

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

DURGAMRITHA T. SUNDARAM

Plaintiff,

v.

BELK, INC., BELK ECOMMERCE LLC,  
and SYCAMORE PARTNERS LLC

Defendants.

C.A. No. 22-03258

JURY TRIAL DEMANDED

**DURGAMRITHA T. SUNDARAM'S COMPLAINT**

Plaintiff Durgamritha T. Sundaram (“Plaintiff”), by her attorneys, for her Complaint against Defendants Belk, Inc. and Belk Ecommerce LLC (together “Belk”) and Sycamore Partners, LLC (“Sycamore”) (collectively “Defendants”), alleges as follows:

**NATURE OF THE ACTION**

1. This is an action for infringement of U.S. Patent No. RE48,710 (“RE710,” attached hereto as Exhibit A) arising under the patent laws of the United States, 35 U.S.C. § 100 *et seq.* This action relates to the field of reversible dresses and a method of manufacturing a reversible dress.

**PARTIES**

2. Plaintiff Durgamritha Sundaram resides in the State of New York, is an individual over the age of 18, a citizen of New York, a resident of New York City, the named inventor of RE710, and the owner of all rights in and to RE710.

3. Defendant Sycamore Partners LLC (“Sycamore”) is a limited liability company organized and existing under the laws of the State of New York with a place of business at 9 West 57th Street, New York, NY 10019. Sycamore is a private equity firm specializing in consumer, distribution, and retail-related investments.

4. Defendant Belk, Inc. is a corporation organized and existing under the laws of the State of Delaware with a place of business at 2801 West Tyvola Road, Charlotte, North Carolina 28217. Upon information and belief, Belk, Inc. is a wholly owned subsidiary of Sycamore.

5. Defendant Belk Ecommerce LLC is a limited liability company organized and existing under the laws of the State of North Carolina with a place of business at 2801 West Tyvola Road, Charlotte, North Carolina 28217. Upon information and belief, Belk Ecommerce is a wholly owned subsidiary of Sycamore or of Belk, Inc.

6. Upon information and belief, Defendants Belk are in the business of manufacturing, distributing, and/or selling apparel, including reversible dresses.

7. Upon information and belief, Sycamore acquired the intellectual property of The Limited, Inc. in 2017. Upon information and belief, Defendants manage “The Limited” as a clothing brand that is sold exclusively through Belk.

#### **JURISDICTION AND VENUE**

8. The Court has subject matter jurisdiction over this action pursuant to 28 U.S.C §§ 1331 (federal question) and 1338(a) (patent infringement).

9. The Court has personal jurisdiction over Defendants because Defendants have committed acts of patent infringement in this district. Specifically, on information and belief, Defendants have been making, using, selling, offering to sell, and/or distributing

reversible dresses throughout the United States and in this judicial district and/or have been causing to be made, used, sold, offered for sale, and/or distributed throughout the United States and in this judicial district.

10. This Court also has jurisdiction over Defendants because this action arises from actions of Defendants directed towards New York and because Defendants have purposefully availed themselves of the rights and benefits of New York law by engaging in systematic and continuous contacts with New York. Defendants have conducted and are conducting business in this judicial district by selling and offering for sale products through their internet website, [www.belk.com](http://www.belk.com), from which products may be purchased directly and whose Domain Name Server (DNB) is hosted in New York. The Domain is registered to Belk Store Services, Inc., who, upon information and belief, is a wholly owned subsidiary of Belk, Inc. that is registered to do business in New York and has a registered agent located at 450 7th Avenue, New York, NY, 10123.

11. This Court also has jurisdiction over Defendants because a portion of the infringements have occurred in New York, and Defendants regularly do and solicit business, engage in other persistent courses of conduct, and derive substantial revenue from goods and services provided to individuals in New York and in this judicial district.

12. This Court also has jurisdiction over Defendants because Sycamore is a limited liability company organized and existing under the laws of the State of New York with a place of business at 9 West 57th Street, New York, NY 10019. Sycamore owns Belk and the Limited Brand, which is sold exclusively through Belk.

13. Venue is proper in this District under 28 U.S.C. § 1400(b) because Defendants has committed acts of patent infringement in this District and have a regular and established place of business in this District.

### **THE PATENT**

14. On December 27, 2016, the United States Patent and Trademark Office (“USPTO”), after a full and fair examination, duly and legally issued U.S. Patent No. 9,526,281 (the “’281 patent”), titled “SHORT REVERSIBLE DRESS”.

15. Due to the inadvertent omission of a cross-reference to a related patent application, Reissue Patent Application No. 16/661,706 was filed on October 23, 2019. After a full and fair examination, the ’281 patent was duly and legally reissued on August 31, 2021, as RE48,710 (“RE710” attached hereto as Exhibit A).

16. Plaintiff is the sole inventor and the owner of RE710 and possesses all rights of recovery under RE710.

17. RE710 claims reversible dresses (claims 1-9) and a method of manufacturing reversible dresses (claim 10). (*See* Ex. A, RE710 at claims 1-10.).

18. Claim 1 claims “[a] reversible dress comprising:

- a. a first layer of fabric having a first length, a first top end, a first bottom end, a first external side and a first internal side;
- b. a second layer of fabric having a second length longer than the first length, a second bottom end, a second top end attached to the first top end, thereby defining a distance between the first bottom end and the second bottom end, a second external side and a second internal side in operative contact with the first internal side; and
- c. a hem facing having a bottom hem end attached to the second bottom end on the second internal side and having a top hem end attached to the second internal side between the first bottom end and the first top end, wherein the size of the hem facing

covers the second layer of fabric between the first bottom end and the second bottom end.

19. Claim 10 claims “[a] method of manufacturing a reversible dress, comprising:

- a. providing a first layer of fabric having a first length, a first top end, a first bottom end, a first external side and a first internal side;
- b. providing a second layer of fabric having a second length longer than the first length, a second bottom end, a second top end attached to the first top end, thereby defining a distance between the first bottom end and the second bottom end, and a second internal side in operative contact with the first internal side; and
- c. operatively connecting a hem facing having a bottom hem end attached to the second bottom end on the second internal side and having a top hem end attached to the second internal side between the first bottom end and the first top end, wherein the size of the hem facing covers the second layer of fabric between the first bottom end and the second bottom end.

### INFRINGEMENT PRODUCTS

20. Defendants have been manufacturing, using, selling, offering for sale, importing, and/or otherwise commercializing dresses that include each and every element of claims 1-3 and 5-8. Defendants have been manufacturing or causing to be manufactured or importing dresses manufactured by a method that includes each and every step of claim 10. (Claims 1-3, 5-8, and 10 are referred to herein as the “Asserted Claims”).

21. The infringing dresses (“Infringing Dresses”) include the following:

Description	Color	Identifying No.	URL
The Limited Plus Size Reversible Shift Dress	Gala Stripe Small	UPC: 0191777113786	<a href="https://www.belk.com/p/the-limited-plus-size-reversible-shift-dress/1804171677MGFDR118B05C.html">https://www.belk.com/p/the-limited-plus-size-reversible-shift-dress/1804171677MGFDR118B05C.html</a>
The Limited Reversible ITY Career Dress	Tribal Ikat	Style #: 154MGFDR118B06	<a href="https://www.belk.com/p/the-limited-reversible-ity-dress/1804171154MGFDR118B06.html">https://www.belk.com/p/the-limited-reversible-ity-dress/1804171154MGFDR118B06.html</a>

The Limited Reversible Dress	Black Festive	Style #191777115216	
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22. For example, Defendants’ The Limited® Reversible ITY Career Dress (Style No. 154MGFDR118B06) (hereinafter the “Dress”) meets each and every limitation of the Asserted Claims, as described in Exhibit B.

23. The first external side of the Dress is shown below in Figure A. The innovative hem (referred to as “hem facing”) is shown in Figure B. (See RE710 at 5:47-58.) The second external side of the Dress, which is longer than the first, is shown in Figure C.

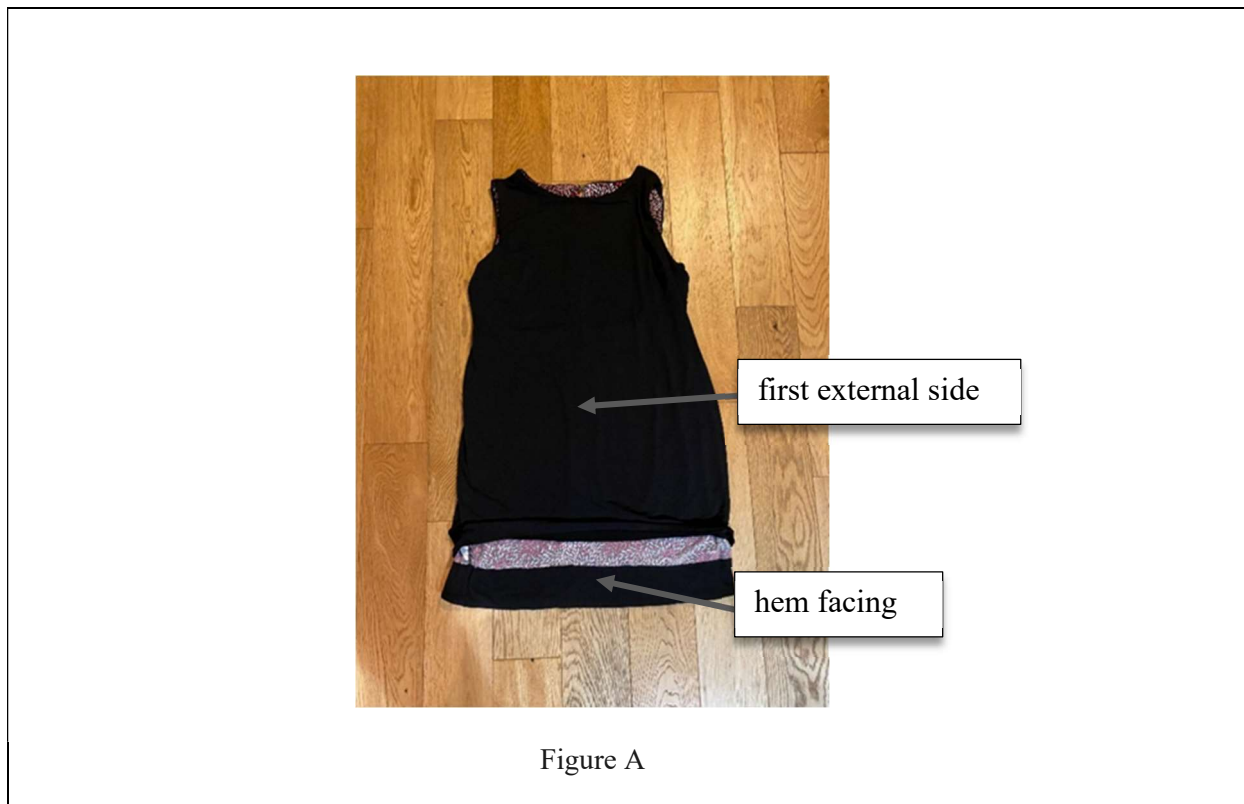


Figure A

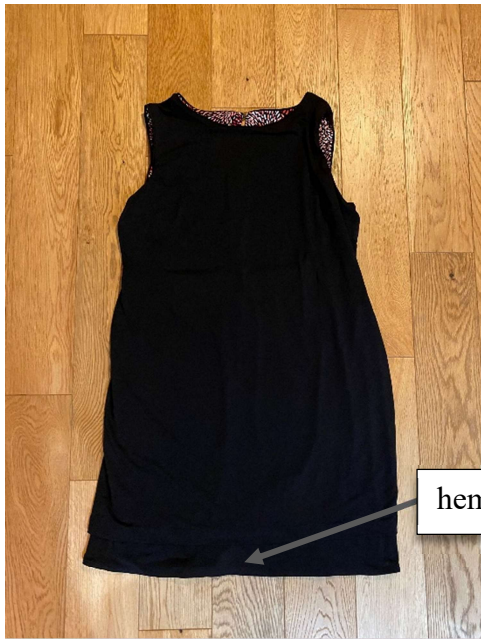
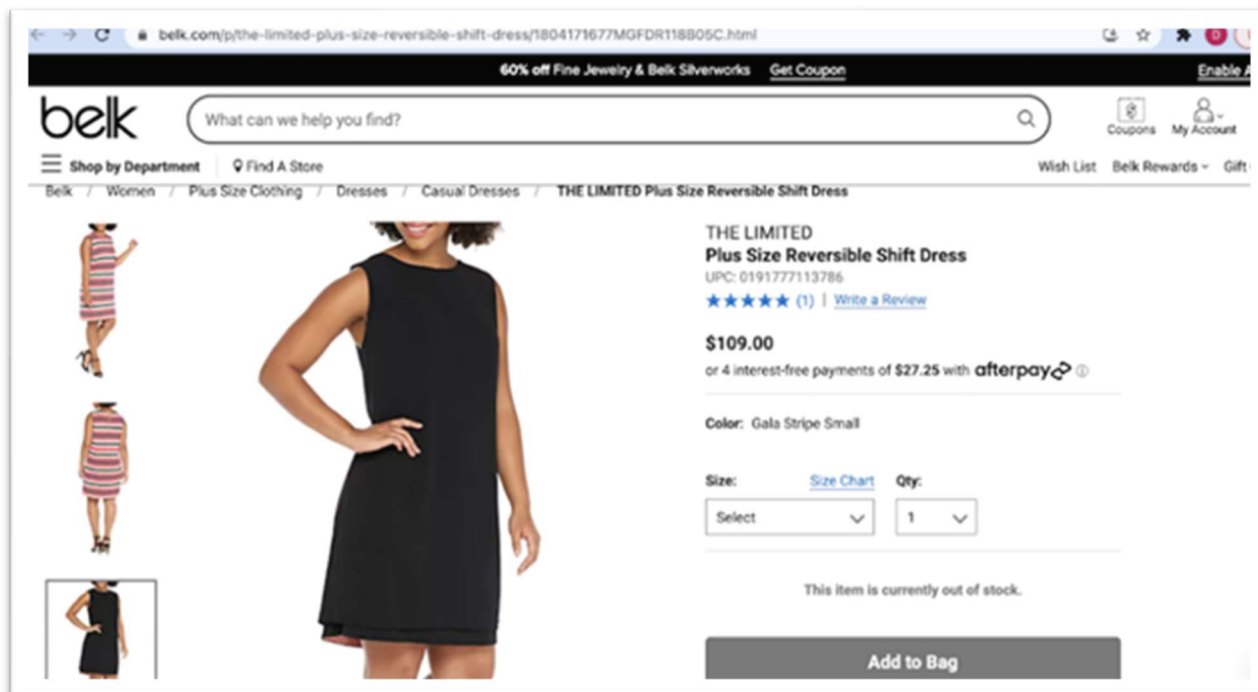


Figure B



Figure C

24. Defendants sell and offer for sale Infringing Dresses using their online store at [belk.com](http://belk.com) as shown in the following screenshot of <url> showing The Limited Plus Size Reversible Shift Dress:



25. Defendants have at all relevant times been on notice of the existence of at least a pending patent application (U.S. Application Nos. 15/163,764 or 16/661,706) or issued patent (U.S. Patent No. 9,526,281 or RE710).

26. As recited in claim 1 of RE710, the Infringing Dresses include a first layer of fabric having a first length, a first top end, a first bottom end, a first external side, and a first internal side.

27. As recited in claim 1 of RE710 Patent, the Infringing Dresses include a second layer of fabric having a second length longer than the first length, second bottom end, a second top end attached to the first top end, thereby defining a distance between the



first bottom end and the second bottom end, a second external side, and a second internal side in operative contact with the first internal side.

28. As recited in claim 1 of RE710, the Infringing Dresses include a hem facing having a bottom hem end attached to the second bottom end on the second internal side and having a top hem end attached to the second internal side between the first bottom end and the first top end, wherein the size of the hem facing is selected so that the hem facing covers the second layer of fabric between the first bottom end and the second bottom end.

29. As recited in claim 2 of RE710, the Infringing Dresses include a hem, wherein the size of the hem facing is determined by the distance between the first bottom end and the second bottom end.

30. As recited in claim 3 of RE710, the Infringing Dresses include a first external side of the first layer of fabric, wherein the first external side of the first layer of fabric is patterned or colored.

31. As recited in claim 5 of RE710, the Infringing Dresses include a second external side of the second layer, wherein the second external side of the second layer of fabric has a different color, pattern or texture than the first external side of the first layer of fabric.

32. As recited in claim 6 of RE710, the Infringing Dresses include a hem, wherein the hem facing has the same color or pattern as the first external side of the first layer of fabric.

33. As recited in claim 7 of RE710, the Infringing Dresses include a hem, wherein the size of the hem facing is selected to cover the distance between the first bottom end and the second bottom end.

34. As recited in claim 8 of RE710, the Infringing Dresses include a hem, wherein the size of the hem facing is selected to completely cover the distance between the first bottom end and the second bottom end.

35. As recited in claim 10 of RE710, the Infringing Dresses are manufactured by providing a first layer of fabric having a first length, a first top end, a first bottom end, a first external side and a first internal side.

36. As recited in claim 10 of RE710, the Infringing Dresses are manufactured by providing a second layer of fabric having a second length longer than the first length, a second bottom end, a second top end attached to the first top end, thereby defining a distance between the first bottom end and the second bottom end, and a second internal side in operative contact with the first internal side.

37. As recited in claim 10 of RE710, the Infringing Dresses are manufactured by operatively connecting a hem facing having a bottom hem end attached to the second bottom end on the second internal side and having a top hem end attached to the second internal side between the first bottom end and the first top end, wherein the size of the hem facing covers the second layer of fabric between the first bottom end and the second bottom end.

38. Defendants' actions as alleged have caused and will continue to cause irreparable harm to Plaintiff and her valuable Patent, and to the business and substantial goodwill represented thereby, remedies at law are inadequate to compensate for that injury, considering the balance of hardships between Plaintiff and Defendants, a remedy in equity is warranted, the public interest would not be disserved by an injunction, and said acts and damage will continue unless restrained by this Court.

**COUNT I**  
**DIRECT INFRINGEMENT OF RE710 UNDER 35 U.S.C. § 271(a)**

39. Plaintiff repeats and re-alleges each and every allegation of paragraphs 1 through 38 as though fully set forth herein.

40. In violation of 35 U.S.C. § 271(a), and as described in greater detail above, Defendants have been directly infringing RE710 Patent, literally or under the doctrine of equivalents.

41. Defendants have been directly infringing the Asserted Claims of RE710 by making, using, selling and/or offering to sell the Infringing Dresses without authority in the United States, and may continue to do so unless enjoined by this Court. For example, Defendants have been making, selling, offering to sell, and advertising the Infringing Dresses that meet each and every element of the Asserted Claims, as described in Exhibit B.

42. Defendants have committed these acts of infringement without license or authorization.

43. Plaintiff is in compliance with 35 U.S.C § 287.

44. Defendants have had knowledge of infringement of RE710, making Defendants' infringement willful.

45. On information and belief, Defendants will continue to infringe RE710 unless and until they are enjoined by the Court, the patent is licensed or the patent expires.

46. As a direct and proximate result of Defendants' infringement of RE710, Plaintiff has been and continues to be damaged. As such, Defendants should be finally and permanently enjoined from further infringement.

**COUNT II**  
**INFRINGEMENT OF RE710 UNDER 35 U.S.C. § 271(g)**

47. Plaintiff repeats and re-alleges each and every allegation of paragraphs 1 through 46 as though fully set forth herein.

48. In violation of 35 U.S.C. §271(g), and as described in greater detail above, Defendants have been importing into the United States or are offering to sell, selling, or using reversible dresses manufactured by the process claimed in RE710 Patent, literally or under the doctrine of equivalents.

49. Defendants, acting alone or in concert, have imported and are importing, Dresses that infringe at least claim 10 of RE710, which have been manufactured in the Philippines, without authority in the United States.

50. Defendants, acting alone or in concert, have sold, offered to sell, are selling, sell, use and/or used the Infringing Dresses, made in the Philippines, in this District.

51. Defendants have committed these acts of infringement without license or authorization.

52. Defendants know or should have known that the importation, offer for sale or sale in the United States of the Infringing Dresses infringe RE710, at least as of the service of the present complaint, making Defendants' infringement willful.

53. Plaintiff is in compliance with 35 U.S.C § 287.

54. On information or belief, Defendants will continue to infringe RE710 unless enjoined by this Court, the patent is licensed, or the patent expires.

55. As a direct and proximate result of Defendants' direct infringement of the RE710, Plaintiff has been and continues to be damaged. As such, Defendants should be finally and permanently enjoined from further infringement.

**DEMAND FOR JURY TRIAL**

56. Pursuant to Federal Rule of Civil Procedure 38(b), Plaintiff hereby demands a trial by jury of any and all causes of action.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff prays that it be granted the following relief:

- A. That judgement be entered that Defendants infringed RE710 directly, literally and/or under the doctrine of equivalents by making, selling, and offering to sell their Dresses within the United States and/or importing their Dresses into the United States;
- B. That Defendants, their officers, directors, agents, servants, employees, attorneys, affiliates, divisions, branches, parents, and those persons in active concert or participation with any of them, be preliminarily and permanently restrained and enjoined from directly infringing RE710;
- C. That Plaintiff be awarded damages pursuant to 35 U.S.C. § 284 sufficient to compensate Plaintiff for Defendants' past infringement and any continuing or future infringement of RE710 up until the date that Defendants are finally and permanently enjoined from further infringement, including compensatory damages;

- D. An assessment of pre-judgment and post-judgment interest and costs against Defendants, together with an award of such interest and costs, in accordance with 35 U.S.C. § 284;
- E. That Plaintiff be awarded enhanced damages pursuant to 35 U.S.C. § 284 for Defendants willful infringement of RE710;
- F. That this case be declared exceptional under 35 U.S.C. § 285 and award Plaintiff their attorneys' fees, expenses and costs incurred in this action;
- G. That an accounting be performed of Defendants' infringing activities through trial and judgment; and
- H. Any such further relief that the Court deems equitable and just.

**Respectfully submitted on April 21, 2022, by:**

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