

UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND

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

Plaintiff,

v.

BEBE HOLDINGS, INC.
11901 Santa Monica Blvd, Ste 202
Los Angeles, CA 90025
Serve on: Resident Agent
Registered Agent Solutions, Inc.
9. E. Loockerman St. Suite 311
Dover, Kent, DE, 19901

and

L.T.D. COMMODITIES, LLC
200 Tristate Intl.
Lincolnshire, IL 600690000
Serve on: Resident Agent
Illinois Corporation Service Company
801 Adlai Stevenson Drive,
Springfield, IL 62703

and

POSHMARK, INC.,
203 Redwood Shores Parkway,
8th Floor
Redwood City, CA 94065
Serve on: Resident Agent
Incorporating Services, LTD.
7801 Folsom Blvd #202
Sacramento, CA 95826

Defendants.

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 Bebe Holdings, Inc. (“Bebe”), L.T.D. Commodities LLC (“LTD”), and Poshmark Inc. (“Poshmark”) based on Defendants’ 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 Bebe is a Delaware corporation with a principal place of business in Los Angeles, California.

4. Defendant LTD is an Illinois company with a principal place of business in Lincolnshire, Illinois.

5. Defendant Poshmark is a California corporation with a principal place of business in Redwood City, California.

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

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

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

Factual Background

9. 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.

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

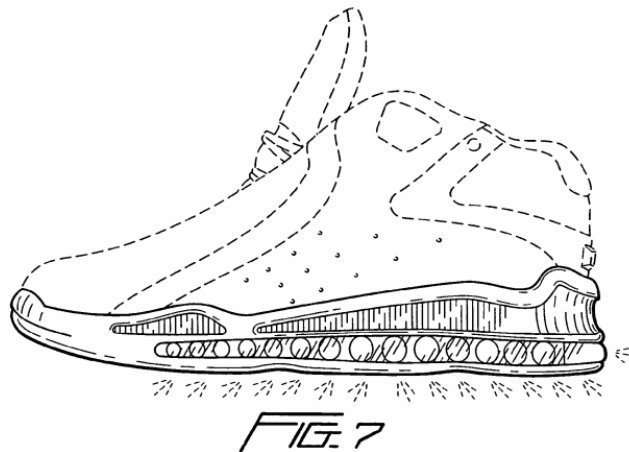
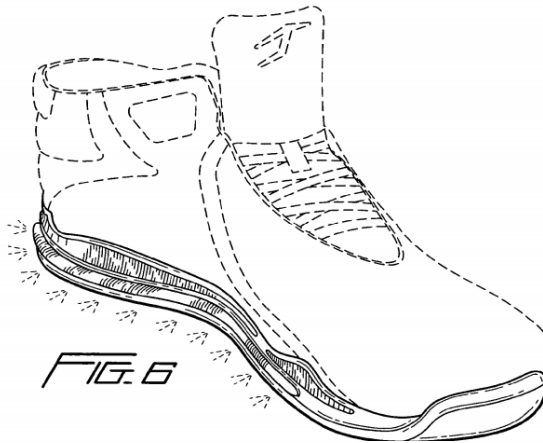
11. Upon information and belief, Defendants LTD and Poshmark sells Bebe shoes via its online website.

COUNT I

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

12. 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 Defendants' infringement.

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



14. Bebe offered and/or licensed products including but not limited to the Sport Krysten, Sport Keene, and Light-Up Boots for sale via online retailers (“the Infringing Products”). Images of the infringing products shoes are shown below:





15. 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.

16. Defendants have 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.

17. Defendants had actual knowledge of the patent-in-suit since at least the date on which Defendant received service of the complaint in this action.

18. Upon information and belief, Defendants 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.

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

20. Defendants' direct and induced infringement of the patent-in-suit has caused damage to Jezign.

21. Defendants' direct and induced infringement has also caused irreparable harm to Jezign.

22. Upon information and belief, Defendants' 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 Defendants' profits resulting from their 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 Defendants 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 Defendants' 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

William N. Sinclair (Bar No. 28833)
bsinclair@silvermanthompson.com
Ilona Shparaga (Bar No. 21494)
ishparaga@silvermanthompson.com
SILVERMAN|THOMPSON|SLUTKIN|
WHITE
400 East Pratt Street, Suite 900
Baltimore, Maryland 21202
(410) 385-2225 (t)
(410) 547-2432 (f)

/s/ Stephen M. Lobbin
Stephen M. Lobbin (*pho hac to be filed*)
SML Avvocati P.C.
888 Prospect Street, Suite 200
San Diego, California 92037
T: 949.636.1391
E: sml@smlavvocati.com

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)