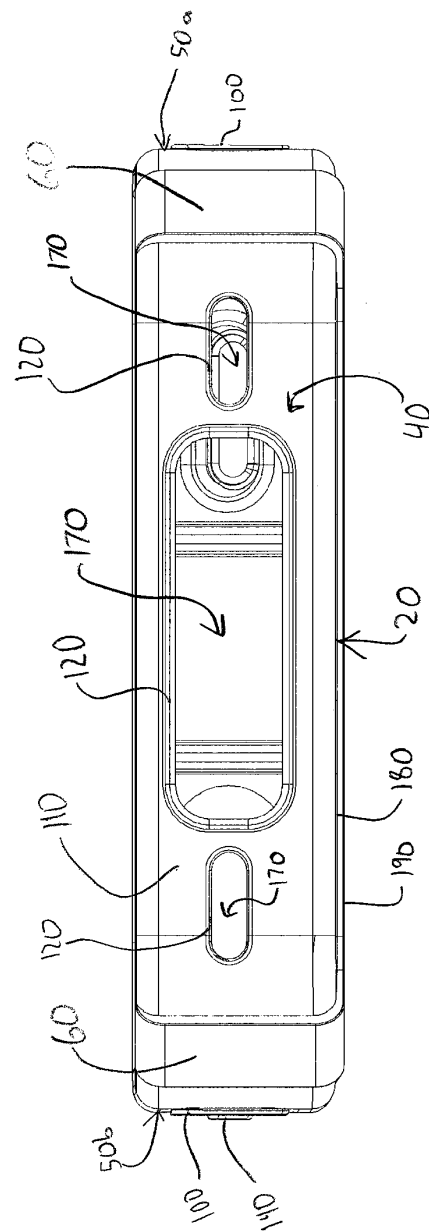


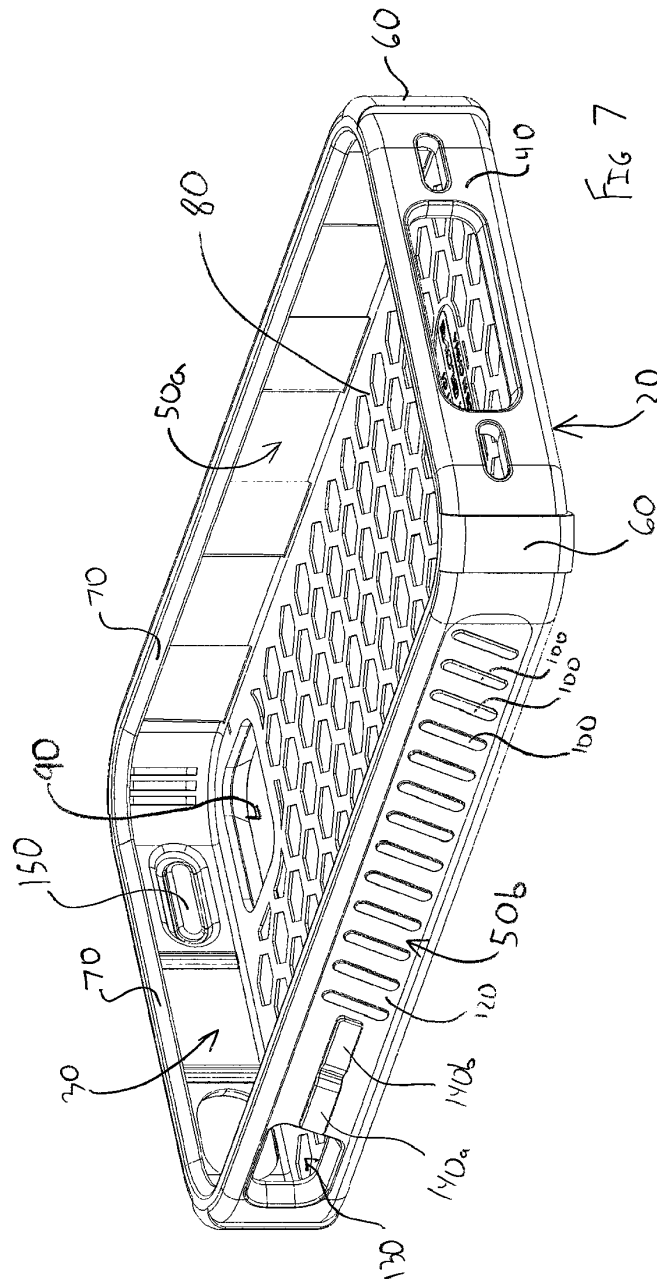
Fig 6

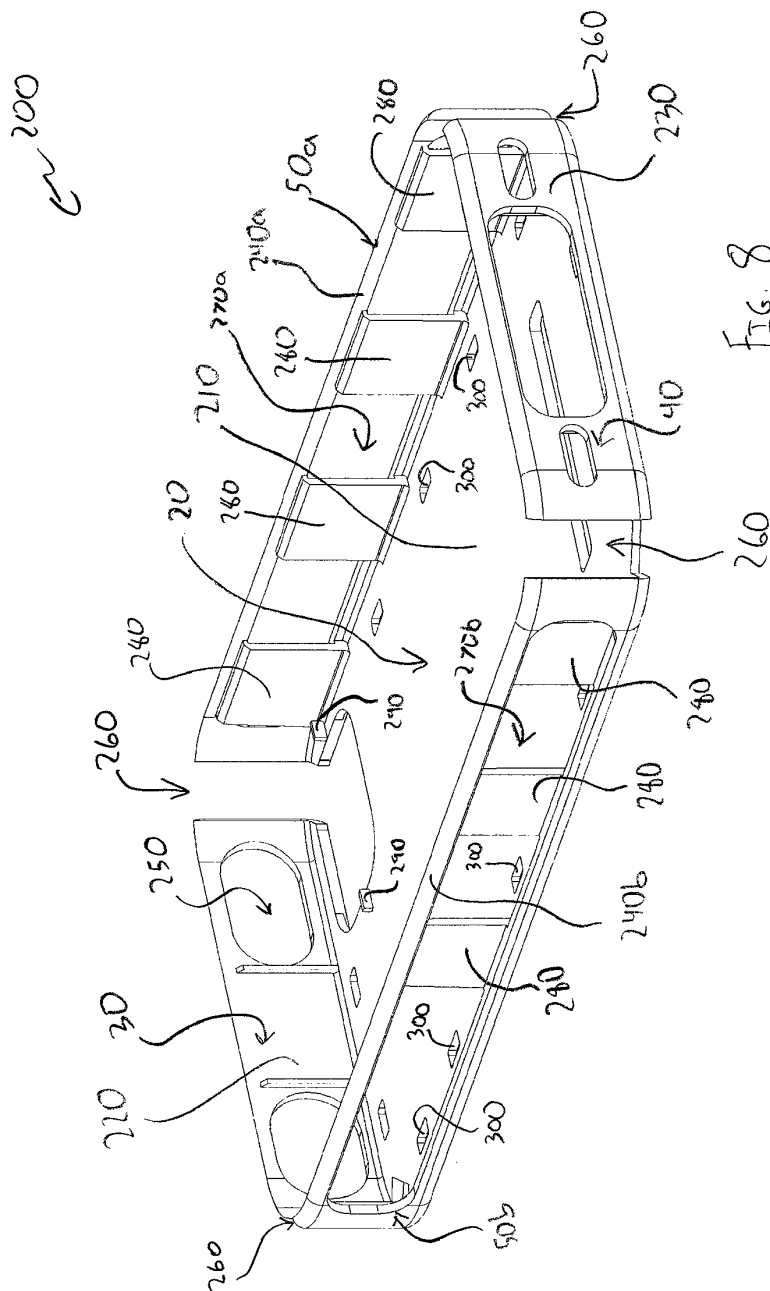
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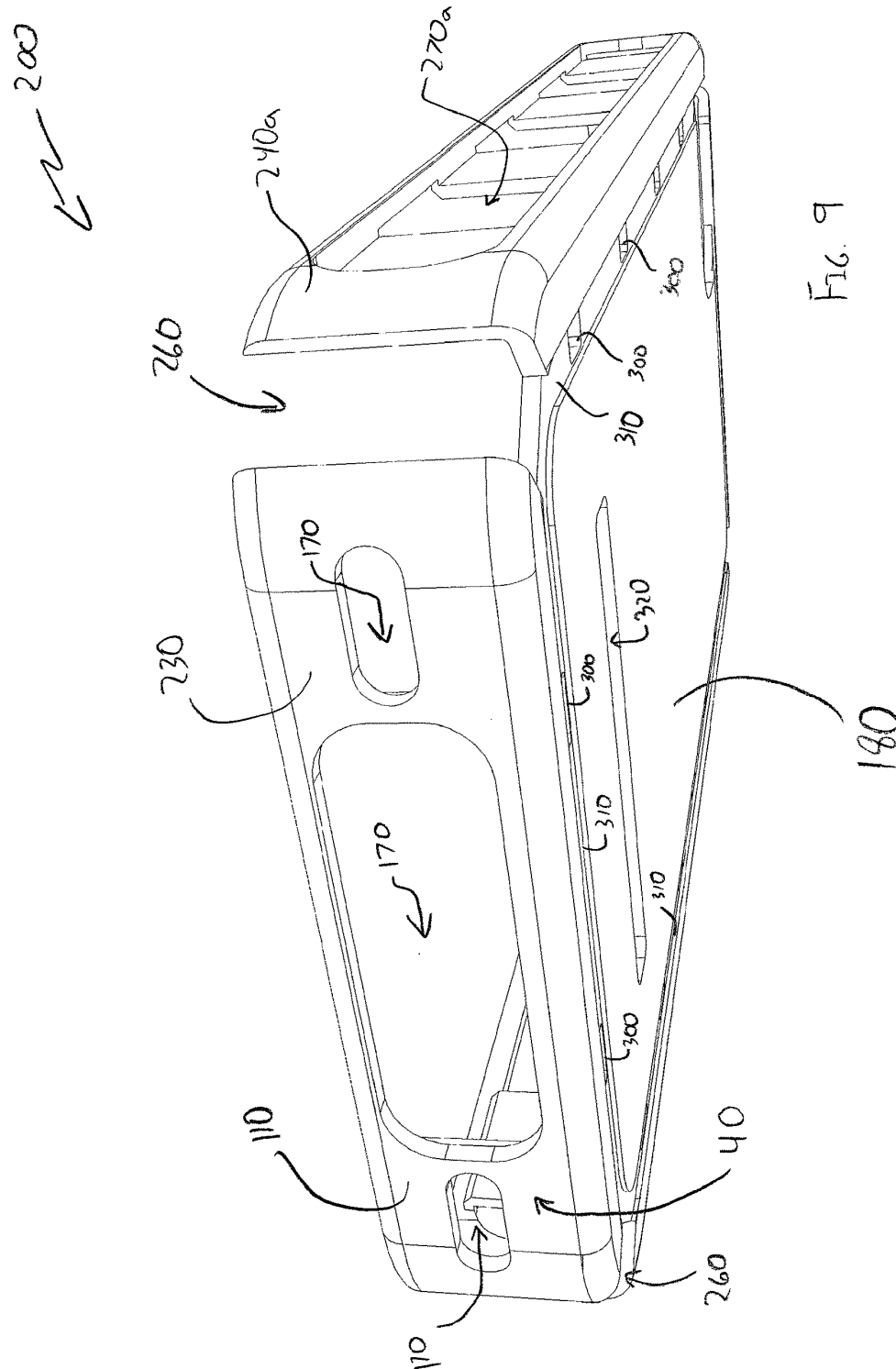


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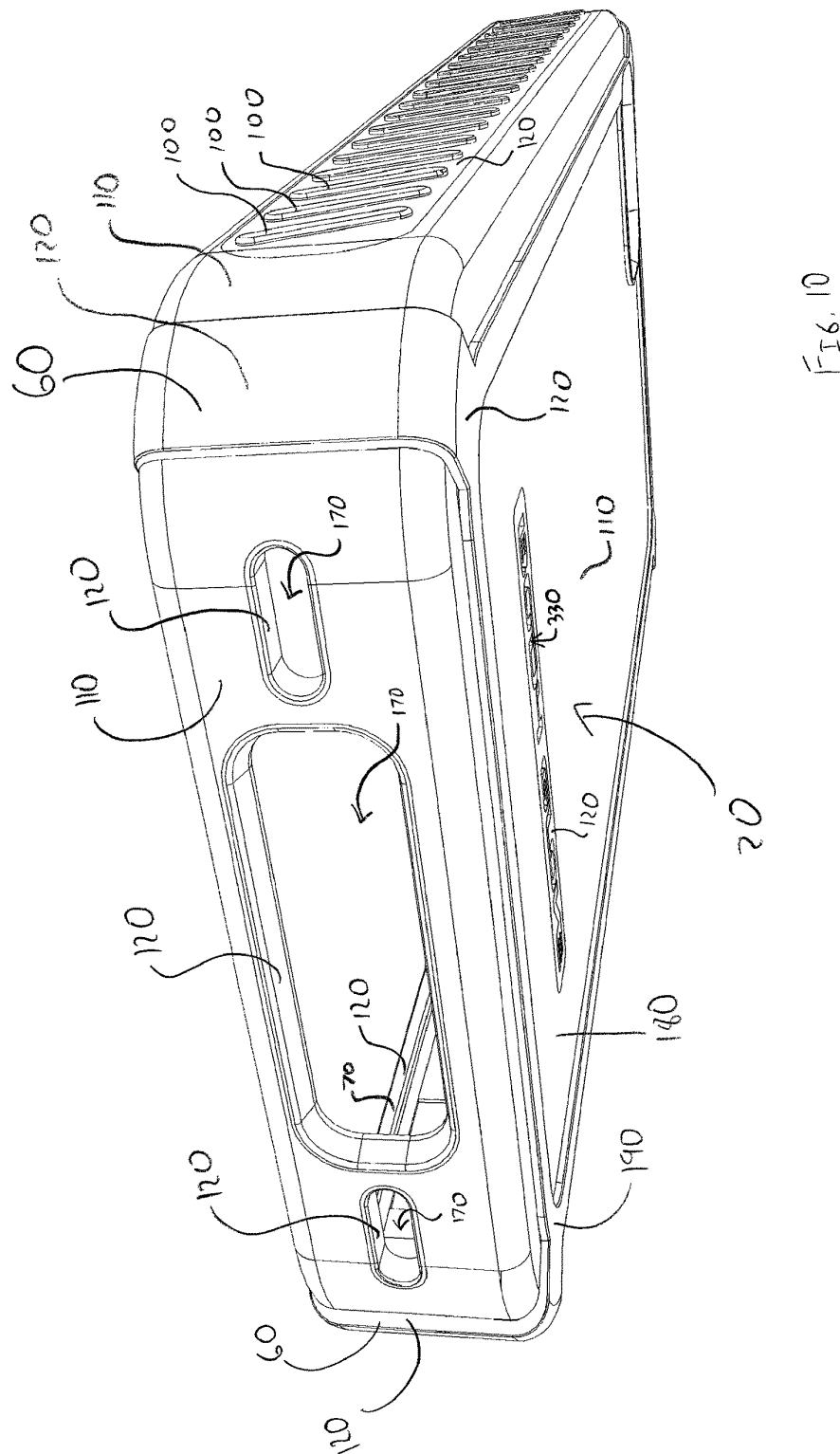


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**ELECTRONIC DEVICE CASE WITH A
FRICTION SURFACE****CROSS-REFERENCE TO PRIOR APPLICATION**

This application is a continuation of U.S. patent application Ser. No. 15/337,518 filed Oct. 28, 2016, which is a continuation of U.S. patent application Ser. No. 14/174,436 filed Feb. 6, 2014 and claims benefit to U.S. Patent Application 61/761,556 filed Feb. 6, 2013, the contents of which are incorporated herein in their entirety.

BACKGROUND**Field**

The present disclosure is generally related to a case for use with a portable electronic device. More specifically, the disclosure relates to a case configured to protect the electronic device from impacts or abrasions.

Background

Some cases for portable electronic devices, such as cellular phones and personal digital assistants (PDAs), for example, have hard exterior surfaces with low coefficients of friction. Such exterior surfaces may facilitate insertion and removal of the case (and electronic device therein) from a user's pocket. Other cases are formed from a softer cushioning material, tending to have a relatively high coefficient of friction, which may provide greater impact protection to the electronic device. Among other things, the present application discloses improvements to cases for electronic devices.

SUMMARY

According to an embodiment, a case for use with a portable electronic device includes a base portion with side portions extending therefrom, the base portion and side portions forming a pocket configured to surround a back and sides of the portable electronic device. The case also includes a first material generally being positioned at an exterior of the pocket, wherein a majority of an exterior surface of the base portion is formed from the first material. The case also includes a second material generally being positioned at an interior of the pocket, the second material protruding through one or more apertures in the first material at the base portion so that portions of the second material protrude from the interior of the pocket to the exterior surface of the base portion, and protrude outward from the first material at the base portion such that when the base portion of the case is placed on the support surface, the second material contacts the support surface. The second material has a higher coefficient of friction than the first material and is secured to the first material. The second material protrudes through the one or more apertures in the first material at the base portion extends away from the one or more apertures on opposing surfaces of the first material at the exterior of the pocket and the interior of the pocket to provide securement between the first and second materials.

Other features and advantages of the present invention will become apparent from the following detailed description, the accompanying drawings, and the appended claims.

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BRIEF DESCRIPTION OF THE DRAWINGS

Embodiments will now be described, by way of example only, with reference to the accompanying drawings in which corresponding reference symbols indicate corresponding parts, and in which:

FIG. 1 illustrates a rear view of an embodiment of an electronic device case;

FIG. 2 illustrates a front view of the electronic device case of FIG. 1;

FIG. 3 illustrates a right side view of the electronic device case of FIG. 1;

FIG. 4 illustrates a left side view of the electronic device case of FIG. 1;

FIG. 5 illustrates a top view of the electronic device case of FIG. 1;

FIG. 6 illustrates a bottom view of the electronic device case of FIG. 1;

FIG. 7 illustrates a perspective view of the electronic device case of FIG. 1;

FIG. 8 illustrates a reduced perspective view of the electronic device case of FIG. 1, as depicted in FIG. 7, omitting a material molded therein;

FIG. 9 illustrates another reduced perspective view of the electronic device case of FIG. 1; and

FIG. 10 illustrates a perspective view of the electronic device case of FIG. 1, as depicted in FIG. 9, including the molded material omitted therefrom.

**DETAILED DESCRIPTION OF THE
ILLUSTRATED EMBODIMENT(S)**

FIG. 1-6 illustrate rear, front, right side, left side, top, and bottom views of a case 10 in accordance with an embodiment of the present invention. FIG. 7 illustrates a perspective view of the case 10. As depicted in FIGS. 1-7, the case 10 includes a base 20 with sides extending away therefrom, forming a pocket to receive a portable electronic device therein. Specifically, in the illustrated embodiment, the case 10 includes a top 30, a bottom 40, a right side 50a, and a left side 50b. It may be appreciated that the so-called right side 50a appears on the left side of FIG. 1 because FIG. 1 illustrates a rear view of the case 10. In an embodiment, the top 30 and bottom 40 may comprise sides of the case 10 that are each coupled to the sides 50a and 50b through corner joints 60, described in greater detail below. It may be appreciated that the case 10 may be configured to house a variety of portable electronic devices across various embodiments, including but not limited to a cellular phone, PDA, music player (e.g., MP3 player), tablet, gaming device, remote control, and the like.

As shown in FIGS. 2 and 7, the top 30, bottom 40, right side 50a, and left side 50b may be coupled by a lip 70 which may surround an opening of the case 10 shaped and configured to receive the portable electronic device therein. It may be appreciated that an interior surface 80 of the base 20, as well as interior surfaces of the top 30, bottom 40, right side 50a, left side 50b, and the lip 70, may define the pocket (with the lip 70 defining the opening of the pocket). In an embodiment, a display screen and/or a user interface of the portable electronic device may face away from the pocket (e.g., may be framed at least partially by the lip 70). As described in greater detail below, the corner joints 60 and/or the lip 70 may be formed of an elastic or otherwise resiliently deformable material, which may facilitate expanding the pocket to receive the portable electronic device within the pocket. It may be appreciated that other configurations of

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the case 10 may alternatively be possible, including but not limited to cases having multiple components that are separable from each other. For example, slider cases are generally configured with separable pieces that each slide over the portable electronic device, and engage one another (e.g., with a snap fit or friction fit) to secure the portable electronic device therein.

It may be appreciated that the case 10 may have features or apertures formed therein, configured to correspond with features on the portable electronic device. For example, as shown in FIGS. 1 and 2, an aperture 90 may extend through the base 20, and may be configured to align with a camera lens on the electronic device. In some embodiments, the aperture 90 may be sized to additionally or alternatively align with a camera flash on the electronic device. In some embodiments, additional apertures may extend through the base 20, so as to align with other features, including but not limited to marketing insignias on the portable electronic device. It may also be appreciated that in some embodiments one or more of the apertures may be merely decorative (e.g., with a repetitive or randomized pattern of apertures formed across at least a portion of the case 10).

FIG. 3 illustrates a right side 50a of the case 10. As shown, the right side 50a may include one or more raised features 100 that protrude (e.g., extend outwards) from the remainder of the case 10. As described in greater detail below, in some embodiments the majority of the exterior of the case 10, including at an exterior surface 105a of the right side 50a of the case 10, may generally be formed from a first material 110 while the raised features 100 on the right side 50a of the case 10 may be formed from a second material 120 having a higher coefficient of friction and/or a greater resiliency than the first material 110 generally found at the exterior of the case 10. As shown, in some embodiments the raised features 100 formed of the second material 120 may protrude from a region of the second material 120 that may be generally flush with the first material 110 at the exterior surface 105a of the right side 50a of the case 10. In some embodiments, the second material 120 forming the raised features 100 may be the same material as the material forming the corner joints 60, and/or may have a similar coefficient of friction, higher than that of the first material 110 forming the majority of the exterior of the case 10, and/or may be more resilient than the first material 110. As shown in FIG. 4, illustrating the left side 50b of the case 10, one or more raised features 100 may also be present on the left side 50b of the case 10. Similarly to the right side 50a of the case 10, the raised features 100 may protrude from a region of the second material 120 that may be generally flush with an exterior surface 105b of the left side 50b of the case 10, formed from the first material 110.

Similarly to the aperture 90 extending through the base 20, in some embodiments the left side 50a and/or the right side 50b may contain features or apertures formed therein, configured to correspond with features on the portable electronic device. For example, FIG. 4 illustrates a side aperture 130 extending through the right side 50b of the case 10, which may be configured to correspond with a switch (e.g., a mute switch) on the portable electronic device. As further shown, other features, such as button features 140a and 140b may be formed therein, configured to align with and engage buttons of the portable electronic device. While in some embodiments the button features 140a and 140b may be mechanical buttons coupled within the case 10 to transmit a press thereon into a press of the buttons of the portable electronic device, in other embodiments the button features 140a and 140b may be formed from a flexible

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material, facilitating depression of the button features 140a and 140b. In an embodiment, the button features 140a and 140b (which may correspond with volume buttons of the portable electronic device) may be formed from the same material as the raised features 100. In an embodiment, the button features 140a and 140b and the raised features 100 may be formed from a quantity of the second material 120 at the right side 50b of the case 10 (e.g., where the second material 120 is flexible).

FIG. 5 illustrates a top view of the case 10, showing the top 30. In an embodiment, the top 30 is formed from the first material 110 that forms the majority of the exterior of the case 10 (namely, e.g., the exterior of the base 20). As with other faces of the case 10, it may be appreciated that the top 30 may contain features or apertures formed therein, configured to correspond with features on the portable electronic device. In the illustrated embodiment, the top 10 includes a button 150 and a top aperture 160. In an embodiment, the button 150 may be configured to facilitate actuation of a top button on the portable electronic device. While in some embodiments the button 150 may be a mechanical button assembled into the case 10, in other embodiments, such as that illustrated, the button 150 may be formed from a flexible material configured to deform to allow for depression of the top button of the portable electronic device positioned underneath. In some embodiments, such as that shown, the button 150 may be formed from the second material 120, as described in greater detail below. Similarly to the aperture 90 and the side aperture 130, the top aperture 160 may be configured to align with one or more features of the portable electronic device. For example, in an embodiment the top aperture 160 may be configured to align with an audio jack on the portable electronic device.

As depicted the bottom view of the case 10 in FIG. 6, a bottom 40 of the case 10 may in some embodiments include one or more bottom apertures 170. In the illustrated embodiment, a central bottom aperture 170 may be configured to align with a data port on the portable electronic device, and may be sized and shaped to receive a data cable therein. In an embodiment, other bottom apertures 170 may be configured to align with a speaker and/or a microphone on the portable electronic device. While separate bottom apertures 170 are provided in the illustrated embodiment, in some embodiments the case 10 may include a single bottom aperture 170 shaped to accommodate multiple features on the portable electronic device. In some embodiments, the one or more bottom apertures 170 may be formed directly in the first material 110 forming the majority of the exterior of the case 10. In some embodiments, such as the illustrated embodiments, however, some of the second material 120, or another material, may be positioned within the bottom apertures 170. For example, in the illustrated embodiment, lips surrounding the bottom apertures 170 comprise some of the second material 120.

As appreciated in the views of FIGS. 5 and 6, the raised features 100 protrude from the sides 50a and 50b of the case 10. As such, where the raised features are formed from the second material 120 have a relatively higher coefficient of friction than the first material 110 forming the remainder of the case 10, placing the case 10 on a support surface so that the side 50a or 50b is facing the support surface would cause the higher friction second material 120 to frictionally engage the support surface. Such frictional engagement between the raised features 100 and the support surface may prevent the case 10 from tipping over when placed on its side 50a or 50b, or mitigate a tendency for the case 10 to tip over when the support surface or the case 10 are bumped. Additionally,

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the raised features **100** at the sides **50a** and **50b** of the case **10** may serve as a grip for a user of the portable electronic device when the user is holding the portable electronic device.

As further shown in FIGS. **5** and **6**, a material having a higher coefficient of friction and/or resiliency than the majority of the exterior of the case **10** may also extend below an exterior surface **180** of the base **20**, as a base grip **190**. As described in greater detail below, it may be appreciated that in some embodiments, the exterior surface **180** of the base **20** may comprise the majority of the exterior of the case **10**, and may be formed from the first material **110**. In the illustrated embodiment, the base grip **190** may be formed from the second material **120**, having a higher coefficient of friction and/or resiliency than the exterior surface **180**. Accordingly, where the exterior of the case **10** is predominantly formed from the first material **110**, having a relatively smooth configuration (e.g., a relatively lower coefficient of friction), it may be easier for a user to remove the case **10** from a confined space (e.g., a user's pocket) than if a majority of the exterior of the case **10** was formed from a material having a higher coefficient of friction (e.g., the second material **120**). It may be appreciated that where a minority of the exterior of the case **10** has the higher coefficient of friction material (e.g., the second material **120**) protruding outward from the material having the lower coefficient of friction (e.g., the first material **110**), the higher friction material may provide regions of high friction contact when the case **10** is placed on a support surface. For example, it may therefore be appreciated that when the case **10** is placed on a support surface with the base **20** facing the support surface, and the opening of the pocket of the case **10** (defined by the lip **70**) facing away from the support surface, the base grip **190** may contact the support surface, as it protrudes from the lower friction exterior surface **180** of the base **20**.

As indicated above, in some embodiments the base grip **190**, the raised features **100**, and the corner joints **60** may all be formed from the second material **120**. In an embodiment, the base grip **190**, the corner joints **60**, and/or the raised features **100** may all be coupled by the interior surface **80** of the base **20**, which may be formed from a layer of the second material **120**, positioned to the interior of the first material **110** forming the exterior surface **180**. In some such embodiments, features of the case **10** formed from the first material **110** may be interconnected, with features of the case **10** formed from the second material **120** formed onto or integral with the features formed from the first material **110**. An example of such a construction may be appreciated in the illustrated embodiment through consideration of FIGS. **7** and **8**, where FIG. **8** illustrates a reduced view of the case **10** as depicted in FIG. **7**, showing only those features formed from the first material **110**, and excluding those features formed from the second material **120**.

As shown in FIG. **8**, a preform member **200** of the case **10** formed from the first material **110** includes a base portion **210** associated with the base **20**. It may be appreciated that the exterior surface **180** of the base portion **210** may be the exterior surface of the base **20** as a whole. As shown, the base portion **210** may be coupled to (and in the illustrated embodiment, integral with) a top portion **220** associated with the top **30**, a bottom portion **230** associated with the bottom **40**, and side portions **240a** and **240b** associated with the right side **50a** and the left side **50b** respectively. As shown, the preform member **200** may include apertures formed therein, which may remain unfilled, or may be only partially filled by the second material **120** when assembling

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the case **10**. For example, in the embodiment of FIG. **8**, the aperture **90** that extends through the base **20** may be partially filled by the second material **120**, while the second material **120** thereat may include the aperture **90** therein, so that the aperture **90** extends through base **20** in the case **10**. As further shown, however, the preform member **200** may include some apertures, like a top button aperture **250**, which may be completely filled by a molded portion of the second material **120**. In the illustrated embodiment, the top button aperture **250** is filled with a molded amount of the second material **120** so as to form the top button **150**, which may flex relative to the top portion **220** so as to allow for depression of a button on the portable electronic device.

As additionally shown, in some embodiments gaps **260** may be present at the corners of the preform member **200**, which may allow the top **30**, bottom **40**, and sides **50a** and **50b** to flex relative to the base portion **210**, allowing an area therebetween to expand to facilitate insertion of the portable electronic device. In an embodiment, the preform member **200** as a whole, formed from the first material **110**, may be more elastic than the second material **120**, and configured to snap back to its original shape after being deformed to allow insertion of the portable electronic device therein. It may be appreciated that the gaps **260** may be filled with the second material **120** to form the corner joints **60**. In an embodiment, the second material **120** may be softer than the first material **110**, so as to deform with the first material **110** when case **10** is deformed to insert the portable electronic device, but allow for flexibility of the sides of the case **10** at the gaps **260**. In some embodiments, the second material **120** may be shaped to protrude out from the gaps **260** defined by the preform member **200**, so that the corner joints **60** protrude from the body of the case **10**, as illustrated in FIG. **7**. It may be appreciated that in some embodiments the corners of the preform member **200** may intersect (e.g., linking the top **30** and/or bottom **40** to either or both of the sides **50a** and **50b** directly, as well as via the base **20**). In some such embodiments, the second material **120** may be formed on top of the intersection, forming corner bumpers that protrude from the corners of the preform member **200**.

In some embodiments, the apertures formed in the preform member **200** may be configured to receive a quantity of the second material **120** that may be molded, shaped, or otherwise formed to include various desired features therein. For example, side apertures **270a** and **270b**, formed in the side portions **240a** and **240b** respectively, may be configured to receive a mass of the second material **120** which itself may be shaped to include the raised portions **100** and (on the left side **50b** of the illustrated embodiment) the button features **140a** and **140b**. As shown in the illustrated embodiment, the side apertures **270a** and **270b** may be configured with support ribs **280** that are recessed from the exterior opening of the side apertures **270a** and **270b**, however provide structural stability to the side portions **240a** and **240b**. It may be appreciated that in some embodiments the support ribs **280** may be partially or completely covered by the second material **120**, as viewed from the exterior of the case **10** and/or from the interior of the pocket. As shown in FIG. **7**, in the illustrated embodiment at least some of the second material **120** may fill in spaced between each of the support ribs, as well as filling in the side apertures **270a** and **270b**. In an embodiment where a side aperture **130** is formed in the second material **120** at the left side **50b**, it may be appreciated that a support rib **280** may be omitted thereat. In other embodiments, the side aperture **130** may extend through a support rib **280**, or the side aperture **130** may otherwise be positioned between support ribs **280**.

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While in some embodiments the first material **110** and the second material **120** may be integrally formed together (e.g., through co-injection molding or similar assembly mechanisms to form a one piece embodiment of the case **10**), in the illustrated embodiment, the first material **110** may be formed into the preform member **200** first, before being overmolded with the second material **120**. While in some embodiments the preform member **200** may be merely partially cured before the second material **120** is applied and molded therearound, in an embodiment the formation of the preform member **200** may be complete (e.g. cured, removed from the mold, and/or separately assembled) before being combined with the second material **120**.

In the illustrated embodiment, with the preform member **200** being formed from the first material **110** before application of the second material **120** thereto, it may be appreciated that molding supports may be positioned thereon to facilitate overmolding of the second material **120**. In some embodiments the molding supports may be configured to cooperate with the mold in the overmolding process. For example, in an embodiment one or more of the molding supports may be configured to position or align a portion of the mold to facilitate injection of the second material **120**. As shown in FIG. **8**, in the illustrated embodiment support tabs **290** may be configured to define a maximum application thickness for the overmold of the second material **120** on the interior of the base portion **210** (e.g., for application of the second material **120** to form the interior surface **80** of the case **10**). In an embodiment the molding supports may include apertures **300** in the first material **110** which may be configured to facilitate flow of the second material **120** to desired regions of the preform member **200** prior to curing the second material **120**. For example, as shown in FIG. **9**, illustrating the exterior surface **180** of the preform member **200**, the apertures **300** may extend through the base **20**. In the illustrated embodiment, one or more base grip grooves **310** may be formed in the exterior surface **180**, and may be configured to direct a flow of the second material **120** when poured or injected onto the base portion **210** of the preform member **200**, allowing the second material **120** to form the base grips **190** as well as cover the interior surface **80** of the base portion **20**.

It may therefore be appreciated that in some embodiments the second material **120** may surround the first material **110**, such as by being molded onto opposing faces of the first material **110** (e.g., as the preform member **200**), however being connected. It may be appreciated that such a configuration may provide increased structural stability to the case **10**. For example, in the illustrated embodiment, the second material **120** may flow through the apertures **300**, across the base grip grooves **310**, and connect with other portions of the second material **120** before curing. Where the second material **120** coats the interior surface **80** of the base **20**, and overlays (and in an embodiment protrudes from) the exterior surface **180** of the base **20**, it may be appreciated that the second material **120** may sandwich the first material **110** therebetween. As noted above, in some embodiment the support ribs **280** (formed from the first material **110**) may be partially or completely covered by the second material **120**. It may be appreciated that the support ribs **280** surrounded by the second material **120** may provide increased structural stability to the sides **50a** and **50b** of the case **10** in such embodiments.

FIG. **10** illustrates a perspective view of an embodiment of the case **10**, similar to the view of the preform member **200** in FIG. **9**. As shown in the comparison between FIGS. **9** and **10**, when the second material **120** is injected or poured

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onto the preform member **200**, the second material **120** may pass through the apertures **300** therein, and traverse the base grip grooves **310** to form the base grips **190**. In some embodiments, the molding process may be configured to shape and define an amount by which the base grips **190** extend from the exterior surface **180** of the base **20**. For example, in an embodiment the mold may include one or more corresponding grooves that match the base grip grooves **310** of the preform member **200**. Accordingly, the shape of the base grips **190** may be defined through a molding process. In an embodiment, the second material **120** protruding through one or more apertures **300** may extend away from the one or more apertures **300** on opposing surfaces of the first material **110** at the exterior surface of the base **20** and the interior surface of the base **20**, to provide securement between the first material **110** and the second material **120**. In an embodiment, the second material **120** protruding through the one or more apertures **300** in the first material **110** may protrude through adjacent apertures **300**, and thus the second material **120** may extend on both the exterior surface of the base **20** and the interior surface of the base **20**, as well as in both adjacent apertures **300**. In an embodiment the second material **120** protruding through the one or more apertures **300** in the first material **110** may protrude through a plurality of sets of adjacent apertures **300** in the first material **110**, and may extend between the adjacent apertures **300** of each set on each opposing surface of the first material **110**.

As shown, in some embodiments, the molding or other addition of the second material **120** may be configured to position the second material **120** at the gaps **260** so as to form the corner joints **60**. The second material **120** may also form the lips around the bottom apertures **170**, as shown, as well as fill the side apertures **270a** and **270b**. It may be appreciated that in embodiments where the raised features **100** are molded from the second material **120**, the mold may include grooves configured to shape the second material **120** to create the raised features **100** protruding from the case **10**. It may also be appreciated that, in some embodiments, the second material **120** may additionally form the lips **70** surrounding the opening of the case **10** as the second material **120** is molded onto the preform member **200**. It may be appreciated that in some embodiments, the lips **70** may also protrude above the opening of the case **10** (e.g., away from a screen of a portable electronic device inserted within the case **10**), which may cause the second material **120** to extend outward from the first material **110** in the case **10** at both of the largest opposing faces of the case **10**. In an embodiment, such as that shown, an aperture **320** extending through the base **20** may be configured to be filled with the second material **120**, and be molded to depict a marketing insignia **330** therein. Other features formed from the second material **120** may additionally or alternatively be formed from the addition of the second material **120** to the preform member **200**. Furthermore, it may be appreciated that the molding or other assembly may be performed simultaneously or sequentially in various embodiments. Accordingly, constructing case **10** by overmolding the second material **120** to the preform member **200** is not intended to be limiting. Indeed, in some embodiments the second material **120** may be formed with recessed regions at exterior surfaces thereof, and one or more harder plates of first material **110** may be molded thereon.

It may be appreciated that the protruding configuration of the corner joints **60**, the raised features **100**, the base grips **190**, and/or the lips **70** may provide a degree of additional protection to the case **10** and a portable electronic device

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housed therein. For example, where the first material **110** is glossy or otherwise prone to scratching, the protruding second material **120** may space the first material **110** from support surfaces, reducing a likelihood of the first material **110** being scratched by the support surface or debris thereon. Additionally, where the second material is resilient (e.g. soft and/or flexible), the protruding configuration thereof may provide enhanced impact resistance, such as when the case **10** is dropped and impacts a face or corner thereof. For example, if the case **10** is dropped at a corner thereof, the protruding second material **120** at the corner joint **60** may provide enhanced impact resistance, and mitigate a tendency of the first material **110** adjacent to the gap **260** from impacting and cracking. This additional protection may be particularly beneficial where, like in the illustrated embodiment, the first material **110** is positioned to form the majority of the exterior of the case **10**. Furthermore, where the second material **120** has a higher coefficient of friction and/or resiliency than the first material **110**, it may be appreciated that the protruding amount of the second material **120** may cause the second material **120** to contact a support surface instead of the first material **110**, providing a higher frictional engagement between the case **10** and the support surface. As noted above, such a higher frictional engagement may prevent the case **10** from tipping over when placed on one of the sides **50a** or **50b** (e.g., through the case **10** and portable electronic device having a high center of gravity in such a position).

As described above, the protrusion of the second material **120** from the first material **110** at the base **20** may provide regions of high friction contact when the case **10** is placed on a support surface. In an embodiment, more than half of the exterior of the base **20** (i.e., the surface outside of the pocket) may be formed from the first material **110**, while less than half of the exterior of the base **20** may be formed from the second material **120** protruding outwards from the first material **110**, so as to form a surface of the second material **120** that may contact a support surface instead of the first material **110** when the base **20** of the case **10** is resting on the support surface. In other embodiments, the second material **120** forming the surface that contacts a support surface may make up a smaller proportion of the exterior of the base **20**. For example, the second material **120** protruding from the first material **110** at the exterior of the base **20** may be approximately less than or equal to 40% of the exterior of the base **20**. In other embodiments, the second material **120** protruding from the first material **110** at the exterior of the base **20** may be approximately less than or equal to 30% of the exterior of the base **20**, approximately less than or equal to 20% of the exterior of the base **20**, approximately less than or equal to 10% of the exterior of the base **20**, or approximately less than or equal to 10% (e.g., 5%, 1%, or less) of the exterior of the base **20**.

In an embodiment, the amount of the second material **120** protruding out from the first material **110** at the exterior of the base **20** may be just sufficient to support the base **20** thereon, so as to space the first material **110** from a support surface, so that contact between the support surface and the base **20** is via the second material **120** instead of the first material **110**. For example, in an embodiment the second material **120** may protrude from the first material **110** at the exterior of the base **20** at least at three regions, so as to provide a stable support of second material **120** when the base **20** is placed against a support surface. In an embodiment, a protruding amount of second material **120** may be positioned at each corner of the base **20** (e.g., adjacent to the corner joints **60**), to provide four points of contact for the

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second material **120** between the base **20** and the support surface. In some embodiments, such as that illustrated herein, the second material **120** may generally form a ring following a perimeter of the base **20** (e.g., following the base grip grooves **310** in some embodiments), surrounding a substantial amount of the first material **110** of the base **20**. In an embodiment, the protruding portions of second material **120** may form thin or elongate shapes across the first material **110** of the base **20**.

As indicated above, features of the constructions and configurations described herein and illustrated in the Figures may be exemplarily in some embodiments. For example, while in the illustrated embodiment the case **10** is formed from the overmolding of the second material **120** onto the preform member **200**, in some embodiments the case **10** may be formed by simultaneously molding the first material **110** and the second material **120**. In some such embodiments, the case **10** may be formed using processes such as injection molding. In an embodiment, case **10** is preferably formed from injection-molded plastic. Other constructions are additionally or alternatively possible, including but not limited to creating an assembly through a combination of constituent components, assembled through adhesion with an adhesive, interlocking components, or any other appropriate assembly mechanism.

It may additionally be appreciated that dimensions of the case **10** may vary according to the type of electronic device to be held therein. For example, in some embodiments where the first material **110** (e.g., as the preform member **200**) is relatively hard or rigid (especially as compared to the second material **120**), it may be appreciated that the dimensions thereof may be sufficient to surround the portable electronic device. In an embodiment, the relatively flexible second material **120** may be sized to snugly surround the portable electronic device, and may provide impact protection for the portable electronic device within the first material **110**. Additionally, in some embodiments the first material **110** in the case **10** may be shaped to generally match contours of the portable electronic device. For example, the preform member **200** or analogous components of other embodiments of the case **10** may cause the case **10** to generally resemble the portable electronic device. In some embodiments, the case **10** may be formed with the first material **110** (e.g., as the preform member **200**) having multiple facets or curves formed on one or more of the base **20**, top **30**, bottom **40**, right side **50a**, and left side **50b**. In other embodiments, the case **10** may be shaped in a manner that is externally different from the portable electronic device configured to be retained therein. In some embodiments, the second material **120** may be configured to create a pocket shaped to retain the portable electronic device, but may have varying thickness within to fill the space between the pocket and the first material **110** at the exterior of the case **10**. Accordingly, it may be appreciated that the generally straight lines and rounded corners depicted in the case **10** illustrated herein are merely exemplary.

The materials utilized in the case **10** and/or their properties may also vary across embodiments. For example, while in the illustrated embodiment the first material **110** utilized in the preform member **200** is described as being hard or rigid, in other embodiments the first material **110** may be any appropriate material having less shock absorbing properties than the second material **120**. For example, while both the first material **110** and the second material **120** may be flexible in some embodiments, the second material **120** may be more resilient than the first material **110**. It may be understood that resilient materials may include materials

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that can substantially return to its original form after being stretched, moved, bent, or otherwise deformed (within a reasonable tolerance).

It may be appreciated that in the art, resiliency may be measured by a durometer. Shore A durometers generally measure the compressive deformability of softer materials, such as rubbers and softer polyurethanes, while Shore D durometers may measure compressive deformability of harder polyurethanes and softer plastics. Rockwell R durometers typically measure compressive deformability of harder polyurethanes and plastics, ranging from Teflon through phenolic, for example. Accordingly, in some embodiments the second material **120** may have a hardness/resiliency on a scale conventionally measured on a Shore A durometer (e.g., a Shore A durometer value between 20-95), while the first material **110** may have a hardness/resiliency on a scale conventionally measured on a Shore D durometer of 25-85, or on a Rockwell R durometer of 50-150. In an embodiment, the first material **110** may be harder or more rigid so as to provide penetrative protection thereto, distributing impact forces applied thereto throughout the first material **110**. The comparative softness and resilience of the second material **120** (e.g., having a Shore A durometer value of less than 90) may absorb shocks therein, and give to prevent direct application of forces to the portable electronic device housed therein. It may be appreciated that in some embodiments hardness/resiliency and an associated coefficient of friction may be distinct from a coefficient of friction associated with the material and a given reference surface. For example, some harder materials may have a relatively high coefficient of friction, while some softer/resilient materials may have a relatively lower coefficient of friction. Accordingly, the selection of the first material **110** and the second material **120** may vary across embodiments, depending on a desired protruding resilient portion or a desired portion having a higher coefficient of friction.

As such, the material selections of the first material **110** and the second material **120** may vary, and may each have different properties, including but not limited to differing hardness/resiliency, and differing coefficients of friction. It may be appreciated that in some embodiments, the same material may have different hardness's/resiliencies, or different coefficients of friction (e.g., with a particular support surface) depending on how the material is prepared. Regardless, in some non-limiting embodiments, the second material **120** may comprise a thermoplastic polymer or a thermoplastic elastomer material, such as thermoplastic polyethylene (TPE) or thermoplastic polyurethane (TPU). Any other resilient material, such as silicone, rubber or foam, may additionally or alternatively be utilized. In contrast, the first material **110** may be more prone to permanent deformation, including cracking, scratching, shearing, or so on. As one non-limiting example, in the illustrated embodiment, where the first material **110** is a molded plastic, the first material **110** may comprise a thermoplastic, including but not limited to thermoplastics such as polycarbonate, acrylonitrile butadiene styrene (ABS), and polyvinyl chloride (PVC). It may be appreciated that the first material **110** need not be formed from molded plastic, but may comprise any other material, including but not limited to wood, metal, glass, leather, or so on, which may be overmolded with or assembled with a resilient or otherwise impact absorbing second material that protrudes from the first material **110** as described herein.

In some embodiments, the first material **110** and the second material **120** may have different cosmetic properties. For example, in some embodiments, the first material **110** may have glossy characteristics, while the second material

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120 may have matte characteristics. In other embodiments, the converse may be true. In some embodiments, the first material **110** and the second material **120** may be different colors. Additionally, in various embodiments, one or more additional materials may be embedded or combined with either or both of the first material **110** and the second material **120**, and may serve cosmetic or functional purposes. For example, different portions of the components of the case **10** described above (e.g., different parts of the preform member **200**) may be made from different materials, which may be molded or otherwise assembled before being overmolded or otherwise secured to the second material **120** and/or additional materials that protrude from those portions forming the majority of the exterior of the case **10**. In an embodiment, the second material **120** and the first material **110** may be secured to each other through a bond (e.g., as in the molding process) or through adhesion (e.g., via an adhesive).

While the principles of the invention have been made clear in the illustrative embodiments set forth above, it will be apparent to those skilled in the art that various modifications may be made to the structure, arrangement, proportion, elements, materials, and components used in the practice of the invention.

It will thus be seen that the objects of this invention have been fully and effectively accomplished. It will be realized, however, that the foregoing preferred specific embodiments have been shown and described for the purpose of illustrating the functional and structural principles of this invention and are subject to change without departure from such principles. Therefore, this invention includes all modifications encompassed within the spirit and scope of this disclosure, as recited in the following claims.

What is claimed is:

1. A case for use with a portable electronic device, the case comprising:

a base portion with side portions extending therefrom, the base portion and side portions forming a pocket configured to surround a back and sides of the portable electronic device;

the base portion comprising a first material, wherein a majority of an exterior surface of the base portion is formed from the first material; and

a second material generally being positioned at an interior of the pocket, the second material protruding through one or more apertures in the base portion and the first material forming the exterior surface thereof so that portions of the second material protrude from the interior of the pocket to the exterior surface of the base portion through the one or more apertures in the base portion, and protrude outward past the first material from the one or more apertures in the base portion forming the exterior surface of the base portion such that when the base portion of the case is placed on a support surface, the second material protruding through the one or more apertures contacts the support surface; wherein the second material has a higher coefficient of friction than the first material and is secured to the base portion,

wherein the second material protruding through the one or more apertures in the base portion extends away from each of the one or more apertures along both opposing surfaces of the first material forming the exterior surface of the base portion and the interior of the base portion to create interlock connections between the second material and the base portion that secure the second material to the base portion,

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wherein the first material and the second material are molded to each other, and
wherein the second material protruding through the one or more apertures protrudes through adjacent apertures in the first material, and extends between the adjacent apertures on both opposing surfaces of the first material.

2. The case according to claim 1, wherein the first material is shaped with a gap at one or more regions thereof, wherein the second material fills the gap and protrudes therefrom.

3. The case according to claim 2, wherein the gap in the first material is formed at a corner region of the case.

4. The case according to claim 1, wherein the first material is shaped as a preform member prior to the second material being applied thereto.

5. The case according to claim 4, wherein the second material is over-molded onto the preform.

6. The case according to claim 1, wherein the first material and the second material are molded together.

7. The case according to claim 6, wherein the first material and the second material are integrally molded so that the case forms an integral unit.

8. The case according to claim 7, wherein the first material and the second material are molded together through co-injection molding.

9. The case according to claim 1, wherein the second material is bonded to the first material or is secured to the first material via an adhesive.

10. The case according to claim 1, wherein the second material is configured to surround the portable electronic device at an interior of the first material.

11. The case according to claim 1, wherein the second material is configured to frame a front portion of the portable electronic device.

12. The case according to claim 1, wherein the case is separable into constituent parts configured to slide relative to each other to surround the portable electronic device.

13. The case according to claim 1, wherein the first material of the base portion has a flat configuration.

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14. The case according to claim 1, wherein the second material protrudes from the first material at the side portions of the portable electronic device.

15. The case according to claim 1, wherein the first material comprises one or more of plastic, polycarbonate, wood, metal, glass, and leather.

16. The case according to claim 1, wherein the second material is formed from thermoplastic polyethylene (TPE), rubber, or foam.

17. The case according to claim 1, wherein exterior surfaces formed in the first material generally match contours of surfaces of the portable electronic device.

18. The case of claim 1, wherein the first material is glossier than the second material.

19. The case of claim 1, wherein the second material has a greater resiliency than the first material.

20. The case of claim 1, further comprising one or more apertures formed in one or more of the first material and the second material, configured to align with features of the portable electronic device.

21. The case of claim 1, wherein the second material protruding through the one or more apertures in the first material protrudes through a plurality of sets of said adjacent apertures in the first material and extends between the adjacent apertures of each set on both opposing surfaces of the first material.

22. The case according to claim 1, wherein the second material is molded onto the first material.

23. The case according to claim 1, wherein the first material and the second material are molded to each other through co-injection molding.

24. The case according to claim 1, wherein the second material is over-molded onto the first material.

25. The case according to claim 1, wherein the first material and the second material are molded to each other through over-molding.

* * * * *

EXHIBIT B

LIFEPROOF Infringement Claim Charts



Infringing Device: LIFEPROOF FRĒ

Contents



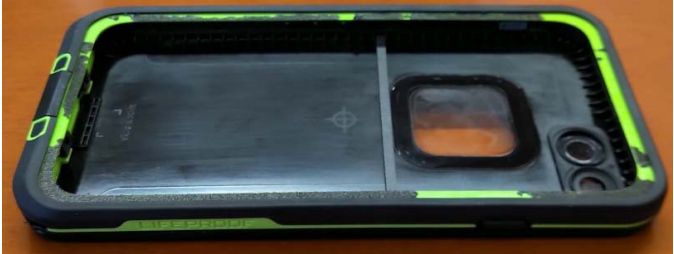
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LIFEPROOF FRĒ Infringement of FELLOWES' Patents


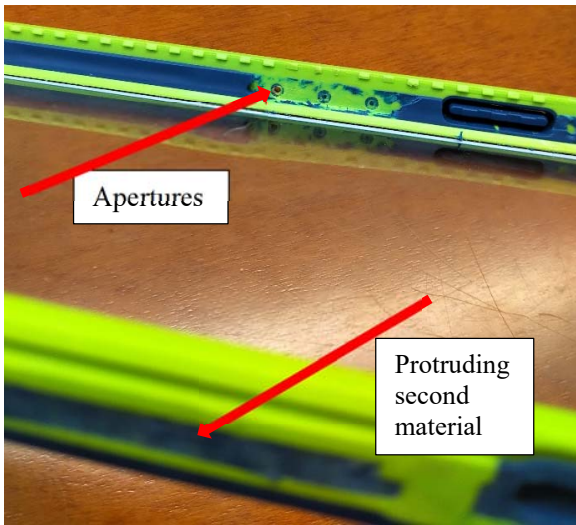
I. U.S. Patent No. 10,084,502

	U.S. Patent No. 10,084,502	LIFEPROOF FRĒ
	<u>Claim 1</u>	
1[a]	1. A case for use with a portable electronic device, the case comprising:	<p>To the extent the preamble is limiting, the LIFEPROOF FRĒ phone case is a case for use with a portable electronic device. In regard to the LIFEPROOF FRĒ phone case for the iPhone 7/8, which is representative of the LIFEPROOF FRĒ phone case products, the portable electronic device encased is the Apple iPhone 7 or the iPhone 8.</p> 
1[b]	a base portion with side portions extending therefrom, the base portion and side portions forming a pocket configured to surround a back and sides of the portable electronic device;	<p>The LIFEPROOF FRĒ phone case has a base portion that has side portions extending from the base portion. When the case is closed, the base portion and side portions form a pocket configured to surround a back and side portions of an electronic device (e.g., Apple iPhone).</p>  <div data-bbox="1136 1617 1307 1785"> <p>Base Portion With Side Portions</p> </div>



LIFEPROOF FRĒ Infringement of FELLOWES' Patents

	U.S. Patent No. 10,084,502	LIFEPROOF FRĒ
		 <p><i>Base portion of the LIFEPROOF FRĒ with side portions, which form a pocket that surrounds the back and sides of the device.</i></p>
1[c]	<p>the base portion comprising a first material, wherein a majority of an exterior surface of the base portion is formed from the first material; and</p>	<p>The base member of the LIFEPROOF FRĒ phone case comprises a first material, and a majority of an exterior surface of the base portion is formed from the material.</p> <p>The black material of the base portion bottom and the bottom part of the side portions and the neon material of the remainder of the base's side portions are made of the same first material, which constitutes a majority of the overall base portion.</p>  <p><i>A majority of an exterior surface of the base portion is formed from the first material.</i></p>  <p><i>Base portion of the LIFEPROOF FRĒ with side portions.</i></p>




LIFEPROOF FRĒ Infringement of FELLOWES' Patents

	U.S. Patent No. 10,084,502	LIFEPROOF FRĒ
1[d]	a second material generally being positioned at an interior of the pocket,	<p>The LIFEPROOF FRĒ phone case is made of at least two materials. The second material is positioned at an interior of the pocket.</p> 
1[e]	the second material protruding through one or more apertures in the base portion and the first material forming the exterior surface thereof so that portions of the second material protrude from the interior of the pocket to the exterior surface of the base portion through the one or more apertures in the base portion, and	<p>The first material forms the exterior surface so that portions of the second material protrude from the interior of the pocket to the exterior surface of the base portion through the one or more apertures in the base portion. In the sample below, the second material is blue and has been scraped away to reveal the location of the apertures in the sides of the base portion.</p> 
1[f]	protrude outward past the first material from the one or more apertures in the base portion forming the exterior	<p>The second material protrudes outward past the first material from the one or more apertures in the base surface. When the base portion of the case is placed on a support surface (e.g., a</p>




LIFEPROOF FRĒ Infringement of FELLOWES' Patents

	U.S. Patent No. 10,084,502	LIFEPROOF FRĒ
	<p>surface of the base portion such that when the base portion of the case is placed on a support surface, the second material protruding through the one or more apertures contacts the support surface;</p>	<p>table), the protruding second material contacts the support surface.</p>  <p>Protruding second material</p> <p><i>The second material, shown here from the exterior of the case, protrudes outward through the first material exterior surface.</i></p>  <p><i>The second material protruding through the one or more apertures contacts the support surface when the case is face down.</i></p>
1[g]	<p>wherein the second material has a higher coefficient of friction than the first material and is secured to the base portion,</p>	<p>The second material of the LIFEPROOF FRĒ phone case has a higher coefficient of friction than the first material and is secured to the base portion.</p>
1[h]	<p>wherein the second material protruding through the one or more apertures in the base portion extends away from each of the one or more apertures along both opposing surfaces of the first material forming the exterior surface of the base portion and the interior of the base portion to create interlock connections between the second material and the base</p>	<p>The protruding second material of the base portion extends away from each of the apertures from which it protrudes, along both opposing surfaces of the first material forming the exterior surface of the base portion and the interior of the base portion to create interlock connections between the second material and the base portion. These interlock connections secure the second material to the base portion.</p> <p>As can be appreciated from the holes shown below on each side, the second material therethrough provides an interlock connection between the second material and the base portion to secure the second material.</p>

LIFEPROOF FRĒ Infringement of FELLOWES' Patents

	U.S. Patent No. 10,084,502	LIFEPROOF FRĒ
	portion that secure the second material to the base portion,	 <p><i>Three apertures shown from the interior of the phone case.</i></p>  <p><i>Two LIFEPROOF FRĒ cases shown from the exterior; neon and blue case has protruding second material peeled off to show apertures.</i></p>  <p><i>The same LIFEPROOF FRĒ cases, zoomed in to show how interlock connections secure the second material to the base portion.</i></p>
1[i]	wherein the first material and the second material are molded to each other, and	The first material and the second material of the LIFEPROOF FRĒ phone case are molded to each other.



LIFEPROOF FRĒ Infringement of FELLOWES' Patents

	U.S. Patent No. 10,084,502	LIFEPROOF FRĒ
		
1[j]	<p>wherein the second material protruding through the one or more apertures protrudes through adjacent apertures in the first material, and extends between the adjacent apertures on both opposing surfaces of the first material.</p>	<p>The second material protruding through adjacent apertures in the first material and extends between the adjacent apertures on both opposing surfaces of the first material.</p>  <p><i>The second material extending between adjacent apertures on the interior of the phone case.</i></p>  <p><i>The second material extending between adjacent apertures on the exterior of the phone case.</i></p>

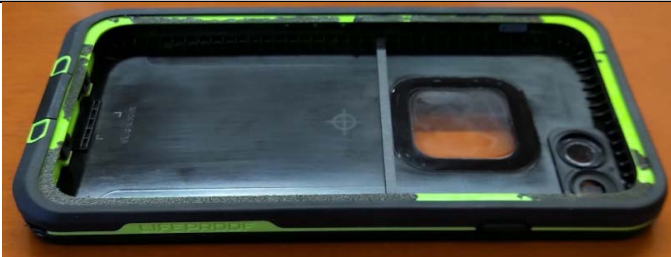


LIFEPROOF FRĒ Infringement of FELLOWES' Patents

LIFEPROOF FRĒ Infringement of FELLOWES' Patents


II. U.S. Patent No. 9,853,674

	U.S. Patent No. 9,853,674	LIFEPROOF FRĒ
	<u>Claim 1</u>	
1[a]	1. A case for use with a portable electronic device, the case comprising:	<p>To the extent the preamble is limiting, the LIFEPROOF FRĒ phone case is a case for use with a portable electronic device. In the case of the LIFEPROOF FRĒ phone caes for the iPhone 7/8, which is representative of the LIFEPROOF FRĒ phone case products, the portable electronic device encased is the Apple iPhone 7 or the iPhone 8.</p> 
1[b]	a base portion with side portions extending therefrom, the base portion and side portions forming a pocket configured to surround a back and sides of the portable electronic device,	<p>The LIFEPROOF FRĒ phone case has a base portion that has side portions extending from the base portion. When the case is closed, the base portion and side portions form a pocket configured to surround a back and side portions of an electronic device (e.g., an Apple iPhone).</p>  <div data-bbox="1149 1612 1318 1772" style="border: 1px solid black; padding: 5px; width: fit-content;"> Base Portion With Side Portions </div>

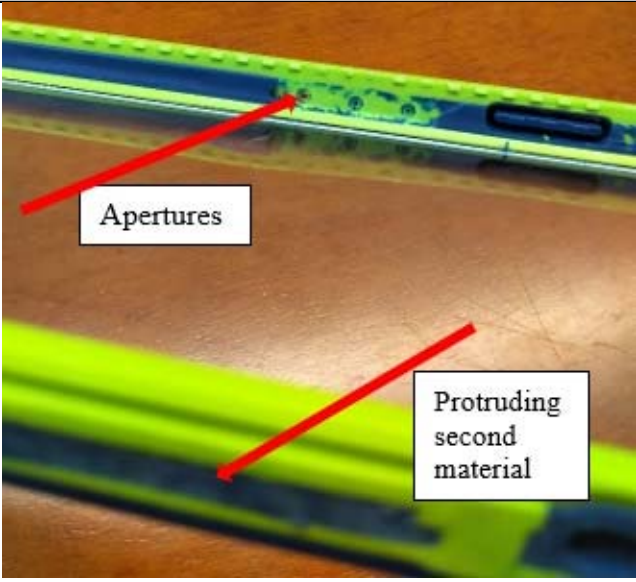
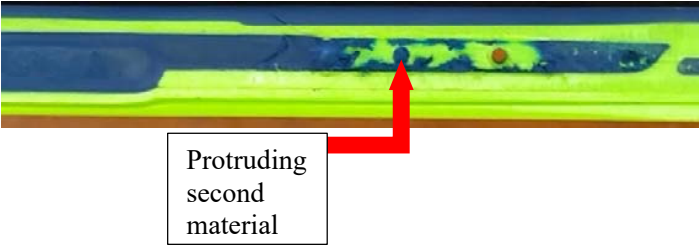

LIFEPROOF FRĒ Infringement of FELLOWES' Patents

	U.S. Patent No. 9,853,674	LIFEPROOF FRĒ
		 <p><i>Base portion of the LIFEPROOF FRĒ with side portions, which form a pocket that surrounds the back and sides of the device.</i></p>
1[c]	<p>the base portion comprising a first material, wherein a majority of an exterior surface of the base portion is formed from the first material, the base portion further comprising one or more apertures extending through its entire thickness; and</p>	<p>The base member of the LIFEPROOF FRĒ phone case comprises a first material, and a majority of an exterior surface of the base portion is formed from the material. The base portion further comprises one or more apertures extending through its entire thickness.</p>  <p><i>A majority of an exterior surface of the base portion is formed from the first material.</i></p>  <p><i>The base portion further comprises apertures extending through the entire thickness.</i></p>



LIFEPROOF FRĒ Infringement of FELLOWES' Patents

	U.S. Patent No. 9,853,674	LIFEPROOF FRĒ
1[d]	a second material being positioned in an interior of the pocket and along an interior surface of the base portion,	<p>The LIFEPROOF FRĒ phone case is made of at least two materials. The second material is positioned at an interior of the pocket along an interior surface of the base portion.</p> 
1[e]	the second material having a higher coefficient of friction than the first material,	The second material of the FRĒ phone case has a higher coefficient of friction than the first material.
1[f]	the second material protruding through the one or more apertures in the base portion and the first material forming the exterior surface thereof so that portions of the second material protrude from the interior of the pocket to the exterior surface of the base portion through the one or more apertures in the base portion,	The second material of the FRĒ phone case protrudes through apertures in the base portion and the first material forming the exterior surface of the base portion. In this way, the portions of the second material protrude from the interior of the pocket to the exterior surface of the base portion through the apertures in the base portion.

LIFEPROOF FRĒ Infringement of FELLOWES' Patents

	U.S. Patent No. 9,853,674	LIFEPROOF FRĒ
		
1[g]	<p>and protrude outward past the entire thickness and the exterior surface of the first material from the one or more apertures in the base portion forming the exterior surface of the base portion such that when the base portion of the case is placed on a support surface, the second material protruding through the one or more apertures contacts the support surface;</p>	<p>The portions of the second material past the entire thickness of the exterior surface of the first material from the apertures in the base portion forming the exterior surface of the base portion. When the base portion of the FRĒ case is placed on a support surface, e.g., a table, the protruding second material contacts the support surface.</p>  <p><i>The second material, shown here from the exterior of the case, protrudes outward through the first material exterior surface.</i></p> 

LIFEPROOF FRĒ Infringement of FELLOWES' Patents

	U.S. Patent No. 9,853,674	LIFEPROOF FRĒ
		<i>The second material protruding through the one or more apertures contacts the support surface when the case is face down.</i>
1[h]	wherein the second material is secured to the base portion, and	<p>The second material of the FRĒ phone case is secured to the base portion.</p> 
1[i]	wherein the second material protruding through the one or more apertures in the base portion extends away from each of the one or more apertures both along the interior surface of the base portion and overlapping on the exterior surface of the base portion to create interlock connections between the second material and the base portion;	<p>The protruding second material of the base portion extends away from each of the apertures from which it protrudes, along both opposing surfaces of the first material forming the exterior surface of the base portion and the interior of the base portion to create interlock connections between the second material and the base portion. These interlock connections secure the second material to the base portion.</p> <p>As can be appreciated from the holes shown below on each side, the second material therethrough provides an interlock connection between the second material and the base portion to secure the second material.</p>  <p><i>Three apertures shown from the interior of the phone case.</i></p>

LIFEPROOF FRĒ Infringement of FELLOWES' Patents




	U.S. Patent No. 9,853,674	LIFEPROOF FRĒ
		 <p><i>Two LIFEPROOF FRĒ cases shown from the exterior; neon and blue case has protruding second material peeled off to show apertures.</i></p>  <p><i>The same LIFEPROOF FRĒ cases, zoomed in to show how interlock connections secure the second material to the base portion.</i></p>
1[j]	wherein the second material is molded onto the first material.	<p>The first material and the second material of the LIFEPROOF FRĒ phone case are molded to each other.</p> 

EXHIBIT C

(10) **Patent No.:** US 9,853,674 B2
(45) **Date of Patent:** *Dec. 26, 2017

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Primary Examiner — Edward Urban

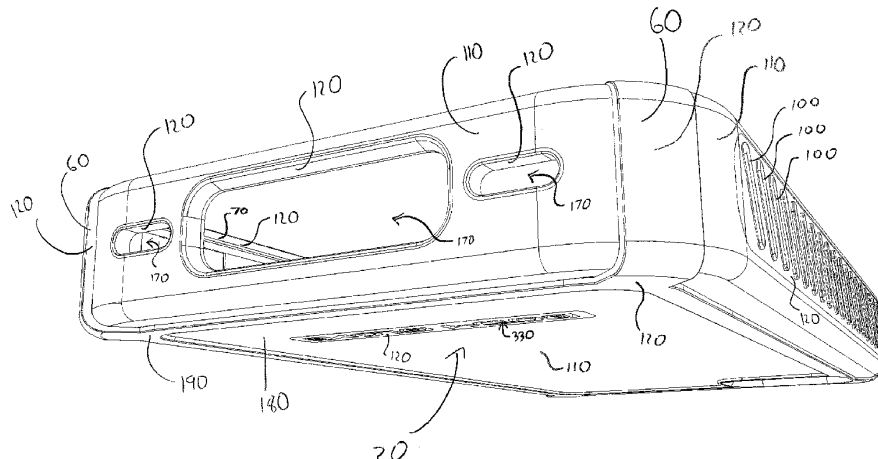
Assistant Examiner — Rui Hu

(74) *Attorney, Agent, or Firm* — Pillsbury Winthrop Shaw Pittman LLP

(57) **ABSTRACT**

A case for use with an electronic device includes a base portion with side portions extending therefrom forming a pocket. The case also includes a first material generally at an exterior of the pocket, forming a majority of an exterior surface of the base portion, and a second material secured to and having a higher coefficient of friction than the first material, generally at an interior of the pocket. The second material protrudes through aperture(s) in the first material at the base portion to protrude from the interior to the exterior of the base portion, and outward from the first material such that the second material contacts a support surface when the base portion is placed thereon. The protruding second material extends away from the aperture(s) on opposing surfaces of the first material at the exterior and interior of the pocket to provide securement between the first and second materials.

25 Claims, 10 Drawing Sheets



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Related U.S. Application Data

- (60) Provisional application No. 61/761,556, filed on Feb. 6, 2013.
- (58) **Field of Classification Search**
USPC 455/575.1–575.9, 128, 347–351
See application file for complete search history.

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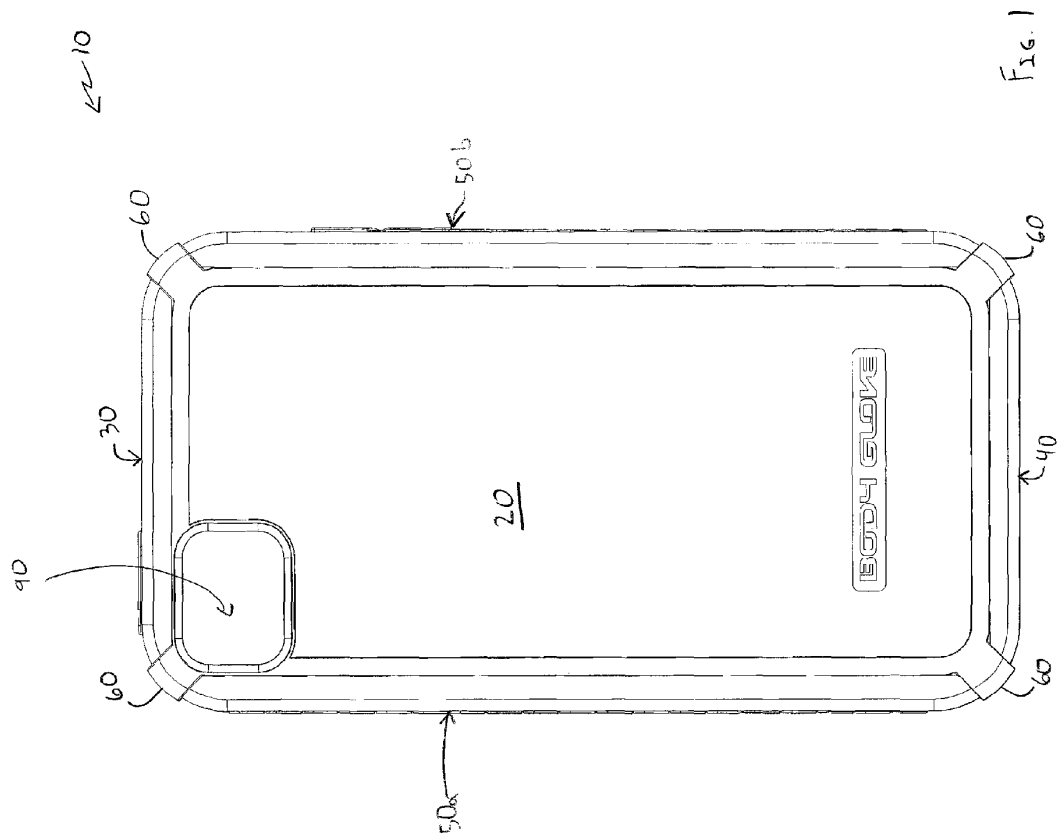
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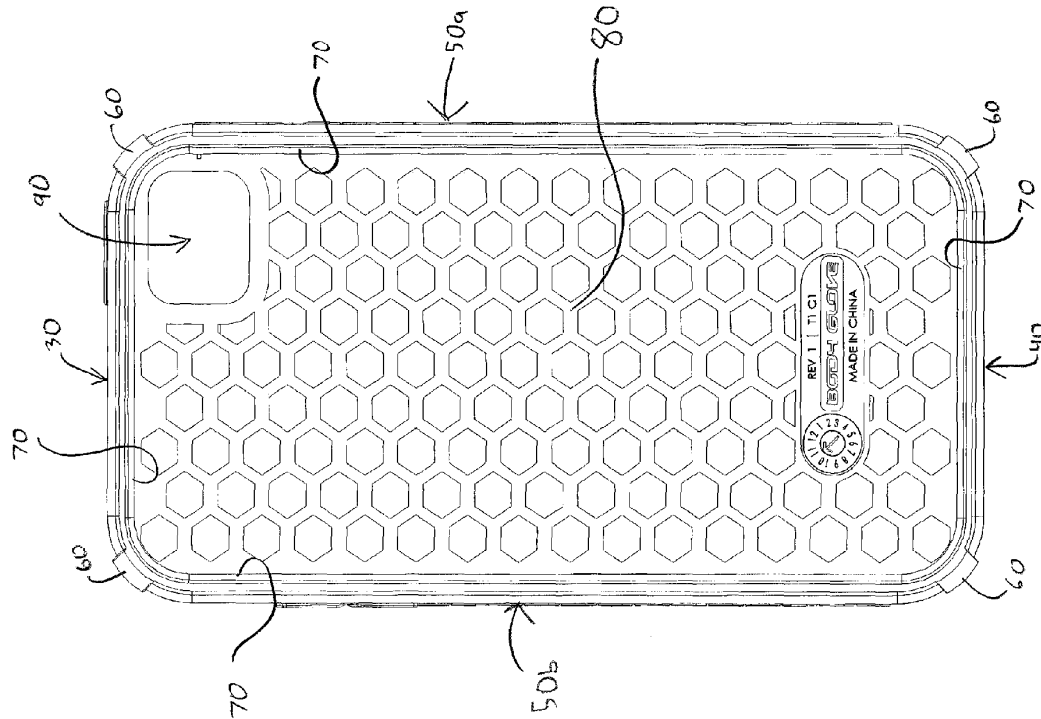


FIG. 2

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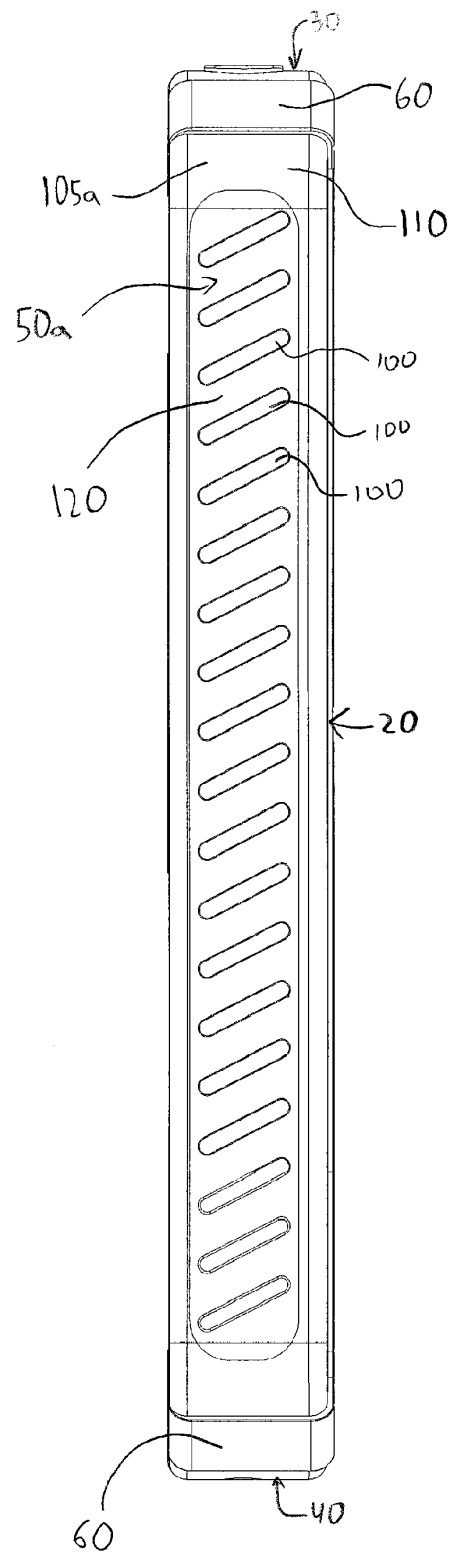


FIG. 3

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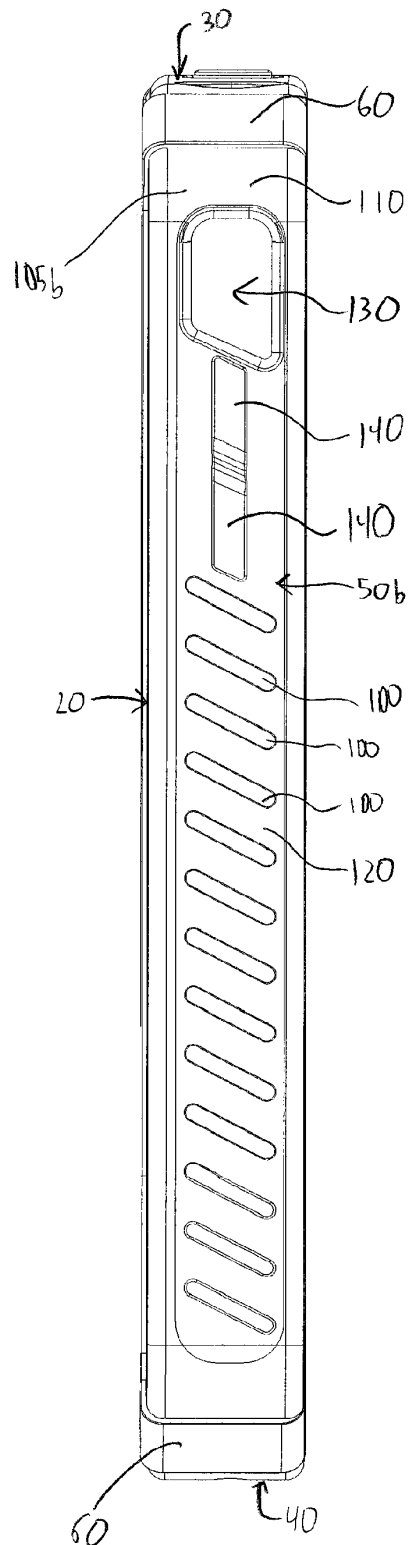


FIG. 4

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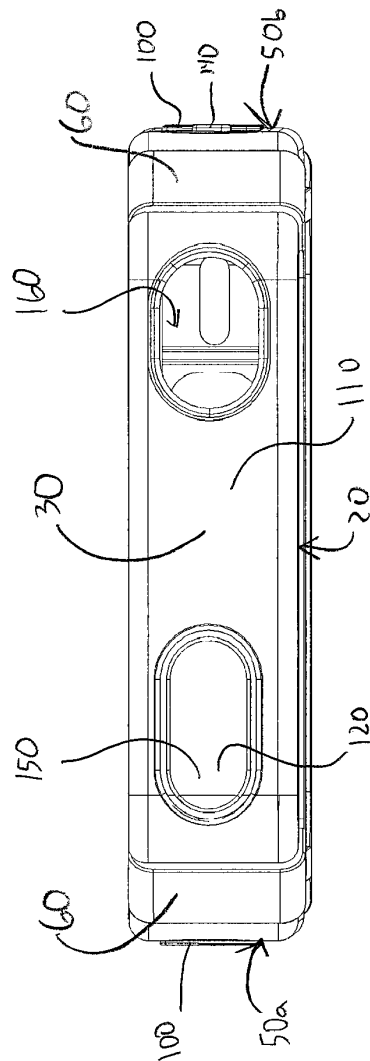


FIG. 5

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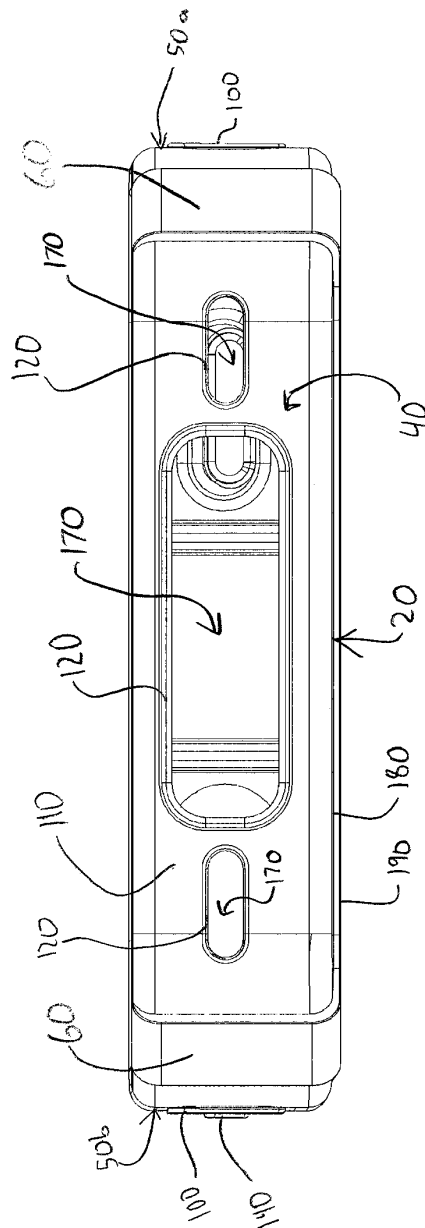


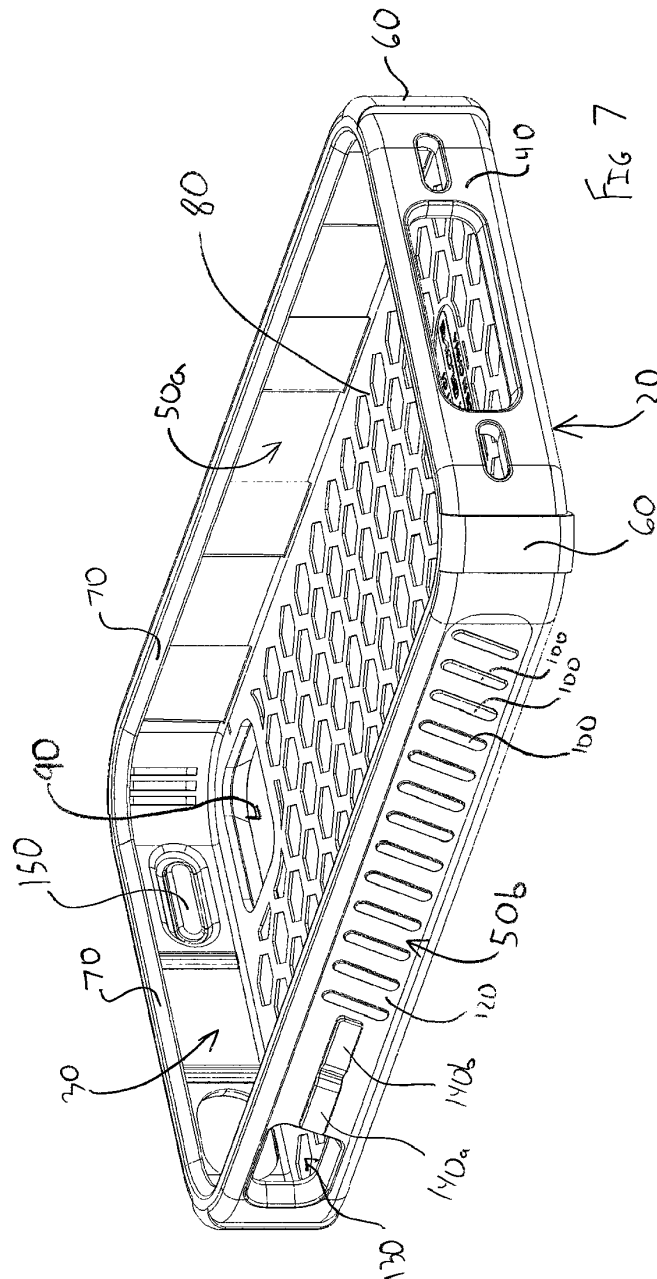
FIG. 6

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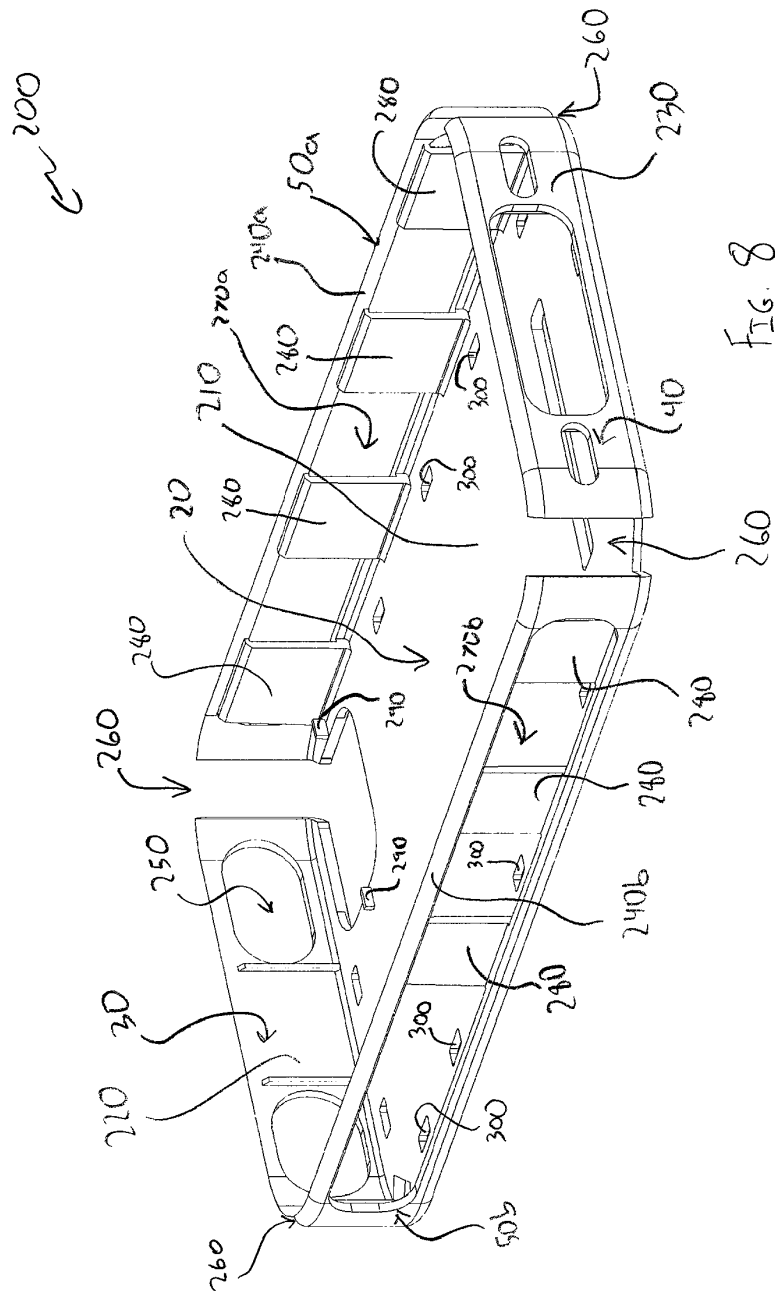


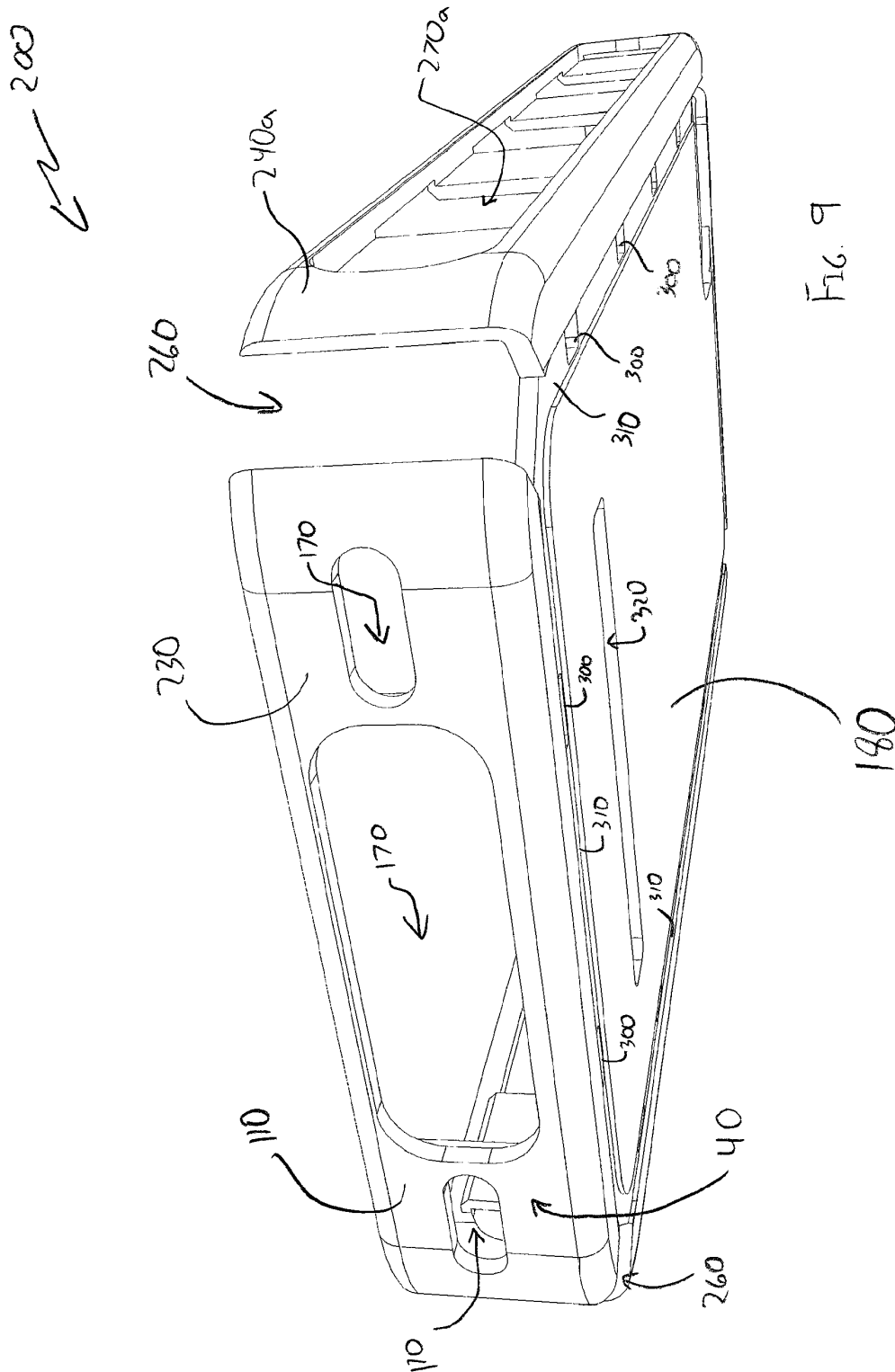
FIG. 8

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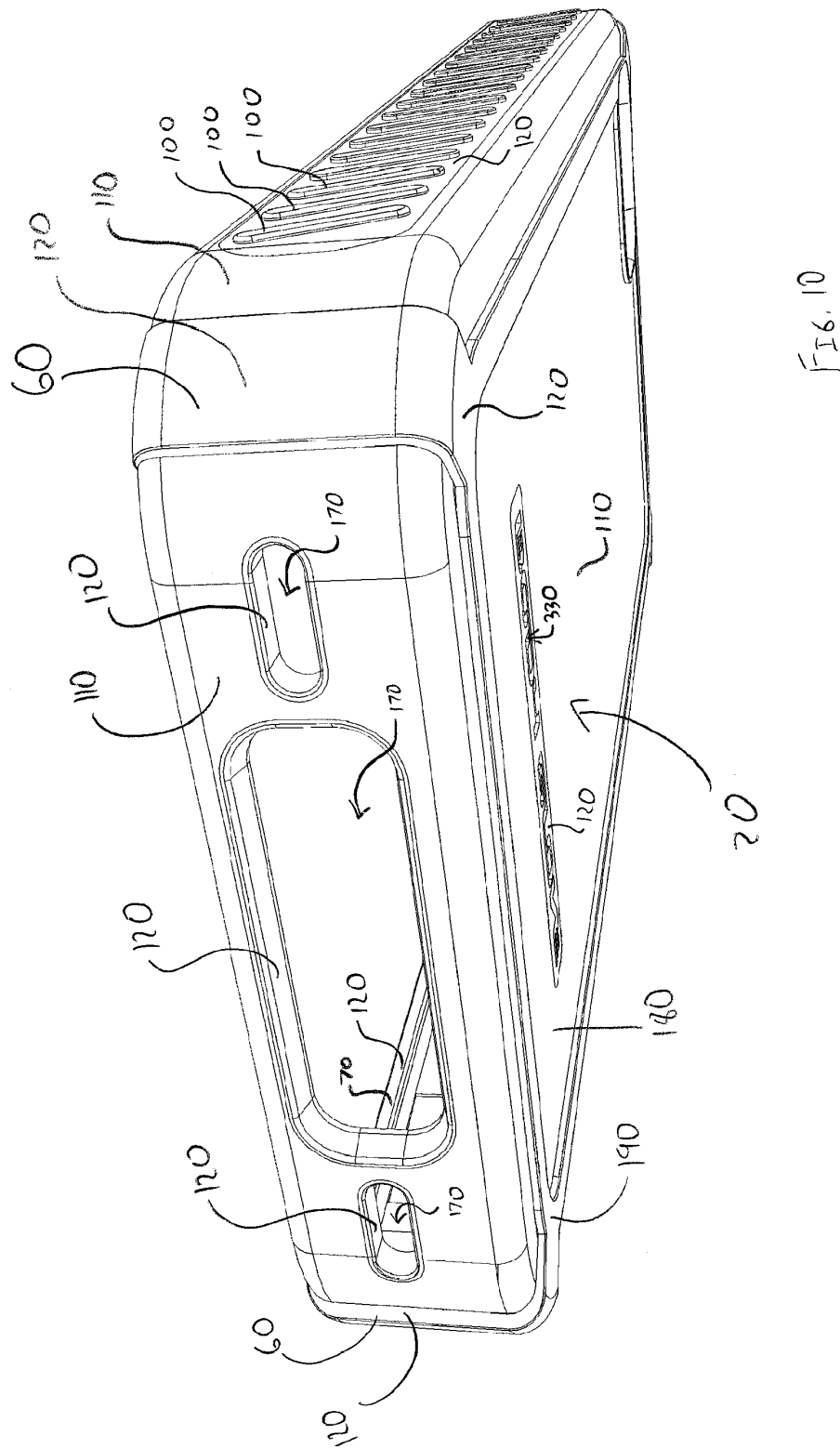


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1

ELECTRONIC DEVICE CASE WITH A FRICTION SURFACE**CROSS-REFERENCE TO PRIOR APPLICATION**

This application is a continuation of U.S. application Ser. No. 14/174,436 filed Feb. 6, 2014 and claims benefit to U.S. patent application Ser. No. 61/761,556 filed Feb. 6, 2013, the content of which is incorporated herein in their entirety.

BACKGROUND**Field**

The present disclosure is generally related to a case for use with a portable electronic device. More specifically, the disclosure relates to a case configured to protect the electronic device from impacts or abrasions.

Background

Some cases for portable electronic devices, such as cellular phones and personal digital assistants (PDAs), for example, have hard exterior surfaces with low coefficients of friction. Such exterior surfaces may facilitate insertion and removal of the case (and electronic device therein) from a user's pocket. Other cases are formed from a softer cushioning material, tending to have a relatively high coefficient of friction, which may provide greater impact protection to the electronic device. Among other things, the present application discloses improvements to cases for electronic devices.

SUMMARY

According to an embodiment, a case for use with a portable electronic device includes a base portion with side portions extending therefrom, the base portion and side portions forming a pocket configured to surround a back and sides of the portable electronic device. The case also includes a first material generally being positioned at an exterior of the pocket, wherein a majority of an exterior surface of the base portion is formed from the first material. The case also includes a second material generally being positioned at an interior of the pocket, the second material protruding through one or more apertures in the first material at the base portion so that portions of the second material protrude from the interior of the pocket to the exterior surface of the base portion, and protrude outward from the first material at the base portion such that when the base portion of the case is placed on the support surface, the second material contacts the support surface. The second material has a higher coefficient of friction than the first material and is secured to the first material. The second material protrudes through the one or more apertures in the first material at the base portion extends away from the one or more apertures on opposing surfaces of the first material at the exterior of the pocket and the interior of the pocket to provide securement between the first and second materials.

Other features and advantages of the present invention will become apparent from the following detailed description, the accompanying drawings, and the appended claims.

BRIEF DESCRIPTION OF THE DRAWINGS

Embodiments will now be described, by way of example only, with reference to the accompanying drawings in which corresponding reference symbols indicate corresponding parts, and in which:

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FIG. 1 illustrates a rear view of an embodiment of an electronic device case;

FIG. 2 illustrates a front view of the electronic device case of FIG. 1;

FIG. 3 illustrates a right side view of the electronic device case of FIG. 1;

FIG. 4 illustrates a left side view of the electronic device case of FIG. 1;

FIG. 5 illustrates a top view of the electronic device case of FIG. 1;

FIG. 6 illustrates a bottom view of the electronic device case of FIG. 1;

FIG. 7 illustrates a perspective view of the electronic device case of FIG. 1;

FIG. 8 illustrates a reduced perspective view of the electronic device case of FIG. 1, as depicted in FIG. 7, omitting a material molded therein;

FIG. 9 illustrates another reduced perspective view of the electronic device case of FIG. 1; and

FIG. 10 illustrates a perspective view of the electronic device case of FIG. 1, as depicted in FIG. 9, including the molded material omitted therefrom.

DETAILED DESCRIPTION OF THE ILLUSTRATED EMBODIMENT(S)

FIG. 1-6 illustrate rear, front, right side, left side, top, and bottom views of a case 10 in accordance with an embodiment of the present invention. FIG. 7 illustrates a perspective view of the case 10. As depicted in FIGS. 1-7, the case 10 includes a base 20 with sides extending away therefrom, forming a pocket to receive a portable electronic device therein. Specifically, in the illustrated embodiment, the case 10 includes a top 30, a bottom 40, a right side 50a, and a left side 50b. It may be appreciated that the so-called right side 50a appears on the left side of FIG. 1 because FIG. 1 illustrates a rear view of the case 10. In an embodiment, the top 30 and bottom 40 may comprise sides of the case 10 that are each coupled to the sides 50a and 50b through corner joints 60, described in greater detail below. It may be appreciated that the case 10 may be configured to house a variety of portable electronic devices across various embodiments, including but not limited to a cellular phone, PDA, music player (e.g., MP3 player), tablet, gaming device, remote control, and the like.

As shown in FIGS. 2 and 7, the top 30, bottom 40, right side 50a, and left side 50b may be coupled by a lip 70 which may surround an opening of the case 10 shaped and configured to receive the portable electronic device therein. It may be appreciated that an interior surface 80 of the base 20, as well as interior surfaces of the top 30, bottom 40, right side 50a, left side 50b, and the lip 70, may define the pocket (with the lip 70 defining the opening of the pocket). In an embodiment, a display screen and/or a user interface of the portable electronic device may face away from the pocket (e.g., may be framed at least partially by the lip 70). As described in greater detail below, the corner joints 60 and/or the lip 70 may be formed of an elastic or otherwise resiliently deformable material, which may facilitate expanding the pocket to receive the portable electronic device within the pocket. It may be appreciated that other configurations of the case 10 may alternatively be possible, including but not limited to cases having multiple components that are separable from each other. For example, slider cases are generally configured with separable pieces that each slide over the

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portable electronic device, and engage one another (e.g., with a snap fit or friction fit) to secure the portable electronic device therein.

It may be appreciated that the case 10 may have features or apertures formed therein, configured to correspond with features on the portable electronic device. For example, as shown in FIGS. 1 and 2, an aperture 90 may extend through the base 20, and may be configured to align with a camera lens on the electronic device. In some embodiments, the aperture 90 may be sized to additionally or alternatively align with a camera flash on the electronic device. In some embodiments, additional apertures may extend through the base 20, so as to align with other features, including but not limited to marketing insignias on the portable electronic device. It may also be appreciated that in some embodiments one or more of the apertures may be merely decorative (e.g., with a repetitive or randomized pattern of apertures formed across at least a portion of the case 10).

FIG. 3 illustrates a right side 50a of the case 10. As shown, the right side 50a may include one or more raised features 100 that protrude (e.g., extend outwards) from the remainder of the case 10. As described in greater detail below, in some embodiments the majority of the exterior of the case 10, including at an exterior surface 105a of the right side 50a of the case 10, may generally be formed from a first material 110 while the raised features 100 on the right side 50a of the case 10 may be formed from a second material 120 having a higher coefficient of friction and/or a greater resiliency than the first material 110 generally found at the exterior of the case 10. As shown, in some embodiments the raised features 100 formed of the second material 120 may protrude from a region of the second material 120 that may be generally flush with the first material 110 at the exterior surface 105a of the right side 50a of the case 10. In some embodiments, the second material 120 forming the raised features 100 may be the same material as the material forming the corner joints 60, and/or may have a similar coefficient of friction, higher than that of the first material 110 forming the majority of the exterior of the case 10, and/or may be more resilient than the first material 110. As shown in FIG. 4, illustrating the left side 50b of the case 10, one or more raised features 100 may also be present on the left side 50b of the case 10. Similarly to the right side 50a of the case 10, the raised features 100 may protrude from a region of the second material 120 that may be generally flush with an exterior surface 105b of the left side 50b of the case 10, formed from the first material 110.

Similarly to the aperture 90 extending through the base 20, in some embodiments the left side 50a and/or the right side 50b may contain features or apertures formed therein, configured to correspond with features on the portable electronic device. For example, FIG. 4 illustrates a side aperture 130 extending through the right side 50b of the case 10, which may be configured to correspond with a switch (e.g., a mute switch) on the portable electronic device. As further shown, other features, such as button features 140a and 140b may be formed therein, configured to align with and engage buttons of the portable electronic device. While in some embodiments the button features 140a and 140b may be mechanical buttons coupled within the case 10 to transmit a press thereon into a press of the buttons of the portable electronic device, in other embodiments the button features 140a and 140b may be formed from a flexible material, facilitating depression of the button features 140a and 140b. In an embodiment, the button features 140a and 140b (which may correspond with volume buttons of the portable electronic device) may be formed from the same

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material as the raised features 100. In an embodiment, the button features 140a and 140b and the raised features 100 may be formed from a quantity of the second material 120 at the right side 50b of the case 10 (e.g., where the second material 120 is flexible).

FIG. 5 illustrates a top view of the case 10, showing the top 30. In an embodiment, the top 30 is formed from the first material 110 that forms the majority of the exterior of the case 10 (namely, e.g., the exterior of the base 20). As with other faces of the case 10, it may be appreciated that the top 30 may contain features or apertures formed therein, configured to correspond with features on the portable electronic device. In the illustrated embodiment, the top 10 includes a button 150 and a top aperture 160. In an embodiment, the button 150 may be configured to facilitate actuation of a top button on the portable electronic device. While in some embodiments the button 150 may be a mechanical button assembled into the case 10, in other embodiments, such as that illustrated, the button 150 may be formed from a flexible material configured to deform to allow for depression of the top button of the portable electronic device positioned underneath. In some embodiments, such as that shown, the button 150 may be formed from the second material 120, as described in greater detail below. Similarly to the aperture 90 and the side aperture 130, the top aperture 160 may be configured to align with one or more features of the portable electronic device. For example, in an embodiment the top aperture 160 may be configured to align with an audio jack on the portable electronic device.

As depicted the bottom view of the case 10 in FIG. 6, a bottom 40 of the case 10 may in some embodiments include one or more bottom apertures 170. In the illustrated embodiment, a central bottom aperture 170 may be configured to align with a data port on the portable electronic device, and may be sized and shaped to receive a data cable therein. In an embodiment, other bottom apertures 170 may be configured to align with a speaker and/or a microphone on the portable electronic device. While separate bottom apertures 170 are provided in the illustrated embodiment, in some embodiments the case 10 may include a single bottom aperture 170 shaped to accommodate multiple features on the portable electronic device. In some embodiments, the one or more bottom apertures 170 may be formed directly in the first material 110 forming the majority of the exterior of the case 10. In some embodiments, such as the illustrated embodiments, however, some of the second material 120, or another material, may be positioned within the bottom apertures 170. For example, in the illustrated embodiment, lips surrounding the bottom apertures 170 comprise some of the second material 120.

As appreciated in the views of FIGS. 5 and 6, the raised features 100 protrude from the sides 50a and 50b of the case 10. As such, where the raised features are formed from the second material 120 have a relatively higher coefficient of friction than the first material 110 forming the remainder of the case 10, placing the case 10 on a support surface so that the side 50a or 50b is facing the support surface would cause the higher friction second material 120 to frictionally engage the support surface. Such frictional engagement between the raised features 100 and the support surface may prevent the case 10 from tipping over when placed on its side 50a or 50b, or mitigate a tendency for the case 10 to tip over when the support surface or the case 10 are bumped. Additionally, the raised features 100 at the sides 50a and 50b of the case 10 may serve as a grip for a user of the portable electronic device when the user is holding the portable electronic device.

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As further shown in FIGS. 5 and 6, a material having a higher coefficient of friction and/or resiliency than the majority of the exterior of the case 10 may also extend below an exterior surface 180 of the base 20, as a base grip 190. As described in greater detail below, it may be appreciated that in some embodiments, the exterior surface 180 of the base 20 may comprise the majority of the exterior of the case 10, and may be formed from the first material 110. In the illustrated embodiment, the base grip 190 may be formed from the second material 120, having a higher coefficient of friction and/or resiliency than the exterior surface 180. Accordingly, where the exterior of the case 10 is predominantly formed from the first material 110, having a relatively smooth configuration (e.g., a relatively lower coefficient of friction), it may be easier for a user to remove the case 10 from a confined space (e.g., a user's pocket) than if a majority of the exterior of the case 10 was formed from a material having a higher coefficient of friction (e.g., the second material 120). It may be appreciated that where a minority of the exterior of the case 10 has the higher coefficient of friction material (e.g., the second material 120) protruding outward from the material having the lower coefficient of friction (e.g., the first material 110), the higher friction material may provide regions of high friction contact when the case 10 is placed on a support surface. For example, it may therefore be appreciated that when the case 10 is placed on a support surface with the base 20 facing the support surface, and the opening of the pocket of the case 10 (defined by the lip 70) facing away from the support surface, the base grip 190 may contact the support surface, as it protrudes from the lower friction exterior surface 180 of the base 20.

As indicated above, in some embodiments the base grip 190, the raised features 100, and the corner joints 60 may all be formed from the second material 120. In an embodiment, the base grip 190, the corner joints 60, and/or the raised features 100 may all be coupled by the interior surface 80 of the base 20, which may be formed from a layer of the second material 120, positioned to the interior of the first material 110 forming the exterior surface 180. In some such embodiments, features of the case 10 formed from the first material 110 may be interconnected, with features of the case 10 formed from the second material 120 formed onto or integral with the features formed from the first material 110. An example of such a construction may be appreciated in the illustrated embodiment through consideration of FIGS. 7 and 8, where FIG. 8 illustrates a reduced view of the case 10 as depicted in FIG. 7, showing only those features formed from the first material 110, and excluding those features formed from the second material 120.

As shown in FIG. 8, a preform member 200 of the case 10 formed from the first material 110 includes a base portion 210 associated with the base 20. It may be appreciated that the exterior surface 180 of the base portion 210 may be the exterior surface of the base 20 as a whole. As shown, the base portion 210 may be coupled to (and in the illustrated embodiment, integral with) a top portion 220 associated with the top 30, a bottom portion 230 associated with the bottom 40, and side portions 240a and 240b associated with the right side 50a and the left side 50b respectively. As shown, the preform member 200 may include apertures formed therein, which may remain unfilled, or may be only partially filled by the second material 120 when assembling the case 10. For example, in the embodiment of FIG. 8, the aperture 90 that extends through the base 20 may be partially filled by the second material 120, while the second material 120 thereat may include the aperture 90 therein, so that the

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aperture 90 extends through base 20 in the case 10. As further shown, however, the preform member 200 may include some apertures, like a top button aperture 250, which may be completely filled by a molded portion of the second material 120. In the illustrated embodiment, the top button aperture 250 is filled with a molded amount of the second material 120 so as to form the top button 150, which may flex relative to the top portion 220 so as to allow for depression of a button on the portable electronic device.

As additionally shown, in some embodiments gaps 260 may be present at the corners of the preform member 200, which may allow the top 30, bottom 40, and sides 50a and 50b to flex relative to the base portion 210, allowing an area therebetween to expand to facilitate insertion of the portable electronic device. In an embodiment, the preform member 200 as a whole, formed from the first material 110, may be more elastic than the second material 120, and configured to snap back to its original shape after being deformed to allow insertion of the portable electronic device therein. It may be appreciated that the gaps 260 may be filled with the second material 120 to form the corner joints 60. In an embodiment, the second material 120 may be softer than the first material 110, so as to deform with the first material 110 when case 10 is deformed to insert the portable electronic device, but allow for flexibility of the sides of the case 10 at the gaps 260. In some embodiments, the second material 120 may be shaped to protrude out from the gaps 260 defined by the preform member 200, so that the corner joints 60 protrude from the body of the case 10, as illustrated in FIG. 7. It may be appreciated that in some embodiments the corners of the preform member 200 may intersect (e.g., linking the top 30 and/or bottom 40 to either or both of the sides 50a and 50b directly, as well as via the base 20). In some such embodiments, the second material 120 may be formed on top of the intersection, forming corner bumpers that protrude from the corners of the preform member 200.

In some embodiments, the apertures formed in the preform member 200 may be configured to receive a quantity of the second material 120 that may be molded, shaped, or otherwise formed to include various desired features therein. For example, side apertures 270a and 270b, formed in the side portions 240a and 240b respectively, may be configured to receive a mass of the second material 120 which itself may be shaped to include the raised portions 100 and (on the left side 50b of the illustrated embodiment) the button features 140a and 140b. As shown in the illustrated embodiment, the side apertures 270a and 270b may be configured with support ribs 280 that are recessed from the exterior opening of the side apertures 270a and 270b, however provide structural stability to the side portions 240a and 240b. It may be appreciated that in some embodiments the support ribs 280 may be partially or completely covered by the second material 120, as viewed from the exterior of the case 10 and/or from the interior of the pocket. As shown in FIG. 7, in the illustrated embodiment at least some of the second material 120 may fill in spaced between each of the support ribs, as well as filling in the side apertures 270a and 270b. In an embodiment where a side aperture 130 is formed in the second material 120 at the left side 50b, it may be appreciated that a support rib 280 may be omitted thereat. In other embodiments, the side aperture 130 may extend through a support rib 280, or the side aperture 130 may otherwise be positioned between support ribs 280.

While in some embodiments the first material 110 and the second material 120 may be integrally formed together (e.g., through co-injection molding or similar assembly mechanisms to form a one piece embodiment of the case 10), in the

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illustrated embodiment, the first material **110** may be formed into the preform member **200** first, before being overmolded with the second material **120**. While in some embodiments the preform member **200** may be merely partially cured before the second material **120** is applied and molded therearound, in an embodiment the formation of the preform member **200** may be complete (e.g. cured, removed from the mold, and/or separately assembled) before being combined with the second material **120**.

In the illustrated embodiment, with the preform member **200** being formed from the first material **110** before application of the second material **120** thereto, it may be appreciated that molding supports may be positioned thereon to facilitate overmolding of the second material **120**. In some embodiments the molding supports may be configured to cooperate with the mold in the overmolding process. For example, in an embodiment one or more of the molding supports may be configured to position or align a portion of the mold to facilitate injection of the second material **120**. As shown in FIG. **8**, in the illustrated embodiment support tabs **290** may be configured to define a maximum application thickness for the overmold of the second material **120** on the interior of the base portion **210** (e.g., for application of the second material **120** to form the interior surface **80** of the case **10**). In an embodiment the molding supports may include apertures **300** in the first material **110** which may be configured to facilitate flow of the second material **120** to desired regions of the preform member **200** prior to curing the second material **120**. For example, as shown in FIG. **9**, illustrating the exterior surface **180** of the preform member **200**, the apertures **300** may extend through the base **20**. In the illustrated embodiment, one or more base grip grooves **310** may be formed in the exterior surface **180**, and may be configured to direct a flow of the second material **120** when poured or injected onto the base portion **210** of the preform member **200**, allowing the second material **120** to form the base grips **190** as well as cover the interior surface **80** of the base portion **20**.

It may therefore be appreciated that in some embodiments the second material **120** may surround the first material **110**, such as by being molded onto opposing faces of the first material **110** (e.g., as the preform member **200**), however being connected. It may be appreciated that such a configuration may provide increased structural stability to the case **10**. For example, in the illustrated embodiment, the second material **120** may flow through the apertures **300**, across the base grip grooves **310**, and connect with other portions of the second material **120** before curing. Where the second material **120** coats the interior surface **80** of the base **20**, and overlays (and in an embodiment protrudes from) the exterior surface **180** of the base **20**, it may be appreciated that the second material **120** may sandwich the first material **110** therebetween. As noted above, in some embodiment the support ribs **280** (formed from the first material **110**) may be partially or completely covered by the second material **120**. It may be appreciated that the support ribs **280** surrounded by the second material **120** may provide increased structural stability to the sides **50a** and **50b** of the case **10** in such embodiments.

FIG. **10** illustrates a perspective view of an embodiment of the case **10**, similar to the view of the preform member **200** in FIG. **9**. As shown in the comparison between FIGS. **9** and **10**, when the second material **120** is injected or poured onto the preform member **200**, the second material **120** may pass through the apertures **300** therein, and traverse the base grip grooves **310** to form the base grips **190**. In some embodiments, the molding process may be configured to

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shape and define an amount by which the base grips **190** extend from the exterior surface **180** of the base **20**. For example, in an embodiment the mold may include one or more corresponding grooves that match the base grip grooves **310** of the preform member **200**. Accordingly, the shape of the base grips **190** may be defined through a molding process. In an embodiment, the second material **120** protruding through one or more apertures **300** may extend away from the one or more apertures **300** on opposing surfaces of the first material **110** at the exterior surface of the base **20** and the interior surface of the base **20**, to provide securement between the first material **110** and the second material **120**. In an embodiment, the second material **120** protruding through the one or more apertures **300** in the first material **110** may protrude through adjacent apertures **300**, and thus the second material **120** may extend on both the exterior surface of the base **20** and the interior surface of the base **20**, as well as in both adjacent apertures **300**. In an embodiment the second material **120** protruding through the one or more apertures **300** in the first material **110** may protrude through a plurality of sets of adjacent apertures **300** in the first material **110**, and may extend between the adjacent apertures **300** of each set on each opposing surface of the first material **110**.

As shown, in some embodiments, the molding or other addition of the second material **120** may be configured to position the second material **120** at the gaps **260** so as to form the corner joints **60**. The second material **120** may also form the lips around the bottom apertures **170**, as shown, as well as fill the side apertures **270a** and **270b**. It may be appreciated that in embodiments where the raised features **100** are molded from the second material **120**, the mold may include grooves configured to shape the second material **120** to create the raised features **100** protruding from the case **10**. It may also be appreciated that, in some embodiments, the second material **120** may additionally form the lips **70** surrounding the opening of the case **10** as the second material **120** is molded onto the preform member **200**. It may be appreciated that in some embodiments, the lips **70** may also protrude above the opening of the case **10** (e.g., away from a screen of a portable electronic device inserted within the case **10**), which may cause the second material **120** to extend outward from the first material **110** in the case **10** at both of the largest opposing faces of the case **10**. In an embodiment, such as that shown, an aperture **320** extending through the base **20** may be configured to be filled with the second material **120**, and be molded to depict a marketing insignia **330** therein. Other features formed from the second material **120** may additionally or alternatively be formed from the addition of the second material **120** to the preform member **200**. Furthermore, it may be appreciated that the molding or other assembly may be performed simultaneously or sequentially in various embodiments. Accordingly, constructing case **10** by overmolding the second material **120** to the preform member **200** is not intended to be limiting. Indeed, in some embodiments the second material **120** may be formed with recessed regions at exterior surfaces thereof, and one or more harder plates of first material **110** may be molded thereon.

It may be appreciated that the protruding configuration of the corner joints **60**, the raised features **100**, the base grips **190**, and/or the lips **70** may provide a degree of additional protection to the case **10** and a portable electronic device housed therein. For example, where the first material **110** is glossy or otherwise prone to scratching, the protruding second material **120** may space the first material **110** from support surfaces, reducing a likelihood of the first material

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110 being scratched by the support surface or debris thereon. Additionally, where the second material is resilient (e.g. soft and/or flexible), the protruding configuration thereof may provide enhanced impact resistance, such as when the case 10 is dropped and impacts a face or corner thereof. For example, if the case 10 is dropped at a corner thereof, the protruding second material 120 at the corner joint 60 may provide enhanced impact resistance, and mitigate a tendency of the first material 110 adjacent to the gap 260 from impacting and cracking. This additional protection may be particularly beneficial where, like in the illustrated embodiment, the first material 110 is positioned to form the majority of the exterior of the case 10. Furthermore, where the second material 120 has a higher coefficient of friction and/or resiliency than the first material 110, it may be appreciated that the protruding amount of the second material 120 may cause the second material 120 to contact a support surface instead of the first material 110, providing a higher frictional engagement between the case 10 and the support surface. As noted above, such a higher frictional engagement may prevent the case 10 from tipping over when placed on one of the sides 50a or 50b (e.g., through the case 10 and portable electronic device having a high center of gravity in such a position).

As described above, the protrusion of the second material 120 from the first material 110 at the base 20 may provide regions of high friction contact when the case 10 is placed on a support surface. In an embodiment, more than half of the exterior of the base 20 (i.e., the surface outside of the pocket) may be formed from the first material 110, while less than half of the exterior of the base 20 may be formed from the second material 120 protruding outwards from the first material 110, so as to form a surface of the second material 120 that may contact a support surface instead of the first material 110 when the base 20 of the case 10 is resting on the support surface. In other embodiments, the second material 120 forming the surface that contacts a support surface may make up a smaller proportion of the exterior of the base 20. For example, the second material 120 protruding from the first material 110 at the exterior of the base 20 may be approximately less than or equal to 40% of the exterior of the base 20. In other embodiments, the second material 120 protruding from the first material 110 at the exterior of the base 20 may be approximately less than or equal to 30% of the exterior of the base 20, approximately less than or equal to 20% of the exterior of the base 20, approximately less than or equal to 10% of the exterior of the base 20, or approximately less than or equal to 10% (e.g., 5%, 1%, or less) of the exterior of the base 20.

In an embodiment, the amount of the second material 120 protruding out from the first material 110 at the exterior of the base 20 may be just sufficient to support the base 20 thereon, so as to space the first material 110 from a support surface, so that contact between the support surface and the base 20 is via the second material 120 instead of the first material 110. For example, in an embodiment the second material 120 may protrude from the first material 110 at the exterior of the base 20 at least at three regions, so as to provide a stable support of second material 120 when the base 20 is placed against a support surface. In an embodiment, a protruding amount of second material 120 may be positioned at each corner of the base 20 (e.g., adjacent to the corner joints 60), to provide four points of contact for the second material 120 between the base 20 and the support surface. In some embodiments, such as that illustrated herein, the second material 120 may generally form a ring following a perimeter of the base 20 (e.g., following the base

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grip grooves 310 in some embodiments), surrounding a substantial amount of the first material 110 of the base 20. In an embodiment, the protruding portions of second material 120 may form thin or elongate shapes across the first material 110 of the base 20.

As indicated above, features of the constructions and configurations described herein and illustrated in the Figures may be exemplarily in some embodiments. For example, while in the illustrated embodiment the case 10 is formed from the overmolding of the second material 120 onto the preform member 200, in some embodiments the case 10 may be formed by simultaneously molding the first material 110 and the second material 120. In some such embodiments, the case 10 may be formed using processes such as injection molding. In an embodiment, case 10 is preferably formed from injection-molded plastic. Other constructions are additionally or alternatively possible, including but not limited to creating an assembly through a combination of constituent components, assembled through adhesion with an adhesive, interlocking components, or any other appropriate assembly mechanism.

It may additionally be appreciated that dimensions of the case 10 may vary according to the type of electronic device to be held therein. For example, in some embodiments where the first material 110 (e.g., as the preform member 200) is relatively hard or rigid (especially as compared to the second material 120), it may be appreciated that the dimensions thereof may be sufficient to surround the portable electronic device. In an embodiment, the relatively flexible second material 120 may be sized to snugly surround the portable electronic device, and may provide impact protection for the portable electronic device within the first material 110. Additionally, in some embodiments the first material 110 in the case 10 may be shaped to generally match contours of the portable electronic device. For example, the preform member 200 or analogous components of other embodiments of the case 10 may cause the case 10 to generally resemble the portable electronic device. In some embodiments, the case 10 may be formed with the first material 110 (e.g., as the preform member 200) having multiple facets or curves formed on one or more of the base 20, top 30, bottom 40, right side 50a, and left side 50b. In other embodiments, the case 10 may be shaped in a manner that is externally different from the portable electronic device configured to be retained therein. In some embodiments, the second material 120 may be configured to create a pocket shaped to retain the portable electronic device, but may have varying thickness within to fill the space between the pocket and the first material 110 at the exterior of the case 10. Accordingly, it may be appreciated that the generally straight lines and rounded corners depicted in the case 10 illustrated herein are merely exemplary.

The materials utilized in the case 10 and/or their properties may also vary across embodiments. For example, while in the illustrated embodiment the first material 110 utilized in the preform member 200 is described as being hard or rigid, in other embodiments the first material 110 may be any appropriate material having less shock absorbing properties than the second material 120. For example, while both the first material 110 and the second material 120 may be flexible in some embodiments, the second material 120 may be more resilient than the first material 110. It may be understood that resilient materials may include materials that can substantially return to its original form after being stretched, moved, bent, or otherwise deformed (within a reasonable tolerance).

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It may be appreciated that in the art, resiliency may be measured by a durometer. Shore A durometers generally measure the compressive deformability of softer materials, such as rubbers and softer polyurethanes, while Shore D durometers may measure compressive deformability of harder polyurethanes and softer plastics. Rockwell R durometers typically measure compressive deformability of harder polyurethanes and plastics, ranging from Teflon through phenolic, for example. Accordingly, in some embodiments the second material **120** may have a hardness/resiliency on a scale conventionally measured on a Shore A durometer (e.g., a Shore A durometer value between 20-95), while the first material **110** may have a hardness/resiliency on a scale conventionally measured on a Shore D durometer of 25-85, or on a Rockwell R durometer of 50-150. In an embodiment, the first material **110** may be harder or more rigid so as to provide penetrative protection thereto, distributing impact forces applied thereto throughout the first material **110**. The comparative softness and resilience of the second material **120** (e.g., having a Shore A durometer value of less than 90) may absorb shocks therein, and give to prevent direct application of forces to the portable electronic device housed therein. It may be appreciated that in some embodiments hardness/resiliency and an associated coefficient of friction may be distinct from a coefficient of friction associated with the material and a given reference surface. For example, some harder materials may have a relatively high coefficient of friction, while some softer/resilient materials may have a relatively lower coefficient of friction. Accordingly, the selection of the first material **110** and the second material **120** may vary across embodiments, depending on a desired protruding resilient portion or a desired portion having a higher coefficient of friction.

As such, the material selections of the first material **110** and the second material **120** may vary, and may each have different properties, including but not limited to differing hardness/resiliency, and differing coefficients of friction. It may be appreciated that in some embodiments, the same material may have different hardness's/resiliencies, or different coefficients of friction (e.g., with a particular support surface) depending on how the material is prepared. Regardless, in some non-limiting embodiments, the second material **120** may comprise a thermoplastic polymer or a thermoplastic elastomer material, such as thermoplastic polyethylene (TPE) or thermoplastic polyurethane (TPU). Any other resilient material, such as silicone, rubber or foam, may additionally or alternatively be utilized. In contrast, the first material **110** may be more prone to permanent deformation, including cracking, scratching, shearing, or so on. As one non-limiting example, in the illustrated embodiment, where the first material **110** is a molded plastic, the first material **110** may comprise a thermoplastic, including but not limited to thermoplastics such as polycarbonate, acrylonitrile butadiene styrene (ABS), and polyvinyl chloride (PVC). It may be appreciated that the first material **110** need not be formed from molded plastic, but may comprise any other material, including but not limited to wood, metal, glass, leather, or so on, which may be overmolded with or assembled with a resilient or otherwise impact absorbing second material that protrudes from the first material **110** as described herein.

In some embodiments, the first material **110** and the second material **120** may have different cosmetic properties. For example, in some embodiments, the first material **110** may have glossy characteristics, while the second material **120** may have matte characteristics. In other embodiments, the converse may be true. In some embodiments, the first material **110** and the second material **120** may be different

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colors. Additionally, in various embodiments, one or more additional materials may be embedded or combined with either or both of the first material **110** and the second material **120**, and may serve cosmetic or functional purposes. For example, different portions of the components of the case **10** described above (e.g., different parts of the preform member **200**) may be made from different materials, which may be molded or otherwise assembled before being overmolded or otherwise secured to the second material **120** and/or additional materials that protrude from those portions forming the majority of the exterior of the case **10**. In an embodiment, the second material **120** and the first material **110** may be secured to each other through a bond (e.g., as in the molding process) or through adhesion (e.g., via an adhesive).

While the principles of the invention have been made clear in the illustrative embodiments set forth above, it will be apparent to those skilled in the art that various modifications may be made to the structure, arrangement, proportion, elements, materials, and components used in the practice of the invention.

It will thus be seen that the objects of this invention have been fully and effectively accomplished. It will be realized, however, that the foregoing preferred specific embodiments have been shown and described for the purpose of illustrating the functional and structural principles of this invention and are subject to change without departure from such principles. Therefore, this invention includes all modifications encompassed within the spirit and scope of this disclosure, as recited in the following claims.

What is claimed is:

1. A case for use with a portable electronic device, the case comprising:

a base portion with side portions extending therefrom, the base portion and side portions forming a pocket configured to surround a back and sides of the portable electronic device,

the base portion comprising a first material, wherein a majority of an exterior surface of the base portion is formed from the first material, the base portion further comprising one or more apertures extending through its entire thickness; and

a second material being positioned in an interior of the pocket and along an interior surface of the base portion, the second material having a higher coefficient of friction than the first material, the second material protruding through the one or more apertures in the base portion and the first material forming the exterior surface thereof so that portions of the second material protrude from the interior of the pocket to the exterior surface of the base portion through the one or more apertures in the base portion, and protrude outward past the entire thickness and the exterior surface of the first material from the one or more apertures in the base portion forming the exterior surface of the base portion such that when the base portion of the case is placed on a support surface, the second material protruding through the one or more apertures contacts the support surface;

wherein the second material is secured to the base portion, and

wherein the second material protruding through the one or more apertures in the base portion extends away from each of the one or more apertures both along the interior surface of the base portion and overlapping on the exterior surface of the base portion to create inter-

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lock connections between the second material and the base portion that secure the second material to the base portion;
wherein the second material is molded onto the first material.

2. The case according to claim 1, wherein the first material is shaped with a gap at one or more regions thereof, wherein the second material fills the gap and protrudes therefrom.

3. The case according to claim 2, wherein the gap in the first material is formed at a corner region of the case.

4. The case according to claim 1, wherein the first material is shaped as a preform member prior to the second material being overmolded onto the preform.

5. The case according to claim 1, wherein the first material and the second material are molded together.

6. The case according to claim 5, wherein the first material and the second material are integrally molded so that the case forms an integral unit.

7. The case according to claim 6, wherein the first material and the second material are molded together through co-injection molding.

8. The case according to claim 1, wherein, in addition to the interlock connections, the second material is also secured to the first material via an adhesive.

9. The case according to claim 1, wherein the second material is configured to surround the portable electronic device at an interior of the first material.

10. The case according to claim 1, wherein the second material is configured to frame a front portion of the portable electronic device.

11. The case according to claim 1, wherein the case is separable into constituent parts configured to slide relative to each other to surround the portable electronic device.

12. The case according to claim 1, wherein the first material of the base portion has a flat configuration.

13. The case according to claim 1, wherein the second material protrudes from the first material at the side portions of the portable electronic device.

14. The case according to claim 1, wherein the first material comprises one or more of plastic, polycarbonate, wood, metal, glass, and leather.

15. The case according to claim 1, wherein the second material is formed from thermoplastic polyethylene (TPE), rubber, or foam.

16. The case according to claim 1, wherein exterior surfaces formed in the first material generally match contours of surfaces of the portable electronic device.

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17. The case of claim 1, wherein the first material is glossier than the second material.

18. The case of claim 1, wherein the second material has a greater resiliency than the first material.

19. The case of claim 1, further comprising one or more access apertures formed in one or more of the first material and the second material, configured to align with features of the portable electronic device.

20. The case of claim 1, wherein the second material protruding through the one or more apertures in the base portion and the first material forming the exterior surface thereof protrudes through adjacent apertures in the base portion and the first material forming the exterior surface thereof, and extends between the adjacent apertures on both opposing surfaces of the first material forming the exterior surface of the base portion and the interior of the base portion to create the interlock connections between the second material and the base portion that secure the second material to the base portion.

21. The case of claim 1, wherein the second material protruding through the one or more apertures in the base portion and the first material forming the exterior surface thereof protrudes through a plurality of sets of adjacent apertures in the base portion and the first material forming the exterior surface thereof, and extends between the adjacent apertures of each set on both opposing surfaces of the first material forming the exterior surface of the base portion and the interior of the base portion to create the interlock connections between the second material and the base portion that secure the second material to the base portion.

22. The case of claim 1, wherein the second material also lines the interior of the base portion's pocket to engage and support the portable electronic device.

23. The case of claim 1, wherein the second material is configured to snugly surround the portable electronic device and provide impact protection for the portable electronic device received in the pocket.

24. The case of claim 1, wherein features of the case formed from the first material are interconnected with features of the case formed from the second material formed onto or integral with the features formed from the first material.

25. The case of claim 1, wherein the second material coats the interior of the base portion and overlays and protrudes from the exterior surface of the base portion to sandwich the first material therebetween.

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