

**UNITED STATES DISTRICT COURT  
DISTRICT OF COLORADO**

SAFETRAY PRODUCTS LTD  
36 Bruntsfield Place  
Edinburgh, United Kingdom, EH10 4HJ

Plaintiff

v.

OTTER PRODUCTS, LLC  
209 SOUTH MELDRUM ST  
FORT COLLINS, CO 80521

Defendant

Civil Action No.: 24-cv-1119

**COMPLAINT FOR PATENT INFRINGEMENT**

Plaintiff SafeTray Products Limited (“SafeTray”), by its undersigned counsel, alleges as follows for its complaint against Defendant Otter Products LLC (“OtterBox”).

**THE NATURE OF THIS ACTION**

1. SafeTray brings this action against OtterBox, pursuant to 35 U.S.C. §101 et. seq. and §§271, 281, 283, 284, & 285 inclusive, for infringement of one or more claims of U.S. Patent No. 10,113,691 (“the ’691 Patent) titled “Stabilising Device.” The ’691 Patent protects the inventions of Plaintiff in the area of stabilizing a portable computing device. Defendant has been made aware of the patent-in-suit but has continued to infringe and has refused to cease its infringing actions, thereby necessitating this lawsuit.

**THE PARTIES**

2. Plaintiff SafeTray is a Scotland limited liability corporation, trading as G-HOLD, located at 36 Bruntsfield Place, Edinburgh, United Kingdom, EH10 4HJ. SafeTray is the owner of the patent-in-suit by assignment.

3. Defendant OtterBox is a Colorado limited liability corporation with its headquarters at 209 South Meldrum Street, Fort Collins, Colorado 80521. OtterBox makes, uses, imports, offers to sell, and sells the "Otter Grip" accused products and profits from the use of the accused products, throughout the United States. Otterbox provides distribution of the Otterbox OtterGrip.

### **JURISDICTION AND VENUE**

4. This is an action for patent infringement arising under the laws of the United States, 35 U.S.C. §271 *et seq.*

5. This Court has subject matter jurisdiction over this action pursuant to 35 U.S.C. §§271, 281 and 28 U.S.C. §§1331 and 1338(a), federal question.

6. This Court has Personal jurisdiction over Defendant OtterBox because OtterBox has a regular and established place of business in this district at 209 South Meldrum Street, Fort Collins, Colorado 80521.

7. Venue is proper for Defendant OtterBox in the District of Colorado pursuant to 28 U.S.C. §§1391(b), 1391(c) and 1400(b). Upon information and belief, Defendant OtterBox has facilities directly related to the accused products, including design, engineering and sales and service of the accused products. Defendant is doing business in this judicial district, has committed acts of infringement and has regular and established places of business in this District and has employees conducting regular and established business in this judicial district.

### **BACKGROUND AND GENERAL ALLEGATIONS**

8. In 2013, Ms. Alison Grieve filed her first patent application for her invention and in 2014 she filed a United States patent application for her invention which allowed for stabilizing a portable computing device. Her inventive "Stabilising Device" was granted several

US and international patents, including the patent-in-suit, 10,113,691. The patent claims devices for stabilizing a portable computing device.

9. Defendant manufactures and sells products known generally as stabilizing devices for portable computing devices, such as phones and tablets, including the following:

OtterGrip Symmetry Series for MagSafe

- iPhone 15 Pro Max Case
  - On The Spot (Brown), Black, Island Getaway (Green), Aspen Gleam 2.0 (Yellow), You Do Blue (Blue), Iron Camo (Grey)
- iPhone 15, iPhone 14 and iPhone 13 Case
  - Black, You Do Blue (Blue), On The Spot (Brown), Island Getaway (Green), Aspen Gleam 2.0 (Yellow), Iron Camo (Grey)
- iPhone 15 Pro Case
  - Island Getaway (Green), You Do Blue (Blue), On the Spot (Brown), Black, Iron Camo (Grey), Aspen Gleam 2.0 (Yellow)
- iPhone 15 Plus and 14 Plus Case
  - You Do Blue (Blue), Black

OtterGrip Symmetry Series

- iPhone 14 Pro Max Case for MagSafe
  - Blue Storm (Blue), Chill Out (Green), Made Me Blush (Pink), Peaches (Orange), Black, Poppies by the Sea (Blue)
- iPhone 14 and iPhone 13 Case for MagSafe
  - Black, Blue Storm (Blue), Chill Out (Green), Poppies By The Sea (Blue), Made Me Blush (Pink), Peaches (Orange)
- iPhone 14 Pro Case for MagSafe
  - Made Me Blush (Pink), Black, Chill Out (Green), Blue Storm (Blue), Poppies by the Sea (Blue), Peaches (Orange)
- iPhone 14 Plus Case for MagSafe
  - Made Me Blush (Pink), Black, Chill Out (Green), Peaches (Orange), Blue Storm (Blue), Poppies by the Sea (Blue)

10. The accused OtterBox products infringe claims of the '691 patent.

11. On October 30, 2018, United States Patent No. 10,113,691 (“the '691 Patent”), entitled “Stabilising Device” was duly and legally issued by the United States Patent and Trademark Office (“USPTO”). The '691 Patent claims patent-eligible subject matter and is valid and enforceable. SafeTray is the exclusive owner by assignment of all rights, title, and interest in the '691 Patent, including the right to bring this suit for injunction and damages, and including the right to sue and recover all past, present, and future damages for infringement of the '691

Patents. Defendant is not licensed to the '691 Patent, either expressly or implicitly, nor do they enjoy or benefit from any rights in or to the '691 patent whatsoever. A true and correct copy of the '691 Patent is attached hereto as **Exhibit A**.

12. The '691 Patent is referred to herein as the “patent-in-suit.” Plaintiff SafeTray is the owner of the entire right, title, and interest in and to the patent-in-suit. The patent-in-suit is presumed valid under 35 U.S.C. § 282.

### **THE PATENT**

13. The claims of the '691 Patent are directed to “A stabilising device for a portable computing device.” The '691 Patent contains twenty claims directed to the device. Claim one of the '691 Patent recites:

1. A stabilising device for a portable computing device, the stabilising device comprising:
  - a base plate configured to be mounted on the portable computing device and rotatable relative to the portable computing device;
  - a unitary finger support member;
  - a first spacer element connected to the unitary finger support member and to the base plate; and
  - a second spacer element connected to the unitary finger support member and to the base plate;wherein, the unitary finger support member is moveable between a closed position in which the unitary finger support member is substantially flush with the base plate and an open position in which the unitary finger support member is spaced from the base plate such that a user can insert at least one unitary finger between the base plate and the unitary finger support member.

### **INFRINGEMENT**

14. Defendant manufactures and sells OtterGrip Symmetry Series and the OtterGrip Symmetry Series for Magsafe which infringe the claims of the '691 Patent.

15. Defendant has, under 35 U.S.C. §271(a), directly infringed, and continues to directly infringe, literally and/or under the doctrine of equivalents, one or more claims of the '691 Patent, by making, using, testing, selling, offering for sale, and/or importing into the United States Defendant's Accused Products.

16. Plaintiff has conducted a detailed analysis, establishing and confirming that Defendant's Accused Products directly infringe and when used according to Defendant's instructions for operation, or parts are supplied, indirectly infringe claims of the '691 Patent.

17. Attached as Exhibits to the Complaint are claim charts demonstrating the correspondence of the operation of the accused products with elements of exemplary claims of the '691 Patent.

18. Defendant and its customers have continued infringement. The accused products satisfy the elements of the asserted claims:

**'691 Claim 20 - A stabilising device for a portable computing device,**



**the stabilising device comprising:**



**Stablising Device**

**a base plate configured to be mounted on the portable computing device and rotatable relative to the portable computing device;**



**Base Plate**

a finger support member having a first side and a second side;



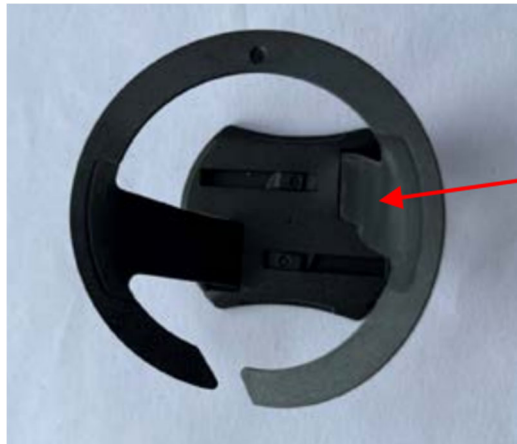
**Finger Support Member**

a first spacer element connected to the first side of the finger support member and to the base plate; and



**First Spacer Element**





**First Spacer Element**

**a second spacer element connected to the second side of the finger support member and to the base plate;**



**Second  
Spacer  
Element**



**Second Spacer Element**



**Second Spacer Element**



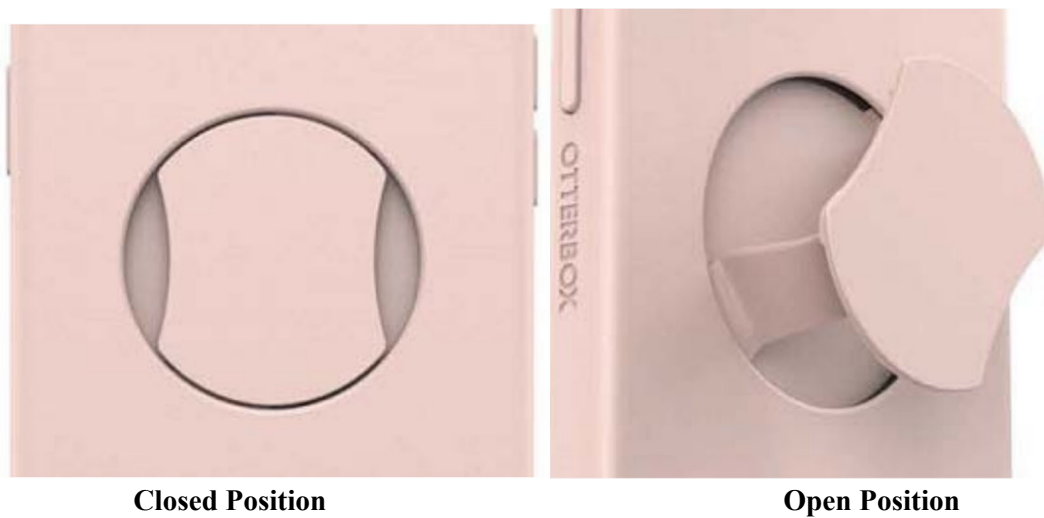
wherein, the finger support member is moveable between a closed position in which the finger support member is substantially flush with the base plate and an open position in which the finger support member is spaced from the base plate such that a user can insert at least one finger between the base plate and the finger support member; and

Closed Position



Open Position





wherein the base plate is rotatable when the finger support member is in the closed position.



19. Plaintiff is the owner of the '691 Patent.

20. Defendant has infringed, and continues to infringe, at least claims 1, 3-8, 12-16, and 20 of the '691 Patent, under 35 U.S.C. § 271(a)(b) and/or (c), by (a) making, using, offering to sell, and/or selling stabilizing devices for portable computing devices that infringe the asserted claims in the United States, (b) by inducing others to use the accused products and/or sell the accused products in the United States, (c) by contributing to the infringement of others and by selling components of the patented systems, including stabilizing devices and by selling products for the patented system. Defendant continues to manufacture, use, offer to sell and sell accused products. The accused products are also being used to infringe. Defendant continues to sell accused products inducing and contributing to infringement by others in the United States.

21. The OtterBox OtterGrip Symmetry Series and OtterGrip Symmetry Series for MagSafe devices are infringing devices and thus directly infringe '691 Claims 1, 3-8, 12-16, and 20.

22. Upon information and belief, Defendant has directly infringed and continues to infringe one or more of claims of the '691 Patent under 35 USC §271(a):

(a) Except as otherwise provided in this title, whoever without authority makes, uses, offers to sell, or sells any patented invention, within the United States or imports into the United States any patented invention during the term of the patent therefor, infringes the patent.

by engaging in accused activity including making, using, offering to sell, selling and importing accused products in the United States. Defendant continues to infringe claims of the '691 Patent.

23. Defendant does not have a license or authority to use the '691 Patent. Defendant has been willfully infringing the '691 Patent since at least as early as January 2020. Upon information and belief, Defendant has no good faith defense to Plaintiff's infringement

allegations and has refused to cease selling products or to engage in further attempts to reach a business resolution. Instead, Defendant has intentionally continued their knowing infringement.

24. As a result of Defendant's infringement of the '691 Patent, Plaintiff has suffered and will continue to suffer damages in an amount not yet determined, of at least a reasonable royalty.

**COUNT I**  
**DIRECT INFRINGEMENT OF U.S. PATENT NO. 10,113,691**

25. The allegations of each of the paragraphs above are hereby re-alleged and incorporated herein by reference.

26. Defendant OtterBox has infringed, and continues to directly infringe, at least claims 1, 3-8, 12-16, and 20 of the '691 Patent, under 35 U.S.C. § 271(a), by making, using, offering to sell, and selling the Accused Products in the United States.

27. Neither OtterBox nor its customers have a license or authority to use the '691 Patent.

28. As a result of OtterBox's infringement of the '691 Patent, Plaintiff has suffered and will continue to suffer damages in an amount not yet determined, of at least a reasonable royalty.

29. OtterBox's infringement of the '691 Patent has been willful under 35 U.S.C. § 284.

**PRAYER FOR RELIEF**

- A. For a judgment declaring that Defendant OtterBox has infringed the '691 Patent;
- B. For a judgment declaring that Defendant OtterBox's infringement of the '691 Patent has been willful;
- C. For a grant of a permanent injunction pursuant to 35 U.S.C. § 283, enjoining the Defendant from further acts of infringement;
- D. For a judgment awarding Plaintiff compensatory damages as a result of Defendant's infringement sufficient to reasonably and entirely compensate Plaintiff for infringement of the '691 Patent in an amount to be determined at trial;
- E. For a judgment and order awarding a compulsory ongoing royalty;
- F. For a judgment declaring that Defendant's infringement was willful and for enhancement of damages in accordance with 35 U.S.C. § 284;
- G. For a judgment declaring that this case is exceptional and awarding Plaintiff its expenses, costs and attorneys' fees in accordance with 35 U.S.C. § 285 and Rule 54(d) of the Federal Rules of Civil Procedure;
- H. For a judgment awarding Plaintiff prejudgment interest pursuant to 35 U.S.C. § 284, and a further award of post judgment interest, pursuant to 28 U.S.C. § 1961, continuing until such judgment is paid;
- I. For a judgment awarding Plaintiff enhanced damages under 35 U.S.C. § 284; and
- J. For such other relief to which Plaintiff is entitled under the applicable United States laws and regulations or as this Court deems just and proper.

**DEMAND FOR JURY TRIAL**

Pursuant to the Federal Rules of Civil Procedure Rule 38(b), Plaintiff hereby demands trial by jury as to all claims in this litigation.

Respectfully Submitted:

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