

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

SPECULATIVE PRODUCT DESIGN,
LLC, a California limited liability
company

Plaintiff,

v.

ROHAN VISHNUBHAI PATEL and
RVP1986 LLC, a Pennsylvania limited
liability corporation

Defendants.

Case No.:

JURY TRIAL DEMANDED

**COMPLAINT FOR DECLARATORY JUDGMENT OF INVALIDITY
AND NON-INFRINGEMENT OF U.S. PATENT NO. 11,673,516 AND
VIOLATION OF GEORGIA'S FAIR BUSINESS PRACTICES ACT**

1. Plaintiff Speculative Product Design, LLC (“Speck”) hereby asserts its Complaint against Defendants Mr. Rohan Vishnubhai Patel (“Mr. Patel”) and RVP1986 LLC (“RVP1986”) (collectively, “Defendants”) as follows:

THE PARTIES

2. Plaintiff Speck is a limited liability company formed under the laws of California with its registered office address located at 400 S. El Camino Real, Suite 1200, San Mateo, California 94402. Speck manufactures and sells accessories for

electronic devices, including, *inter alia*, protective cases for cellular phones and tablet computers.

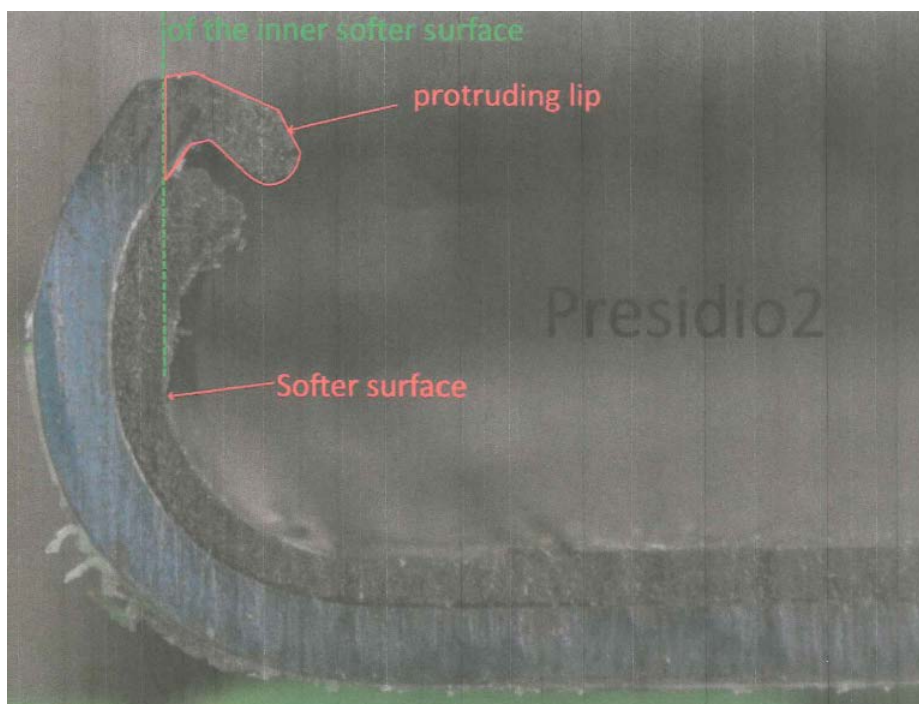
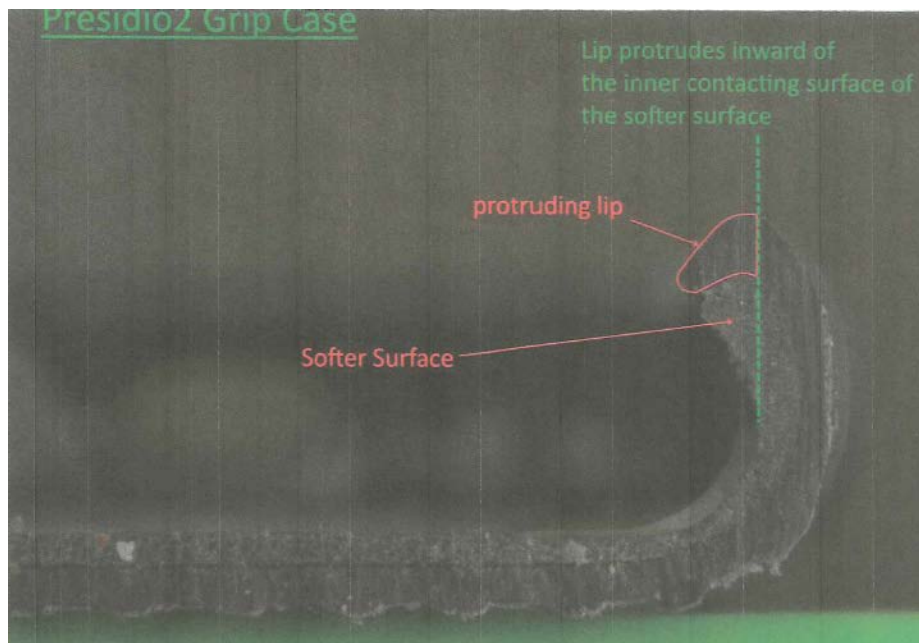
3. Defendant Mr. Patel, upon information and belief, is a citizen of the United States, residing at 1524 Shrewsbury Drive, Bensalem, Pennsylvania 19020. Mr. Patel is the named inventor of U.S. Patent No. 11,673,516 (the “’516 Patent”) (attached as **Exhibit A**), which purportedly sets forth a novel “Protective Frame.”

4. Defendant RVP1986, upon information and belief, is a Pennsylvania limited liability corporation with a registered office at 2312 Gundy Court, Bensalem, Pennsylvania 19020. According to records filed with the U.S. Patent and Trademark Office (“USPTO”), Mr. Patel assigned all rights to the ’516 Patent to RVP1986 and identified RVP1986 as having a principal place of business at 420 State Road, Unit D, Bensalem, Pennsylvania 19020. (*See Exhibit B.*) Mr. Patel informed the USPTO during prosecution of the ’516 Patent, pursuant to a Requirement for Information Under 37 CFR 1.105, that Mr. Patel is not a member of RVP1986, did not form RVP1986, and does not have an ownership interest in RVP1986, but rather that RVP1986 belongs to Mr. Patel’s parents, Ramilaben and Vishnubhai Patel. (*See Exhibit C.*) RVP1986’s current correspondent registered with the U.S. Patent and Trademark Office is Mr. Patel, with his listed address of 1524 Shrewsbury Drive, Bensalem, Pennsylvania 19020.

NATURE OF THE ACTION

5. Speck received a letter dated September 27, 2023 from the Law Offices of Ronald Baker, P.C., 2475 Northwinds Pkwy., Suite 200, Alpharetta, Georgia 30009 (the “Letter” (attached as **Exhibit D**)). The Letter states that Mr. Baker is representing Mr. Patel—the alleged “proprietor” or the ’516 Patent—and expressly charges that Speck’s “Presidio2 product” infringes at least claims 1, 2, 9, and 14 of the ’516 Patent. The Letter creates an actual case and controversy regarding whether Speck’s products infringe any valid claims of the ’516 Patent.

6. The Letter contains only cursory factual analysis, however, to support the infringement charges (failing to specify, e.g., which of Speck’s many Presidio2 products allegedly infringe and how these products meet each and every limitation of at least one claim of the ’516 Patent). Specifically, letter contains only two images of what appears to be a cross-section of a Presidio2 case, with annotations pointing to a “protruding lip” and a “softer surface” or “inner softer surface,” and further stating that “Lip protrudes inward of the inner contacting surface of the softer surface”:



(Exhibit D.)

7. The alleged evidence of infringement attached to the Letter falls far short of supporting any inference that any Presidio2 product practices the identified

claims. Independent claims 1 and 9, from which claims 2 and 14 depend, respectively, contain a host of limitations not addressed by the Letter's annotated images. Indeed, the term "softer surface" that the Letter's annotated images focus on does not even appear in these claims:

1. A protective case for an electronic device, that provides access to at least one functionality of the electronic device, comprising:

a base surface, at least one edge surface, at least one protruding lip and at least one slit;

wherein the base surface is configured to provide protection to the bottom side of the electronic device; wherein the base surface extends into the at least one edge surface; is configured to provide protection to at least four sides and at least four corners adjacent to the top side and the bottom side of the electronic device; wherein at least one of the at least one edge surface is configured to have the at least one protruding lip; wherein the base surface, the at least one edge surface, and the at least one protruding lip are made of a rigid material;

wherein the at least one slit goes through the at least one protruding lip and at least partially and/or fully through the at least one edge surface, wherein the at least one slit is located at and/or near the respective corner of the protective case; wherein the at least one slit is configured to flex the at least one protruding lip enough to enable insertion of the electronic device;

wherein an edge of the at least one protruding lip directly secures and protects the surrounding edges and corners of the top side of the electronic device with the rigid material, wherein the edge of the at least one protruding lip features at least two curvatures, wherein at least one of the at least

two curvatures secures each of at least two opposite corners of the at least four corners surrounding to the top side of the electronic device respectively.

9. A protective case for an electronic device, that provides access to at least one functionality of the electronic device, comprising:

a base surface, at least one edge surface, at least one protruding lip and at least one slit;

wherein the base surface is configured to provide protection to the bottom side of the electronic device and extends into the at least one edge surface; that is configured to provide protection to at least four sides and at least four corners adjacent to the top side and the bottom side of the electronic device; wherein the at least one edge surface further extends into the at least one protruding lip;

wherein an edge of the at least one protruding lip features at least two curvatures, wherein at least one of the at least two curvatures secures each of at least two opposite corners of the at least four corners surrounding to the top side of the electronic device respectively;

wherein the base surface, the at least one edge surface and the at least one protruding lip are made of a rigid material;

wherein the at least one slit goes through the at least one protruding lip and at least partially and/or fully through the at least one edge surface, wherein the at least one slit is configured to flex the at least one edge surface and the at least one protruding lip enough to enable insertion of the electronic device and to secure the electronic device within the protective case, wherein an edge of at least one of the at least one protruding lip protrudes inward of an inner contacting surface attached to the at least one edge surface to provide protection with the rigid material to the

surrounding edges and corners of the top surface except for the at least one slit.

8. Speck hereby seeks a declaratory judgment against Defendants that Speck does not infringe the '516 Patent and that the '516 Patent is invalid. Speck also asserts that Defendants have violated Georgia's Fair Business Practices Act by asserting claims of infringement without supporting analysis and in bad faith in violation of O.C.G.A. §§ 10-1-771, 10-1-773.

JURISDICTION AND VENUE

9. This Court has subject matter jurisdiction pursuant to 15 U.S.C. § 1331 (federal question), 28 U.S.C. § 1338 (patent claims); and 28 U.S.C. §§ 2201 and 2203 (declaratory judgment).

10. This Court has personal jurisdiction, including pursuant to O.C.G.A. § 9-10-91, over the Defendants because the sending of the Letter establishes minimum contacts in Georgia and constitutes the commission of a tortious act in Georgia. Mr. Baker—serving as the authorized agent of RVP1986 (the patent owner) and Mr. Rohan (the representative of the patent owner and alleged “proprietor” of the '516 Patent)—is a Georgia attorney and sent the Letter from a Georgia address.

11. This Court also has supplemental jurisdiction, under 28 U.S.C. § 1367, over the state law claim for violation of the Georgia Fair Business

Practices Act as this claim is so related to the federal declaratory judgment claims that they form part of the same case and controversy.

12. Venue is proper in this district pursuant to 28 U.S.C. § 1391, as a substantial part of the events giving rise to the claims (*i.e.*, the sending of the Letter to Speck) occurred in this judicial district.

**COUNT I: DECLARATORY JUDGMENT
THAT SPECK DOES NOT INFRINGE THE '516 PATENT**

13. Speck hereby incorporates by reference the preceding paragraphs of this Complaint as if asserted herein.

14. Each of the independent claims of the '561 Patent recite the following limitation: “[an] edge of the at least one protruding lip features at least two curvatures, wherein at least one of the at least two curvatures secures each of at least two opposite corners of the at least four corners surrounding to the top side of the electronic device respectively.” Based on a plain reading, this limitation requires that one protruding lip curvature secures each of two opposite corners of the case. The accused Presidio2 products do not infringe at least because the alleged curvatures of the alleged protruding lips do not each secure two separate corners—let alone opposite corners—of the case.

**COUNT II: DECLARATORY
JUDGMENT OF INVALIDITY OF THE '516 PATENT**

15. Speck hereby incorporates by reference the preceding paragraphs of this Complaint as if asserted herein.

16. Upon information and belief and based on present information, the claims of the '516 Patent are invalid at least because they violate 35 U.S.C. §§ 101, 102, 103 and/or 112.

17. For example, because the accused Presidio2 line of products predates the earliest effective filing date of the '516 Patent, Speck's earliest Presidio2 products necessarily anticipate the '516 Patent claims to the extent that Defendants can establish that those products satisfy the claims. The '516 Patent is a continuation-in-part of U.S. Patent Application No. 16/432,970 ("970 application"), filed on June 6, 2019. Defendants abandoned the '970 Application after unsuccessfully attempting to add the following new matter the specification during prosecution:

100. As shown in fig.1 the edge wall can provide protection to the entire side of the electronic device. Also a slit can be wide enough to serve a dual purpose of providing enough flexibility so the case can be inserted over an electronic device and provide functionality to operate the electronic device. Also as shown in fig.1 & fig. 3 the edge surface can be as tall to provide protection to entire side section's height from bottom to the top.

[0019] FIG.3 illustrates a cross section of the protective case shown in fig.1. The cross section shows 3 separate regions for sake of clarity. The edge region 105, shown as a vertical edge, protects the sides of the electronic device. The base 130 is attached to the edge region 105 and is marked with horizontal lines in fig.3. The base region's functionality is to connect all edge regions together. The base region also acts as a stopper in order to secure the inserted (not shown) electronic device from slipping out from the bottom side of the protective case. The grid region 125 is connected to the edge region 105 and is marked with a grid lines in fig.3. The lip region 125 secures the electronic device between the lip 125 and the base 130. Additionally the slit 115 is a separation that goes through both the lip 125 and the edge region 105 to allow flexibility to insert an electronic device into the protective case. The edge 105, lip 125 and base 130 are all made from non-stretchable material.

18. The Defendants filed the '516 Patent as a continuation-in-part to disclose and claim the additional subject matter that was missing from the '970 Application. Because each of the independent claims of the '516 Patent contain limitations unsupported by the '970 Application's original disclosure, those claims do not have the benefit of the '970 Application's filing date.¹ The effective filing date of the '516 Patent claims is instead the '516 Patent's own filing date, which is June 24, 2020.

19. Speck's Presidio² line of products was on the market prior to the '516 Patent's June 24, 2020 effective filing date. As one example,

¹ The '516 Patent also claims priority to Provisional Application No. 62/935,666 (the "'666 Provisional"), but the disclosure in this document is extremely limited and unrelated to the '516 Patent's claimed subject matter. Thus, the '666 Provisional does not impact the '516 Patent's effective filing date.

Amazon.com lists the “Speck Products Presidio2 PRO Case, Compatible with iPhone Xs/iPhone X, Coastal Blue/Black/Storm Grey” as having a “Date First Available” of May 14, 2020. (*Speck Products Presidio2 PRO Case,*

Compatible with iPhone Xs/iPhone X, Coastal Blue/Black/Storm Grey,

AMAZON.COM, <https://www.amazon.com/Speck-Products-Presidio2->

[Compatible-](https://www.amazon.com/Speck-Products-Presidio2-)

[Coastal/dp/B088MLP8YT/ref=sr_1_1?crid=3FNNQXO4CAVUV&keywords=](https://www.amazon.com/Speck-Products-Presidio2-)
[Presidio2%2Biphone%2BX&qid=1696947573&srefix=presidio2%2Biphone](https://www.amazon.com/Speck-Products-Presidio2-)
[%2Bx%2Caps%2C94&sr=8-1&th=1.\)](https://www.amazon.com/Speck-Products-Presidio2-)

20. Additional of Speck’s product lines that predate the accused Presidio2 products also contain the same relevant features of the Presidio2 that Defendants ostensibly contend satisfy the ’516 Patent’s claims. These include Speck’s Presidio products and CandyShell products.

21. Accordingly, the ’516 Patent’s claims are invalid at least because they are anticipated or rendered obvious by Speck’s earlier products, including the very products Defendants accuse of infringement.

**COUNT III: VIOLATION OF THE
GEORGIA FAIR BUSINESS PRACTICES ACT**

22. Speck hereby incorporates by reference the preceding paragraphs of this Complaint as if asserted herein.

23. The Georgia Fair Business Practices Act, O.C.G.A. § 10-1-771, requires that a party asserting charges of infringement provide detailed, factual support for the charges. The letter must provide “[f]actual allegations concerning the specific areas in which the target’s products, services, and technology infringe the patent or are covered by the claims in the patent.”

24. O.C.G.A. § 10-1-773 provides for a private right of action for violations of Section 771, with remedies including injunctive relief, and general and exemplary damages including punitive damages and expenses of litigation.

25. Defendants’ Letter violated Section 10-1-771 and was in bad faith, for at least the reasons provided in this paragraph, and in paragraphs 26-29 herein. The Letter failed to provide the requisite factual allegations and claim infringement charts allegedly supporting the claims of infringement. The objective evidence shows that Defendants sent the letter in bad faith, as the accused Presidio2 predates (and is therefore prior art to) the asserted claims and the Presidio2 does not infringe based on a plain reading of the independent claims.

26. The Letter also required a response in an unreasonably short period of time (roughly two weeks). Two weeks simply is insufficient time to evaluate charges of patent infringement.

27. The Letter also unreasonably demanded that Speck “[s]top selling these products [i.e., Presidio2 products] immediately,” and “[s]top promoting the products on any website.” Upon information and belief, none of the Defendants manufacture any products which are competitive with the Presidio2, and none of the Defendants are suffering from any irreparable injury; therefore, injunctive relief is not available under the Supreme Court’s decision in *eBay Inc. v. MercExchange, L.L.C.*, 547 U.S. 388 (2006). Because the Presidio2 is Speck’s flagship smartphone case product line, and the recent release of the iPhone 15 has increased short-term sales, the Letter’s demand to effectively erase the Presidio2 from the market was far from reasonable and made in bad faith.

28. The Letter also fails to provide the name and address of the true patent owner or owners (i.e., that patent’s true assignee).

29. Upon information and belief, no reasonable analysis of either infringement or validity of the ’561 Patent was performed, as any reasonable analysis would have showed that the assertion of the patents at issue was meritless.

30. As a result of the bad faith Letter, Speck has suffered actual damages including but not limited to the time, expense, and attorneys’ fees incurred in analyzing the infringement claims, analyzing the validity of the ’561 Patent, and drafting and prosecuting this Complaint.

31. Speck therefore requests compensatory, statutory, and exemplary damages against the Defendants, in the maximum manner and amount authorized by law.

PLAINTIFF'S REQUEST FOR RELIEF

32. Speck hereby respectfully requests the following relief:
- A. A judgment that Speck's Presidio2 products do not infringe any claims of the '561 Patent;
 - B. A judgment that each claim of the '561 Patent is invalid;
 - C. An award of attorneys' fees under 35 U.S.C. § 285;
 - D. An injunction against Defendants threatening Speck with claims of infringement of the '561 Patent in the future;
 - E. Actual damages under O.C.G.A. § 10-1-773, including but not limited to the time, expense, and attorneys' fees incurred in analyzing the Letter, Defendants' infringement allegations, and the validity of the '561 Patent, drafting the Complaint, and prosecuting this case;
 - F. Punitive damages permitted by O.C.G.A. § 10-1-773, including \$50,000 or three times the combined total of damages, costs, and fees, whichever is greater; and

G. Such other relief as the Court deems just and appropriate.

DEMAND FOR JURY TRIAL

33. Speck hereby demands a jury trial on all claims appropriate for trial by jury, and a speedy hearing pursuant to Rule 57 of the Federal Rules of Civil Procedure.

Respectfully submitted this 16th day of October, 2023.

/s/ Steven G. Hill

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