

UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND

JEZIGN LICENSING, LLC
287 Bowman Avenue,
Purchase, NY 10577

Plaintiff,

v.

HEELYS, INC.
5 Bryant Park, FL 30
New York, NY 10018
Serve on: Resident Agent:
Capitol Services, Inc
615 South Dupont Highway
Dover, Kent, DE 19901

Defendant.

Case No.

**COMPLAINT FOR PATENT
INFRINGEMENT**

DEMAND FOR JURY TRIAL

For its Complaint, Jezign Licensing, LLC (“Jezign”) alleges as follows:

Nature of This Action

1. This is a design patent infringement action brought by Jezign against Heelys, Inc. based on Defendant’s willful infringement of U.S. Design Patent No. D554,848 (“the ‘848 patent”). Attached hereto as Exhibit A is a true and correct copy of the ‘848 patent, which was issued November 13, 2007, is entitled “Illuminated shoe lower”, and was owned by Jezign until its expiration on November 13, 2021.

Jurisdiction and Venue

2. Jezign is a New York company with a principal place of business in Silver Spring, Maryland.

3. Defendant is a Texas corporation with a principal place of business in Carrollton, Texas.

4. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. § 1338.

5. This Court has personal jurisdiction over Defendant because Defendant regularly conducts business in Maryland and has incurred the liability complained of herein in Maryland by virtue of sales to consumers through an interactive website.

6. Venue is proper in this District pursuant to 28 U.S.C. §§ 1391(b)(2).

Factual Background

7. Jezign is an innovative footwear company specializing in illuminated footwear. Since at least 2000, Jezign and/or its affiliates have been perfecting the design and technology of its unique illuminated footwear. Jezign's shoes and patent differ from previous patents and shoes as a result of the design and placement of the illumination system, whereas other patents and shoes have a different design and placement of their lights.

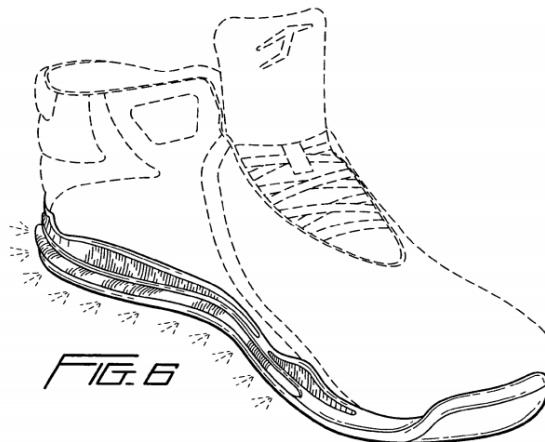
8. Upon information and belief, Defendant is a corporation that produces, manufactures, and or licenses Heelys shoes.

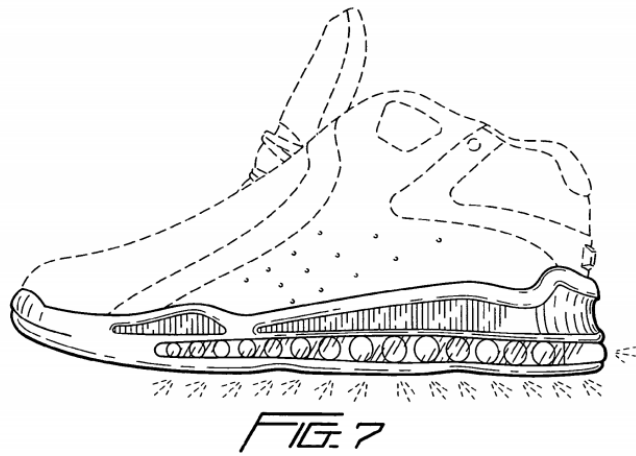
COUNT I

Infringement of U.S. Design Patent No D554,848

9. Jezign lawfully owned U.S. Design Patent No. D554,848 and held all rights, title, and interest in the patent. The patent-in-suit was valid, enforceable, and in full force and effect during the time of Defendant's infringement.

10. The claimed design of the patent-in-suit is shown in Figures 1-9 of the patent. Representative images are below:





11. Defendant offered and/or licensed products including but not limited to the Premium 1 Lo Light Up Shoes for sale (“the Infringing Products”). Images of the infringing products shoes are shown below:





12. In the eye of the ordinary observer familiar with the relevant prior art, giving such attention as a purchaser usually gives, the claimed design of the patent-in-suit and the design of

the infringing products are substantially the same, such that the ordinary observer would be deceived into believing that the design of the infringing products is the design claimed in the patent-in-suit.

13. Defendant directly infringed the patent-in-suit by making, using, licensing, offering to sell, selling and/or importing shoes, including but not limited to the infringing products, having substantially the same ornamental design as the design claimed in the patent-in-suit, in violation of 35 U.S.C. §§ 271(a) and 289.

14. Upon information and belief, Defendant sold, offered to sell, distributed and marketed shoes that infringe the patent-in-suit to end consumers and/or resellers with the intent that these parties will use, market, offer to sell and/or sell the products in the United States in a manner that infringes the patent-in-suit.

15. Upon information and belief, Defendant knew or should have known that the use, marketing, offering to sell, and selling of the infringing products by Defendant or its resellers and/or customers would directly infringe on the patent-in-suit.

16. Defendant's direct and induced infringement of the patent-in-suit has caused damage to Jezign.

17. Upon information and belief, Defendant's acts of infringement have been undertaken with knowledge of the patent-in-suit. Such acts constitute willful infringement and make this case exceptional pursuant to 35 U.S.C. §§ 284 and 285, and entitle Jezign to enhanced damages and reasonable attorney fees.

Prayer for Relief

Plaintiff prays for judgment as follows:

A. An Order directing an accounting to determine Defendant's profits resulting from Defendant's unlawful activities;

B. An Order awarding Jezign compensation for any and all damages, injury or harm pursuant to 35 U.S.C. §§ 284 and 289;

C. An Order directing Defendant to pay full restitution and/or disgorgement of all profits, including any lost profits, and benefits that may have been obtained by Defendant as a result of its wrongful conduct pursuant to 35 U.S.C. §§ 284 and 289;

D. An Order awarding Jezign treble damages resulting from Defendant's willful and intentional conduct pursuant to 35 U.S.C. §§ 284 and 289;

E. An Order awarding Jezign punitive and exemplary damages;

F. An Order awarding Jezign its reasonable costs and attorneys' fees, and a Declaration that this case is "exceptional" within the meaning of 35 U.S.C. § 285; and

G. Such further relief as this Court deems just and proper.

Dated: June 27, 2022

Respectfully submitted,

/s/ William N. Sinclair

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Attorneys for Plaintiff

JURY TRIAL DEMAND

Pursuant to Fed. R. Civ. P. 38(b)(1) and (c), Plaintiff hereby demands a jury trial on all the issues in this action so triable of right by a jury.

Dated: June 27, 2022

Respectfully submitted,

/s/ William N. Sinclair
William N. Sinclair (Bar No. 28833)