

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK**

VOESH CORPORATION,

Plaintiff

v.

CODI N CODI, INC.,

Defendant.

Case No. 23-cv-2672

JURY DEMANDED

COMPLAINT

Plaintiff Voesh Corporation (“Plaintiff” or “Voesh”) for its causes of action against Defendant Codi N Codi, Inc. (“Defendant” or “Codi”) alleges as follows:

NATURE OF THE ACTION

1. This is an action for Patent Infringement under 35 U.S.C. § 271.
2. As alleged in detail below, Defendant has engaged and continues to engage in a conscious, systematic, and willful pattern of patent infringement, to the damage of Plaintiff.

JURISDICTION AND VENUE

3. This court has jurisdiction over the patent infringement claims pursuant to 28 U.S.C. §§ 1331 and 1338(a).
4. Venue is proper in this District pursuant to 28 U.S.C. § 1400(b), as the claims arose in this District and due to the fact that Defendant’s principal place of business is in this district.

Defendant has purposefully availed itself of this forum by, among other things, making, shipping, using, offering to sell and selling, and causing others to use, infringing products in the State of New York, including in this District, and, upon information and belief, deriving revenue from such activities.

THE PARTIES

5. Plaintiff is a New York corporation with a principal place of business at 6255 Northern Blvd., East Norwich, NJ 11732.

6. Defendant is a New York corporation with a principal place of business at 119-01 15th Ave., College Point, NY 11356.

PLAINTIFF'S PATENT AND BUSINESS

7. Plaintiff owns U.S. Patent No. 11,478,058 (hereinafter "the '058 patent"). A copy of the '058 patent is attached as Exhibit A. The '058 patent has the title, "METHOD FOR PROVIDING A PREDETERMINED BEAUTY TREATMENT," and was filed on July 8, 2020 and issued on October 25, 2022. Plaintiff is the original assignee of the '058 patent.

8. The '058 patent claims priority to a patent application filed on April 14, 2016, with the benefit of a provisional patent application filed on April 15, 2015.

9. The '058 patent is directed to patent-eligible subject matter under 35 U.S.C. § 101, being directed to a patent-eligible process without recitation of any abstract idea or any other judicial exception.

10. Plaintiff owns all rights, title, and interest in and to the '058 patent.

11. Plaintiff manufactures and sells products in accordance with the '058 patent.

12. Plaintiff actively develops new products and pursues intellectual property protection for those products to stay competitive in the face of counterfeits and knock-offs.

DEFENDANT'S INFRINGING ACTS

13. Defendant has been offering to sell and selling products that infringe the '058 patent, including offers for sale made through their website, <https://codincodi.com>, since at least October 25, 2022.

14. Rather than innovate and develop its own product, Defendant chose to copy Plaintiff's patented products.

15. In particular, Defendant sells items identified on their website as, "Codi 4 In 1 Pedicure Kit" (hereinafter "four-step kits"), with different four-step kits being differentiated by their scent. A copy of the webpage where Defendant offers one of its four-step kits, reproduced as of April 6, 2023, is attached as Exhibit B.

16. Defendant further sells items identified on their website as, "Codi 3 In 1 Pedicure Kit" (hereinafter "three-step kits"), with different three-step kits being differentiated by their scent. A copy of the webpage where Defendant offers one of its three-step kits, reproduced as of April 6, 2023, is attached as Exhibit C.

17. Defendant's sales of the four-step kits and the three-step kits continue to the present day.

18. The four-step kits and the three-step kits literally infringe at least claims 1–3, 5–9, and 11 of the '058 patent.

19. Claim 1 of the '058 patent is reproduced here:

1. A method for implementing and providing a predetermined beauty treatment comprising:

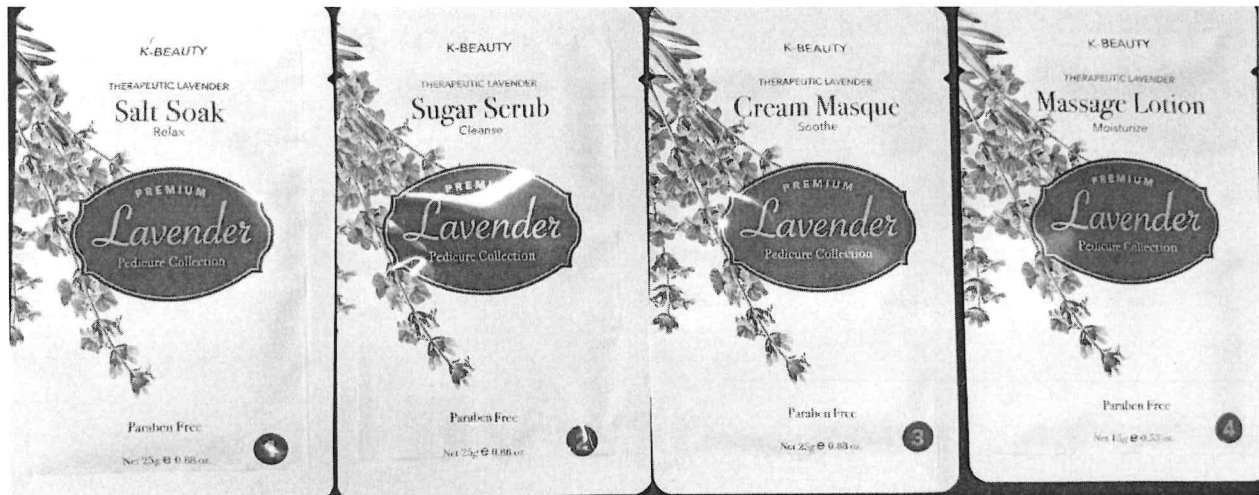
providing at least two separate packets of products to be used sequentially in the providing of the predetermined beauty treatment, each of the provided separate packets including a specific, predetermined quantity of one of the products for performance of a single discrete sequential step of the predetermined beauty treatment utilizing the one of the products and being labeled with indicia representative of the sequential step to which each of the packets correspond in the predetermined beauty treatment; and

providing an outer packaging configured to receive and fit a predetermined number of said separate packets corresponding to the predetermined beauty treatment, the outer packaging being labeled with indicia representative of the predetermined beauty treatment.

20. A view of the outer packaging of an example of one of Defendant's four-step kits is shown below:



21. A view of the separate packets within an example of one of Defendant's four-step kits is shown below:



22. As is apparent from the above images, the four-step kits show infringement of each and every element of at least claim 1 of the '058 patent and, therefore literally infringe at least claim 1.

23. The three-step kits similarly infringe at least claim 1 of the '058 patent.

24. Even if some feature of the present claims were not literally met, the four-step kits and the three-step kits infringe at least claims 1–3, 5–9, and 11 of the '058 patent under the doctrine of equivalents.

COUNT I:
INFRINGEMENT OF U.S. PATENT NO. 11,478,058

25. Paragraphs 1 through 25 are incorporated by reference herein.

26. Plaintiff is the owner of all rights, title, and interest in the '058 patent.

27. Defendant has infringed and continues to infringe the '058 patent by, among other things, making, using, offering to sell, selling in the United States, and/or importing into the United States, products that are covered by and embody the '058 patent, including the four-step kits and the three-step kits.

PRAYER FOR RELIEF

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WHEREFORE, Plaintiff prays for relief as follows:


1. For a judgment declaring that Defendant has infringed U.S. Patent No. 11,478,058;
2. For a preliminary and permanent order enjoining Defendant and its officers, directors, agents, employees, affiliates and all other acting in privity or in concert with them, and their parents, subsidiaries, divisions, successors and assigns from further acts of infringement of the '058 patent;
3. For a judgment awarding Plaintiff damages adequate to compensate for Defendant's infringement of the '058 patent, together with interest and costs, and in no event less than a reasonable royalty, under 35 U.S.C. § 284, including all pre-judgment and post-judgment interest at the maximum rate permitted by law;
4. For a judgment awarding Plaintiff treble damages and pre-judgment interest under 35 U.S.C. § 284 as a result of Defendant's willful and deliberate infringement of Plaintiff's patent rights;
5. For a judgment declaring that this case is exceptional and awarding Plaintiff its expenses, costs, and attorney fees in accordance with 35 U.S.C. §§ 284 and 285, 15 U.S.C. § 1117(a), and Rule 54(d) of the Federal Rules of Civil Procedure;
6. That Plaintiff have such other and further relief as the Court may deem just and proper.

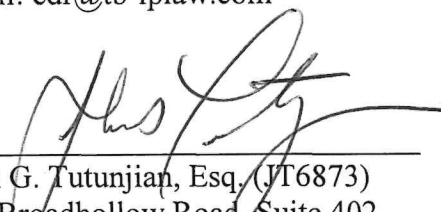
DEMAND FOR JURY TRIAL

Plaintiff demands a trial by jury in this action pursuant to Fed. R. Civ. P. 38.

This the 10th day of April, 2023.

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