

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

LIFETIME BRANDS, INC.,	§	
	§	Case No.
Plaintiff,	§	
	§	<b><u>JURY TRIAL DEMANDED</u></b>
v.	§	
	§	
QIMA LTD.,	§	
	§	
Defendant.	§	

**COMPLAINT FOR PATENT INFRINGEMENT**

Plaintiff Lifetime Brands, Inc. (“Lifetime Brands” or “Plaintiff”), files this original Complaint against Defendant QIMA Ltd. (“QIMA” or “Defendant”), for patent infringement under 35 U.S.C. § 271 and alleges as follows:

**THE PARTIES**

1. Plaintiff Lifetime Brands is a Delaware corporation with a registered office located at 241 Little Falls Drive, Wilmington, Delaware 19808, and with its principal place of business at 1000 Stewart Avenue, Garden City, New York, 11530.

2. Defendant QIMA is a private limited company, organized and existing under the laws of Hong Kong Special Administrative Region, with a registered office at 5/F., Dah Sing Life Building, 99-105 Des Voeux Road Central, Hong Kong, and its principal place of business at Sino Plaza, 8th Floor, 255-257 Gloucester Road, Causeway Bay, Hong Kong. Upon information and belief, QIMA does business in Texas, including in this Judicial District, directly and through intermediaries, and offers its products and services, including those accused herein of

infringement, to customers and potential customers located in Texas, including in this Judicial District.

### **JURISDICTION AND VENUE**

3. This is an action for patent infringement arising under the patent laws of the United States, 35 U.S.C. §§ 1, *et seq.* This Court has jurisdiction over this action pursuant to 28 U.S.C. §§ 1331, 1332, 1338, and 1367.

4. This Court has specific and personal jurisdiction over QIMA consistent with the requirements of the Due Process Clause of the United States Constitution and the Texas Long Arm Statute. Upon information and belief, QIMA has sufficient minimum contacts with the forum because QIMA transacts substantial business in the State of Texas and in this Judicial District. Further, upon information and belief, QIMA has, directly or through subsidiaries or intermediaries, committed and continues to commit acts of patent infringement and/or has induced acts of patent infringement by others in the State of Texas and in this Judicial District, and/or has contributed to patent infringement by others in the State of Texas and in this Judicial District as alleged in this Complaint, and as alleged more particularly below.

5. Venue is proper in this Judicial District pursuant to 28 U.S.C. §§ 1400(b) and 1391(b) and (c) because QIMA is a foreign company that may be sued in any Judicial District, including the Eastern District of Texas. QIMA is subject to personal jurisdiction in this Judicial District and has committed acts of patent infringement in this Judicial District. On information and belief, QIMA, through its own acts and/or through the acts of others, makes, uses, sells, offers to sell, and/or imports infringing products within this Judicial District, regularly does and solicits business in this Judicial District, and has the requisite minimum contacts with the Judicial District such that this venue is a fair and reasonable one.

**PATENTS-IN-SUIT**

6. On February 21, 2023, the United States Patent and Trademark Office duly and legally issued U.S. Patent No. 11,587,038 (the “’038 Patent”) entitled “Method and Apparatus for Mobile Quality Management Inspections.” A true and correct copy of the ’038 Patent is available at: <https://image-ppubs.uspto.gov/dirsearch-public/print/downloadPdf/11587038>.

7. On March 1, 2022, the United States Patent and Trademark Office duly and legally issued U.S. Patent No. 11,263,586 (the “’586 Patent”) entitled “Method and Apparatus for Mobile Quality Management Inspections.” A true and correct copy of the ’586 Patent is available at: <https://image-ppubs.uspto.gov/dirsearch-public/print/downloadPdf/11263586>.

8. On December 29, 2020, the United States Patent and Trademark Office duly and legally issued U.S. Patent No. 10,878,380 (the “’380 Patent”) entitled “Method and Apparatus for Mobile Quality Management Inspections.” A true and correct copy of the ’380 Patent is available at: <https://image-ppubs.uspto.gov/dirsearch-public/print/downloadPdf/10878380>.

9. On November 13, 2018, the United States Patent and Trademark Office duly and legally issued U.S. Patent No. 10,127,523 (the “’523 Patent”) entitled “Method and Apparatus for Mobile Quality Management Inspections.” A true and correct copy of the ’523 Patent is available at: <https://image-ppubs.uspto.gov/dirsearch-public/print/downloadPdf/10127523>.

10. Lifetime Brands is the sole and exclusive owner of all right, title, and interest to and in the ’038, ’586, ’380, and ’523 Patents (together, the “Patents-in-Suit” or “Asserted Patents”) and holds the exclusive right to take all actions necessary to enforce its rights to the Patents-in-Suit, including the filing of this patent infringement lawsuit. Lifetime Brands also has the right to recover all damages for past, present, and future infringement of the Patents-in-Suit and to seek injunctive relief as appropriate under the law.

## **FACTUAL BACKGROUND**

11. Lifetime Brands is a leader in the consumer products industry that designs, sources, and sells branded kitchenware, tableware, and other products used in the home. The Lifetime Brands family of companies markets its products under a number of widely-recognized brand names and trademarks, such as Farberware<sup>®</sup>, KitchenAid<sup>®</sup>, Instant Pot<sup>®</sup>, Sabatier<sup>®</sup>, Amco Houseworks<sup>®</sup>, Chef'n<sup>®</sup>, Chicago Metallic<sup>™</sup>, Copco<sup>®</sup>, Fred<sup>®</sup> and Friends, Houdini<sup>™</sup>, KitchenCraft<sup>®</sup>, Kamenstein<sup>®</sup>, Kizmos<sup>™</sup>, La Cafetière<sup>®</sup>, MasterClass<sup>®</sup>, Misto<sup>®</sup>, Swing-A-Way<sup>®</sup>, Taylor Kitchen<sup>®</sup>, and Rabbit<sup>®</sup>.

12. As part of a continuous commitment to quality and innovation, Lifetime Brands makes substantial investments in its products and its quality inspections, including the development of intellectual property to protect the reputation of its brands. Today, Lifetime Brands owns hundreds of patents, copyrights, and trademarks covering its consumer products and quality assurance solutions, including the Patents-in-Suit asserted by this Complaint.

13. Defendant QIMA is a provider of quality assurance and supply chain solutions. QIMA was originally founded as AsiaInspection in Hong Kong, and currently operates in 95 countries with over 40 offices and labs, including in the United States.<sup>1</sup> QIMA combines on-the-ground experts with its own digital platform for quality inspections, supplier audits, certification, and lab testing in the United States.<sup>2</sup>

## **INFRINGEMENT ALLEGATIONS**

14. The Patents-in-Suit generally cover apparatus and methods for mobile quality management inspections.

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<sup>1</sup> *Who We Are*, QIMA, <https://www.qima.com/who-we-are> (last visited Mar. 6, 2023).

<sup>2</sup> *Id.*

15. QIMA and its predecessor(s) have made, used, offered for sale, sold, or imported into the United States certain solutions (including, but not limited to, methods, devices, and software) that infringe the Patents-in-Suit. For example, on information and belief, QIMA and its predecessor(s) have made, used, offered for sale, sold, or imported into the United States variants of QIMA quality management inspection systems, mobile inspection solutions, and/or QIMAone (the “Accused Products”) which include functionality to perform quality management inspection since at least November 13, 2018.<sup>3</sup> The current and previous versions of QIMA quality management inspection systems, mobile inspection solutions, and QIMAone, alone and together, are non-limiting instances of the Accused Products. The Accused Products practice the claims of the Patents-in-Suit to improve the product quality inspection experience of its users, and to improve QIMA’s position in the market. On information and belief, QIMA personnel operate and use the Accused Products in the United States such that they infringe the Asserted Patents, and QIMA customers and third-party personnel affiliated with QIMA and/or QIMA customers operate and use the Accused Products in the United States at the direction and instruction of QIMA such that they infringe the Asserted Patents.

16. Lifetime Brands has at all times complied with the marking provisions of 35 U.S.C. § 287 with respect to the Patents-in-Suit. On information and belief, any prior assignees and licensees have also complied with the marking provisions of 35 U.S.C. § 287.

**COUNT I**  
**(Infringement of the '038 Patent)**

17. Paragraphs 1 through 16 are incorporated herein by reference as if fully set forth in their entireties.

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<sup>3</sup> See *id.*

18. Lifetime Brands has not licensed or otherwise authorized QIMA to make, use, offer for sale, sell, or import any products that embody the inventions of the '038 Patent.

19. QIMA infringes, contributes to the infringement of, and/or induces infringement of the '038 Patent by making, using, selling, offering for sale, and/or importing into the United States products and/or methods covered by one or more claims of the '038 Patent including, but not limited to, at least the Accused Products.

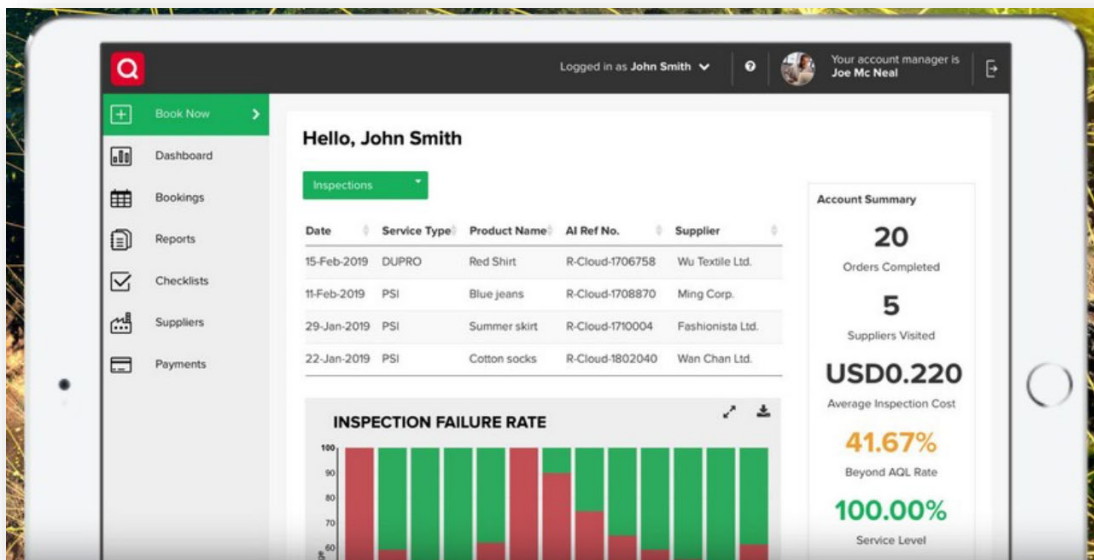
20. QIMA has directly infringed and continues to directly infringe the '038 Patent, either literally or under the doctrine of equivalents, without authority and in violation of 35 U.S.C. § 271, by making, using, offering to sell, selling, and/or importing into the United States products that satisfy each and every limitation of one or more claims of the '038 Patent. Upon information and belief, these products include the Accused Products that practice the methods and apparatuses covered by the '038 Patent including, for example, implementations of QIMA quality management inspection systems, mobile inspection solutions, and/or QIMAone solutions. For example, such implementations of the Accused Products infringe at least claim 1 of the '038 Patent.

21. For example, QIMA has and continues to directly infringe at least claim 1 of the '038 Patent by making, using, offering to sell, selling, and/or importing into the United States products that implement a method comprising: receiving, by a network server, information associated with a plurality of inspection lots from one or more sources in a quality control chain, each of the plurality of inspection lots including a plurality of product samples; transmitting information associated with the plurality of inspection lots from the network server to a first inspector mobile device to (i) cause the first inspector mobile device to display at least a portion of the information associated with the plurality of inspection lots and (ii) prompt a user of the first inspector mobile device to perform a first inspection of a first product sample in a first inspection

lot, the displayed information including purchase order information, factory information, an inspection status, an inspection quantity, a sample quantity, an inspection date, or any combination thereof; receiving in substantially real-time, by the network server, a first inspection report associated with the first inspection of the first product sample in the first inspection lot from the first inspector mobile device, the first inspection report including (i) data manually inputted by the user of the first inspector mobile device, (ii) image data generated by a camera of the first inspector mobile device that is reproducible as one or more images of at least a portion of the first product sample in the first inspection lot, or (iii) both (i) and (ii); transmitting in substantially real-time, from the network server, the first inspection report to a quality coordinator device; causing the quality coordinator device to display information associated with the first inspection report, the information associated with the first inspection report including factory information associated with the first inspection lot and information associated with the first product sample; responsive to a determination that the first product sample in the first inspection lot is rejected subsequent to the first inspection, blocking delivery of the first inspection lot and transmitting information from the network server to the inspector mobile device to prompt the user of the inspector mobile device to perform a second inspection of the first inspection lot; and receiving in substantially real-time, by the network server, a second inspection report associated with the second inspection of the first product sample in the first inspection lot from the inspector mobile device.

22. Each Accused Product performs a method of receiving, by a network server, information associated with a plurality of inspection lots from one or more sources in a quality control chain. For example, the Accused Products provide users with methods to view information associated with a plurality of inspection lots from one or more sources in a quality control chain.

For example, the Accused Products allow a user to view information associated with various inspection lots from its user platform and/or application.



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23. Each Accused Product performs a method where each of the plurality of inspection lots includes a plurality of product samples. For example, the Accused Products display information from a plurality of inspection lots, each of which include a plurality of product samples. The exemplary inspection report below shows a plurality of inspected product samples:

<sup>4</sup> QIMA, <https://www.qima.com/> (last visited Mar. 6, 2023).





## Inspection Report (PSI)

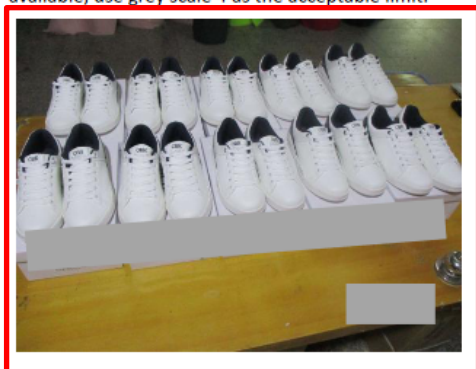
QIMA Service No. R-Cloud-1ABCDEF

Put the inspected pieces next to each other;  
Identify any deviation in color from one sample to the other;  
Check the color shading against the approved sample or production approved sample. - Check once only (1)

Checked, OK

Passed

The deviation should be within the acceptable range as per the specifications. If no specification is available, use grey scale 4 as the acceptable limit.



Bend the product at areas prescribed by the specifications. Repeat for as many cycles as specified (if not specified, perform 10 bend - release cycles). - S2 (8)

Checked, OK

Passed

1. The product must not break, deform or be damaged in any way during or after use.
2. The product's function must not be lost or hindered after bending.



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<sup>5</sup> QIMA, QIMA INSPECTION REPORT (PSI) 28 (2020), <https://content.qima.com/rs/944-QDO-384/images/QIMA%20-%20Inspection%20Report%20-%20Sneakers%20-%20Failed.pdf>.

INSPECTION RESULTS SUMMARY				
Result	Findings/Remarks	Unit: Pieces		
		CRI	MAJ	MIN
Found		0	12	37
Max		0	14	21
Sample Size		315	315	315
<a href="#">Workmanship AQL</a>	<b>Beyond AQL</b>	<b>Most serious defects found:</b>		
		Missing spare button – MAJ 1pc		
		Skip stitch – MAJ 1pc		
		Stitch stitch – MAJ 1pc		
		Stitch defect – MAJ 2pcs		
		Dart – MAJ 1pc		

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24. Each Accused Product performs a method of transmitting information associated with the plurality of inspection lots from the network server to a first inspector mobile device. For example, the Accused Products transmit information associated with a plurality of inspection lots from the network server to an inspector's mobile device. For example, the mobile device displays information, such as date, service type, product name, reference number, and supplier, associated with a plurality of inspection lots.

25. Each Accused Product performs a method of causing the first inspector mobile device to display at least a portion of the information associated with the plurality of inspection lots. For example, upon information and belief, QIMA's application on the inspector's mobile device displays at least a portion of the information associated with the plurality of inspection lots, such as date, service type, product name, reference number, and supplier.

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<sup>6</sup> QIMA, QIMA INSPECTION REPORT (IPC) 1 (2020), <https://content.qima.com/rs/944-QDO-384/images/QIMA%20-%20IPC%20Inspection%20Report%20-%20Lab%20Coat%20-%20Failed.pdf>.

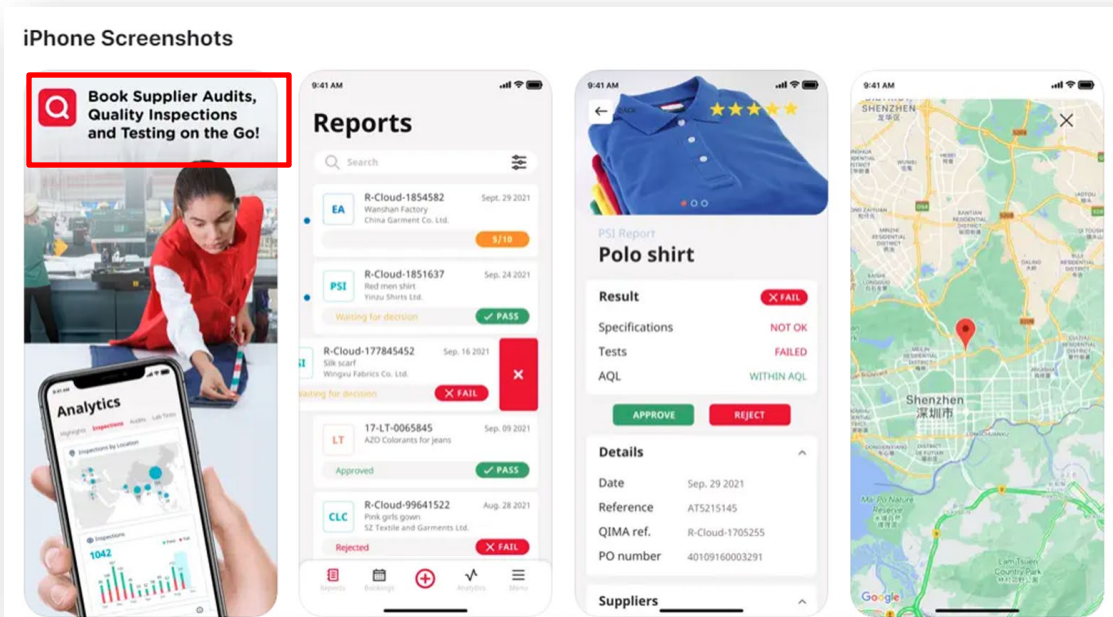
26. Each Accused Product performs a method of prompting a user of the first inspector mobile device to perform a first inspection of a first inspection lot, the displayed information including purchase order information, factory information, an inspection status, an inspection quantity, a sample quantity, an inspection date, or any combination thereof. For example, the Accused Products permit the user of a device to initiate or book a quality inspection or test. For example, QIMA's inspection report displays the client, product name, location of the inspection, date of the inspection, supplier information, order quantity, inspection quantity, and sample quantity.



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<sup>7</sup> *QIMA Mobile App Demo*, QIMA, <https://fast.wistia.net/embed/iframe/g7zh0ybo0u?videoFoam=true> (last visited Mar. 6, 2023).



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<sup>8</sup> *QIMA – Quality and Compliance*, APPLE, <https://apps.apple.com/us/app/id1587314692> (last visited Mar. 6, 2023).

**INSPECTION DETAILS**



Client	<b>Anonymous Company</b>
Product Name	Lab Coats
Location	ABC City
Date	XX-Apr-20XX
Shipment date	XX-May-20XX
Your ref	Initial Inspection
Ref.# / SKU #	ABC6789
P/O number	PO CD-123456
Supplier	Lab Coat Supplier Company
Order quantity	28159 Pieces
Qty available	3000 Pieces ( 10.65 %)
Ref. sample	Yes

**OVERALL INSPECTION RESULT:**

**Failed** (Client has the final decision to Reject or Approve)

Record your decision about this production lot and generate statistics on your [Dashboard](#):

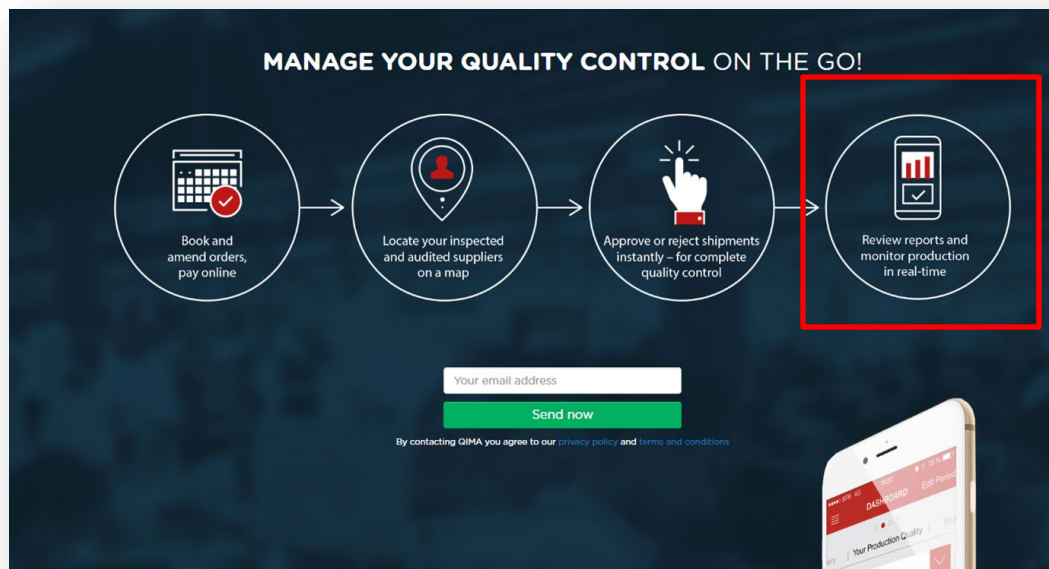
Approve

Reject

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27. Each Accused Product performs a method of receiving in substantially real-time, by the network server, a first inspection report associated with the first inspection of the first product sample in the first inspection lot from the first inspector mobile device.

<sup>9</sup> QIMA, QIMA INSPECTION REPORT (IPC) 1 (2020), <https://content.qima.com/rs/944-QDO-384/images/QIMA%20-%20IPC%20Inspection%20Report%20-%20Lab%20Coat%20-%20Failed.pdf>.



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28. Each Accused Product performs a method where the first inspection report includes (i) data manually inputted by the user of the first inspector mobile device. Each Accused Product performs a method of including (ii) image data generated by a camera of the first inspector mobile device that is reproducible as one or more images of at least a portion of the first product sample in the first inspection lot. For example, the inspection report displays image data generated by a camera of the first inspector mobile device. This image is reproducible as one or more images of at least a portion of the first product sample in the first inspection lot.

<sup>10</sup> *Your Eyes in the Supply Chain – On an App*, QIMA, <https://www.qima.com/mobile> (last visited Mar. 6, 2023).



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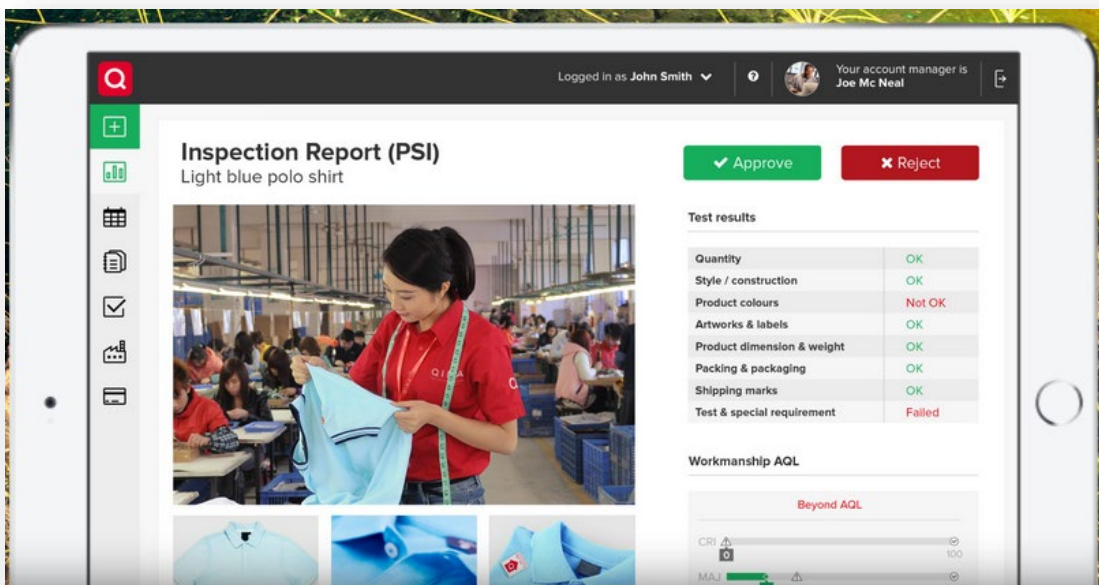
29. Each Accused Product performs a method of including (iii) both (i) and (ii). For example, QIMA's inspection report displays image data generated by a camera of the first inspector mobile device. This image is reproducible as one or more images of at least a portion of the first product sample in the first inspection lot.

30. Each Accused Product performs a method of transmitting in substantially real-time, from the network server, the first inspection report to a quality coordinator device. For example, the Accused Products transmit in real-time from the network server, inspection reports to users, including a quality coordinator device.

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<sup>11</sup> QIMA, QIMA INSPECTION REPORT (PSI) 1 (2020), <https://content.qima.com/rs/944-QDO-384/images/QIMA%20-%20Inspection%20Report%20-%20Sneakers%20-%20Failed.pdf>.

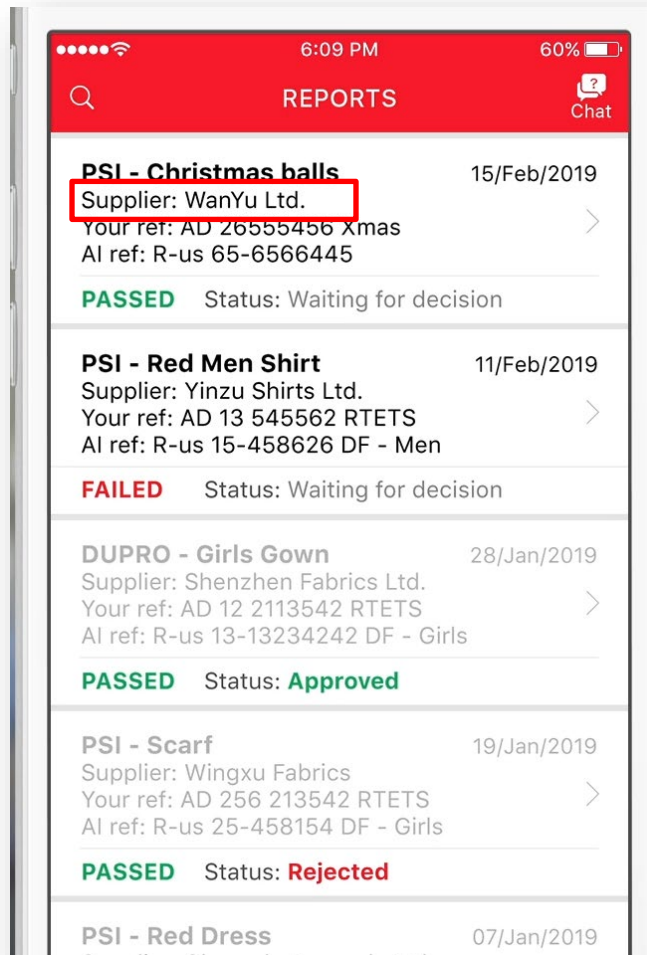
31. Each Accused Product performs a method of causing the quality coordinator device to display information associated with the first inspection report, the information associated with the first inspection report including factory information associated with the first inspection lot and information associated with the first product sample. For example, the quality coordinator device displays information associated with inspection reports, such as supplier information, location, date of inspection, and results. For example, the information displayed on the device includes factory information associated with the first inspection, such as location and factory name, and information associated with the product sample, such as a type of product, the specifications, tests, and results.



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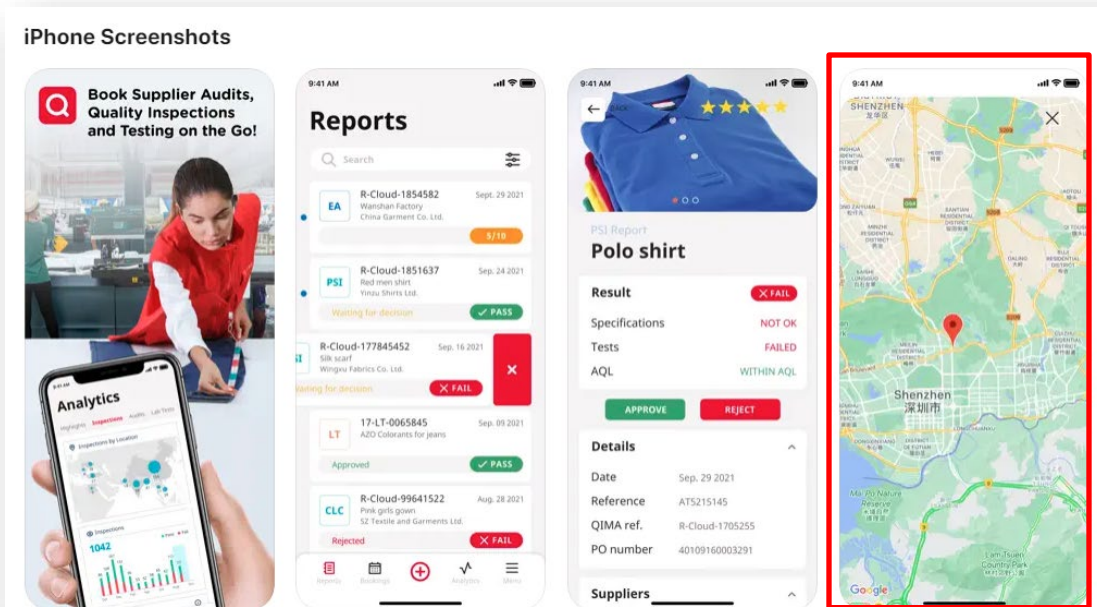
<sup>12</sup> QIMA, <https://www.qima.com/> (last visited Mar. 6, 2023).





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<sup>13</sup> *QIMA Mobile App Demo*, QIMA, <https://fast.wistia.net/embed/iframe/g7zh0ybo0u?videoFoam=true> (last visited Mar. 6, 2023).



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32. Each Accused Product performs a method responsive to a determination that the first product sample in the first inspection lot is rejected subsequent to the first inspection. For example, the inspection report shows where a first product sample in the first inspection lot can be rejected.

33. Each Accused Product performs a method of blocking delivery of the first inspection lot and transmits information from the network server to the inspector mobile device to prompt the user of the inspector mobile device to perform a second inspection of the first inspection lot.

<sup>14</sup> *QIMA – Quality and Compliance*, APPLE, <https://apps.apple.com/us/app/id1587314692> (last visited Mar. 6, 2023).

**QIMA** YOUR EYES IN THE SUPPLY CHAIN

**Inspection Report (PSI)**  
QIMA Service No. R-Cloud-1ABCDEF

**INSPECTION DETAILS**



Client **Anonymous Company**

Product Name Sports shoe

Location ABC City

Date XX-Apr-20YY

Shipment date XX-Apr-20YY

Your ref FVBT2

Ref.# / SKU # N/A

P/O number 7KLY3

Supplier Sports Shoes Co. Ltd

Order quantity 1,940 Pairs

Qty available 1,940 Pairs (100.00 %)

Ref. sample Yes

**OVERALL INSPECTION RESULT: Failed** (Client has the final decision to Reject or Approve)

Record your decision about this production lot and generate statistics on your Dashboard:

Approve

Reject

(You can opt to inform your supplier of your decision)

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34. Each Accused Product performs a method of receiving in substantially real-time, by the network server, a second inspection report associated with the second inspection of the first product sample in the first inspection lot from the inspector mobile device.

35. QIMA has had knowledge and notice of the '038 Patent at least as of the filing of this Complaint.

36. QIMA has indirectly infringed and continues to indirectly infringe one or more claims of the '038 Patent, as provided by 35 U.S.C. § 271(b), by inducing infringement by others,

<sup>15</sup> QIMA, QIMA INSPECTION REPORT (PSI) 1 (2020), <https://content.qima.com/rs/944-QDO-384/images/QIMA%20-%20Inspection%20Report%20-%20Sneakers%20-%20Failed.pdf>.

such as QIMA's customers and end-users, in this Judicial District and elsewhere in the United States. For example, QIMA's customers and end-users directly infringe, either literally or under the doctrine of equivalents, through their use of the inventions claimed in the '038 Patent. QIMA induces this direct infringement through its affirmative acts of making, using, selling, offering for sale, distributing, exporting from, and/or importing into the United States the Accused Products, and providing instructions, documentation, and other information to customers and end-users, suggesting that they use the Accused Products in an infringing manner, including technical support, marketing, product manuals, advertisements, and online documentation. Because of QIMA's inducement, QIMA's customers and end-users use Accused Products in a way QIMA intends and directly infringes the '038 Patent. QIMA performs these affirmative acts with knowledge of the '038 Patent and with the intent or willful blindness that the induced acts directly infringe the '038 Patent.

37. QIMA has indirectly infringed and continues to indirectly infringe one or more claims of the '038 Patent, as provided by 35 U.S.C. § 271(c), by contributing to direct infringement by others, such as customers and end-users, in this Judicial District and elsewhere in the United States. QIMA's affirmative acts of selling and offering to sell the Accused Products in this Judicial District and elsewhere in the United States and causing the Accused Products to be made, used, sold, offered for sale, and/or imported contributes to others' use of the Accused Products, such that the '038 Patent is directly infringed by others. The accused components within the Accused Products are material to the invention of the '038 Patent, are not staple articles or commodities of commerce, have no substantial non-infringing uses, and are known by QIMA to be especially made or adapted for use in the infringement of the '038 Patent. QIMA performs these affirmative acts

with knowledge of the '038 Patent and with intent or willful blindness that they cause the direct infringement of the '038 Patent.

38. Because of QIMA's direct and indirect infringement of the '038 Patent, Lifetime Brands has suffered, and will continue to suffer, damages in an amount to be proved at trial.

39. Because of QIMA's direct and indirect infringement of the '038 Patent, Lifetime Brands has suffered, and will continue to suffer, irreparable harm for which there is no adequate remedy at law, unless QIMA's infringement is enjoined by this Court.

**COUNT II**  
**(Infringement of the '586 Patent)**

40. Paragraphs 1 through 16 are incorporated herein by reference as if fully set forth in their entireties.

41. Lifetime Brands has not licensed or otherwise authorized QIMA to make, use, offer for sale, sell, or import any products that embody the inventions of the '586 Patent.

42. QIMA infringes, contributes to the infringement of, and/or induces infringement of the '586 Patent by making, using, selling, offering for sale, and/or importing into the United States products and/or methods covered by one or more claims of the '586 Patent including, but not limited to, at least the Accused Products.

43. QIMA has directly infringed and continues to directly infringe the '586 Patent, either literally or under the doctrine of equivalents, without authority and in violation of 35 U.S.C. § 271, by making, using, offering to sell, selling, and/or importing into the United States products that satisfy each and every limitation of one or more claims of the '586 Patent. Upon information and belief, these products include the Accused Products that practice the methods and apparatuses covered by the '586 Patent including, for example, implementations of QIMA quality management

inspection systems, mobile inspection solutions, and/or QIMAone solutions. For example, such implementations of the Accused Products infringe at least claim 8 of the '586 Patent.

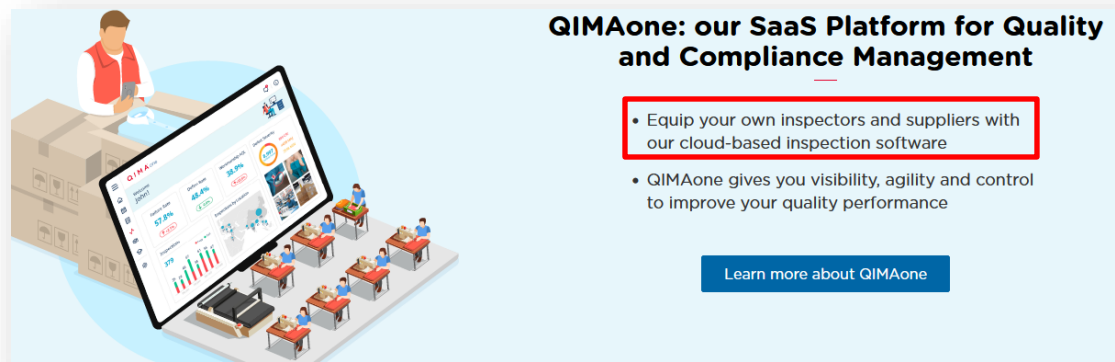
44. For example, QIMA has and continues to directly infringe at least claim 8 of the '586 Patent by making, using, offering to sell, selling, and/or importing into the United States products that implement a mobile Quality Management Inspection System comprising: a database in communication with at least one network server; a plurality of quality coordinator devices in communication with the at least one network server, each of the plurality of quality coordinator devices providing quality inspection reports from various sources in a quality control chain to the database in substantially real time; and an inspector mobile device in communication with the at least one network server, the inspector mobile device being configured to: automatically receive the quality inspection reports from the quality coordinators via the at least one network server in substantially real time pertaining to a quality control inspection of an inspection lot; automatically upload inspection data for the quality control inspection to the database in substantially real time; and the at least one network server being configured to perform a usage decision process on an accepted inspection lot, where the accepted inspection lot has no identified defects, the usage decision process including a determination whether a sample from the accepted inspection lot meets a gold seal acceptance standard; the at least one network server is further configured when performing the usage decision process to: update a quality information record in the database if the sample meets the gold seal acceptable standard; determine whether a source inspection of the inspection lot is rejected following a re-inspection of the inspection lot; block an inbound delivery of the lot and create a re-inspection of the lot when the source inspection is rejected with re-inspection; identify a failure of the inspection lot when the source inspection is not rejected with re-inspection; and create a new source inspection lot when there has been an identified failure.

45. Each Accused Product performs a mobile Quality Management Inspection System of a database in communication with at least one network server. For example, QIMA inspectors use a mobile device for inspections. For example, the Accused Products transmit information associated with a plurality of inspection lots from the network server to an inspector's mobile device.

46. Each Accused Product performs a mobile Quality Management Inspection System of a plurality of quality coordinator devices in communication with the at least one network server. For example, upon information and belief, the Accused Products allow multiple quality coordinator devices to utilize the mobile QIMA application to communicate with at least one network server.

47. Each Accused Product performs a mobile Quality Management Inspection System of each of the plurality of quality coordinator devices providing quality inspection reports from various sources in a quality control chain to the database in substantially real time. For example, the Accused Products allow multiple quality coordinator devices to review and manage individual inspection reports in real time. For example, reviewing and managing inspection reports are done in real time.

48. Each Accused Product performs a mobile Quality Management Inspection System of an inspector mobile device in communication with the at least one network server. For example, QIMA inspectors use a mobile device for inspections. For example, the Accused Products transmit information associated with a plurality of inspection lots from the network server to an inspector's mobile device.



**QIMAone: our SaaS Platform for Quality and Compliance Management**

- Equip your own inspectors and suppliers with our cloud-based inspection software
- QIMAone gives you visibility, agility and control to improve your quality performance

[Learn more about QIMAone](#)

The advertisement features an illustration of a person in a red vest using a mobile device next to a large tablet displaying a dashboard with various charts and graphs. In the background, there are several people working at desks, suggesting a collaborative work environment.

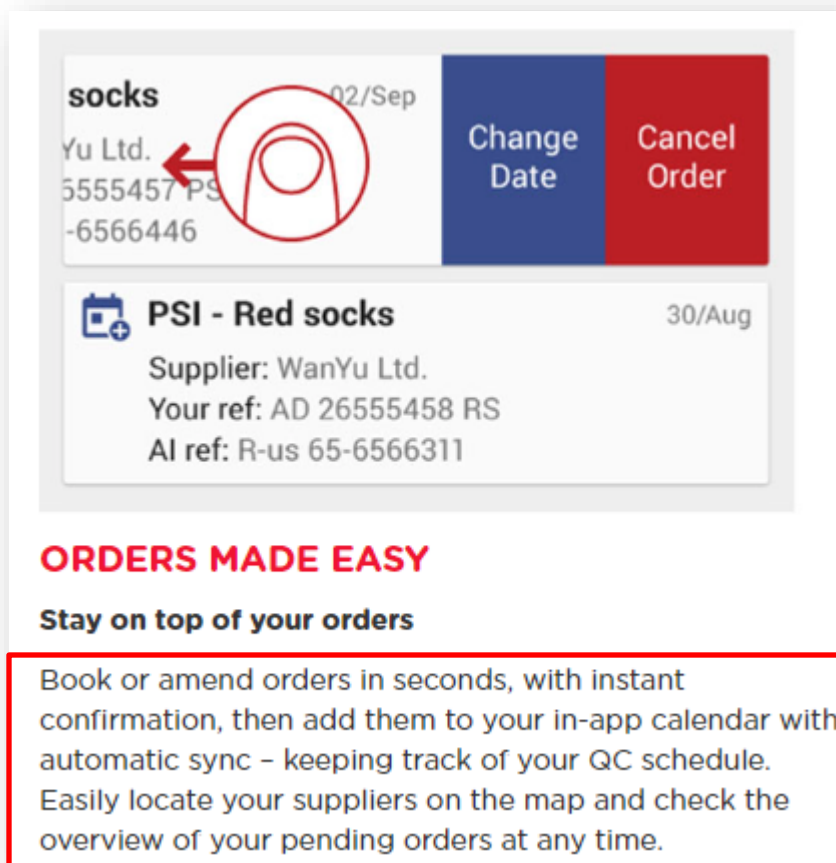
16

49. Each Accused Product performs a mobile Quality Management Inspection System of the inspector mobile device being configured to: automatically receive the quality inspection reports from the quality coordinators via the at least one network server in substantially real time pertaining to a quality control inspection of an inspection lot.

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<sup>16</sup> QIMA, <https://www.qima.com/> (last visited Mar. 6, 2023).





17

50. Each Accused Product performs a mobile Quality Management Inspection System where it automatically uploads inspection data for the quality control inspection to the database in substantially real time. For example, the Accused Products transmit in real time from a database to a network server, allowing the inspector to input and store information and data from a mobile device.

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<sup>17</sup> *Your Eyes in the Supply Chain – On an App*, QIMA, <https://www.qima.com/mobile> (last visited Mar. 6, 2023).

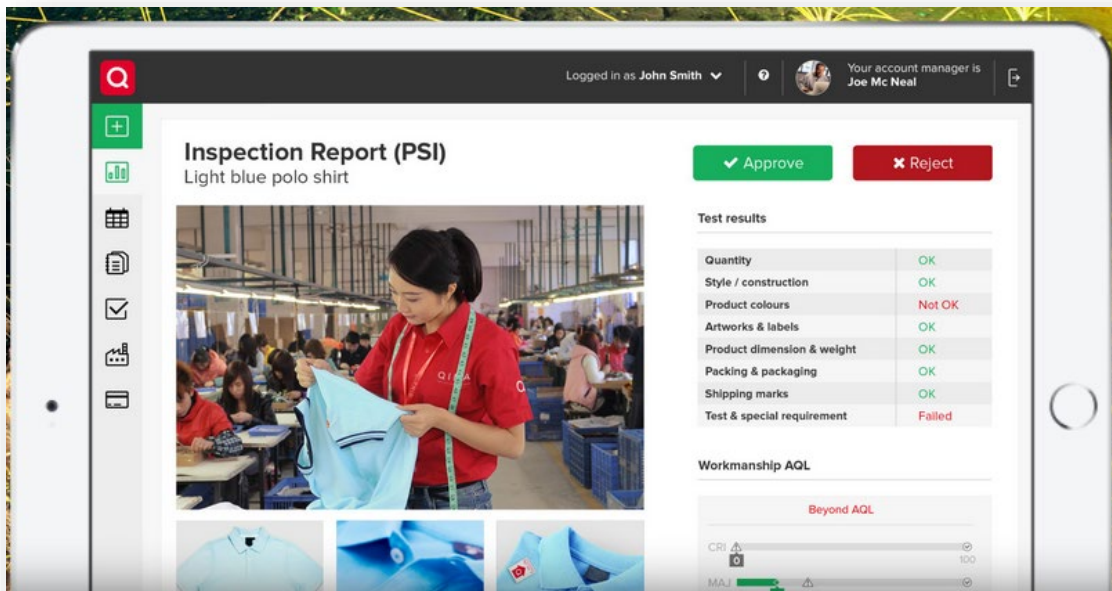
## Why QIMA for product and supplier compliance?

### The QIMA Benefits

- Supply chain intelligence: get supplier and quality stats in real time
- Industry leading turnaround time for audits, testing and inspections
- Online and mobile: manage your orders and access your data anywhere, any time
- All-inclusive pricing: flat rates for inspections and audits; instant quotes for testing

18

51. Each Accused Product performs a mobile Quality Management Inspection System of the at least one network server being configured to perform a usage decision process on an accepted inspection lot. For example, the Accused Products, via a network server, prompt a user to approve or reject an inspection lot on a mobile device. If the inspection lot is rejected, a non-conformance process is then applied, prompting a user to continue additional steps.



19

<sup>18</sup> *Footwear Testing*, QIMA, <https://www.qima.com/testing/footwear> (last visited Mar. 6, 2023).

<sup>19</sup> QIMA, <https://www.qima.com/> (last visited Mar. 6, 2023).

52. Each Accused Product performs a mobile Quality Management Inspection System where the accepted inspection lot has no identified defects, the usage decision process including a determination whether a sample from the accepted inspection lot meets a gold seal acceptance standard. For example, upon information and belief, the Accused Products allow a user to accept an inspection lot with no identified defects, passing international quality standards and/or accreditations.

### What is an Initial Production Check (IPC)?

An Initial Production Check is an on-site Product Inspection performed before your production begins, up until 20% has been completed. A preliminary inspection of all machinery and materials to be used in your production, an IPC is the first step in ensuring the quality of your product will be consistent throughout production. An IPC is an early-warning system that safeguards your product against costly import risks.

For all inspections, QIMA uses the standard internationally recognized ANSI/ASQC Z1.4 (ISO 2859-1) statistical sampling procedure. These comprehensive criteria cover: functionality, performance, durability, overall appearance, and dimension.

### The QIMA benefits

**Independent quality control** performed by product experts to protect your business interests.

**Global coverage** across 85 countries in Asia, Africa, Europe, North and South America.

**Speed and flexibility** with an inspector onsite within 48 hours; modify or cancel up to the day before inspection.

**Same-day inspection reports** tailored for your product.

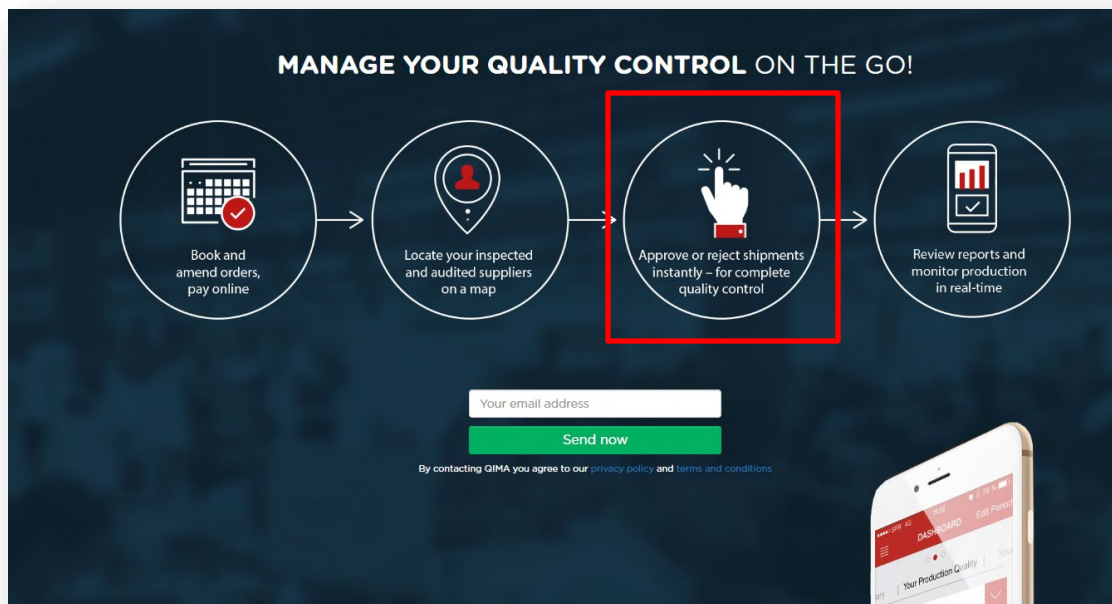
**Online program management** book inspections, make payments and download detailed reports.

**Custom quality dashboard** to identify trends and make informed decisions in real-time.

20

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<sup>20</sup> *Initial Production Check*, QIMA, <https://www.qima.com/initial-production-check> (last visited Mar. 6, 2023).



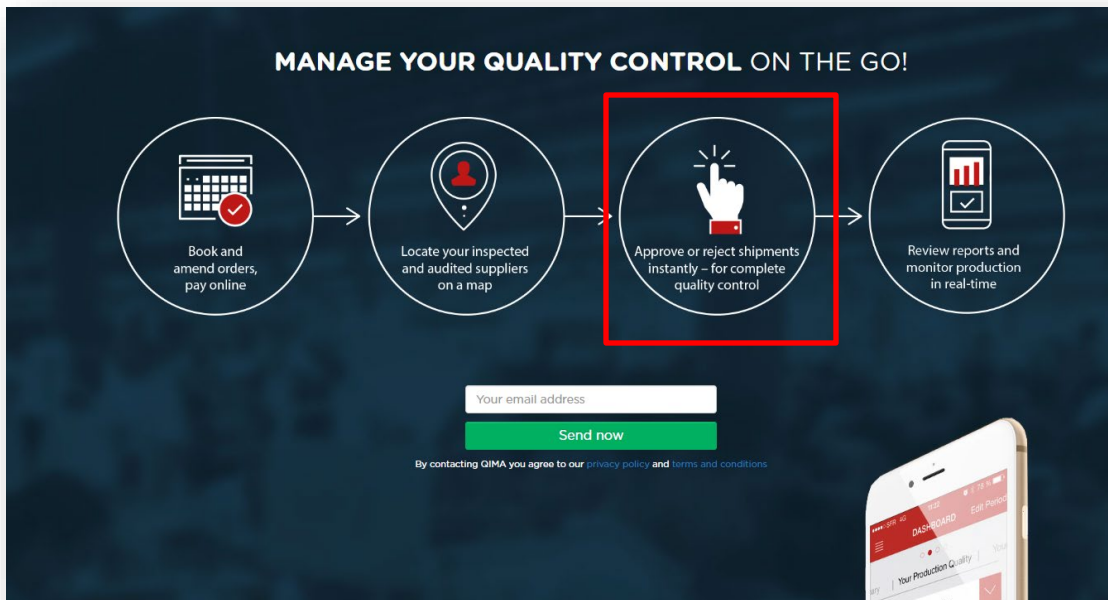
21

53. Each Accused Product performs a mobile Quality Management Inspection System where the at least one network server is further configured when performing the usage decision process to: update a quality information record in the database if the sample meets the gold seal acceptable standard. For example, the Accused Products, via a network server, prompt a user a usage process to approve or reject an inspection lot based on quality standard data of pass or fail.

54. Each Accused Product performs a mobile Quality Management Inspection System of determining whether a source inspection of the inspection lot is rejected following a re-inspection of the inspection lot.

55. Each Accused Product performs a mobile Quality Management Inspection System of blocking an inbound delivery of the lot and creates a re-inspection of the lot when the source inspection is rejected with re-inspection.

<sup>21</sup> *Your Eyes in the Supply Chain – On an App*, QIMA, <https://www.qima.com/mobile> (last visited Mar. 6, 2023).




22

56. Each Accused Product performs a mobile Quality Management Inspection System of identifying a failure of the inspection lot when the source inspection is not rejected with re-inspection.

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<sup>22</sup> *Your Eyes in the Supply Chain – On an App*, QIMA, <https://www.qima.com/mobile> (last visited Mar. 6, 2023).

INSPECTION DETAILS		
	Client	<b>Anonymous Company</b>
	Product Name	Lab Coats
	Location	ABC City
	Date	XX-Apr-20XX
	Shipment date	XX-May-20XX
	Your ref	Initial Inspection
	Ref.# / SKU #	ABC6789
	P/O number	PO CD-123456
	Supplier	Lab Coat Supplier Company
	Order quantity	28159 Pieces
	Qty available	3000 Pieces ( 10.65 %)
Ref. sample	Yes	
<b>OVERALL INSPECTION RESULT:</b>		<b>Failed</b> (Client has the final decision to Reject or Approve)

23

57. Each Accused Product performs a mobile Quality Management Inspection System of creating a new source inspection lot when there has been an identified failure.

58. QIMA has had knowledge and notice of the '586 Patent at least as of the filing of this Complaint.

59. QIMA has indirectly infringed and continues to indirectly infringe one or more claims of the '586 Patent, as provided by 35 U.S.C. § 271(b), by inducing infringement by others, such as QIMA's customers and end-users, in this Judicial District and elsewhere in the United States. For example, QIMA's customers and end-users directly infringe, either literally or under the doctrine of equivalents, through their use of the inventions claimed in the '586 Patent. QIMA induces this direct infringement through its affirmative acts of making, using, selling, offering for sale, and/or importing into the United States the Accused Products, and providing instructions,

<sup>23</sup> QIMA, QIMA INSPECTION REPORT (IPC) 1 (2020), <https://content.qima.com/rs/944-QDO-384/images/QIMA%20-%20IPC%20Inspection%20Report%20-%20Lab%20Coat%20-%20Failed.pdf>.

documentation, and other information to customers and end-users suggesting that they use the Accused Products in an infringing manner, including technical support, marketing, product manuals, advertisements, and online documentation. Because of QIMA's inducement, QIMA's customers and end-users use Accused Products in a way QIMA intends and directly infringe the '586 Patent. QIMA performs these affirmative acts with knowledge of the '586 Patent and with the intent or willful blindness that the induced acts directly infringe the '586 Patent.

60. QIMA has indirectly infringed and continues to indirectly infringe one or more claims of the '586 Patent, as provided by 35 U.S.C. § 271(c), by contributing to direct infringement by others, such as customers and end-users, in this Judicial District and elsewhere in the United States. QIMA's affirmative acts of selling and offering to sell the Accused Products in this Judicial District and elsewhere in the United States and causing the Accused Products to be made, used, sold, offered for sale, and/or imported contributes to others' use of the Accused Products such that the '586 Patent is directly infringed by others. The accused components within the Accused Products are material to the invention of the '586 Patent, are not staple articles or commodities of commerce, have no substantial non-infringing uses, and are known by QIMA to be especially made or adapted for use in the infringement of the '586 Patent. QIMA performs these affirmative acts with knowledge of the '586 Patent and with intent or willful blindness that they cause the direct infringement of the '586 Patent.

61. Because of QIMA's direct and indirect infringement of the '586 Patent, Lifetime Brands has suffered, and will continue to suffer, damages in an amount to be proved at trial.

62. Because of QIMA's direct and indirect infringement of the '586 Patent, Lifetime Brands has suffered, and will continue to suffer, irreparable harm for which there is no adequate remedy at law, unless QIMA's infringement is enjoined by this Court.

**COUNT III**  
**(Infringement of the '380 Patent)**

63. Paragraphs 1 through 16 are incorporated herein by reference as if fully set forth in their entireties.

64. Lifetime Brands has not licensed or otherwise authorized QIMA to make, use, offer for sale, sell, or import any products that embody the inventions of the '380 Patent.

65. QIMA infringes, contributes to the infringement of, and/or induces infringement of the '380 Patent by making, using, selling, offering for sale, and/or importing into the United States products and/or methods covered by one or more claims of the '380 Patent including, but not limited to, at least the Accused Products.

66. QIMA has directly infringed and continues to directly infringe the '380 Patent, either literally or under the doctrine of equivalents, without authority and in violation of 35 U.S.C. § 271, by making, using, offering to sell, selling, and/or importing into the United States products that satisfy each and every limitation of one or more claims of the '380 Patent. Upon information and belief, these products include the Accused Products that practice the methods and apparatuses covered by the '380 Patent including, for example, implementations of QIMA quality management inspection systems, mobile inspection solutions, and/or QIMAone solutions. For example, such implementations of the Accused Products infringe at least claim 1 of the '380 Patent.

67. For example, QIMA has and continues to directly infringe at least claim 1 of the '380 Patent by making, using, offering to sell, selling, and/or importing into the United States products that implement a mobile Quality Management Inspection System comprising: a mobile device in communication with at least one network server, the mobile device having a display screen and input means for inputting data, said data including photographs; and a database in communication with the network server and configured to receive and store all data input to the



mobile device during an onsite inspection, the network server configured to perform, according to the data input to the mobile device, a usage decision process and a non-conformance process, the usage decision process includes the network server automatically performing the steps of: determining whether a sample in an inspection lot meets a gold seal acceptance standard; updating a quality information record if the sample meets the gold seal acceptable standard; determining whether a source inspection is rejected with re-inspection; generating an indication to block the inbound delivery of the rejected source inspection; identifying a failure of the inspection lot; and creating a new inspection when there has been an identified failure in the inspection; wherein the mobile device is configured to enable an inspector to perform, on site, at least one selected from a group consisting of source inspection, receiving inspection, product qualification inspection, social compliance, Customs-Trade Partnership Against Terrorism (CTPAT) and factory valuations, non-conformance processing, and document management, and wherein the mobile device is further configured to upload this the non-conformance process results and any one of the on site inspector selected processes to the database in real time.

68. Each Accused Product performs a mobile Quality Management Inspection System of a mobile device in communication with at least one network server. For example, QIMA inspectors use a mobile device for inspections. For example, QIMA's Accused Products transmit information associated with a plurality of inspection lots from the network server to an inspector's mobile device.

An illustration of a person in a red vest using a tablet. The tablet screen displays a dashboard with various charts, graphs, and data points. The background shows a warehouse setting with boxes and other people working at desks.

### QIMAone: our SaaS Platform for Quality and Compliance Management

- Equip your own inspectors and suppliers with our cloud-based inspection software
- QIMAone gives you visibility, agility and control to improve your quality performance


[Learn more about QIMAone](#)

24

69. Each Accused Product performs a mobile Quality Management Inspection System of the mobile device having a display screen and input means for inputting data, said data including photographs. For example, QIMA's application on the inspector's mobile device allows the inspector to input information and data associated with each of the inspections. The inspector may upload photos within the inspection report.

<sup>24</sup> QIMA, <https://www.qima.com/> (last visited Mar. 6, 2023).

INSPECTION DETAILS



Client	<b>Anonymous Company</b>
Product Name	Lab Coats
Location	ABC City
Date	XX-Apr-20XX
Shipment date	XX-May-20XX
Your ref	Initial Inspection
Ref.# / SKU #	ABC6789
P/O number	PO CD-123456
Supplier	Lab Coat Supplier Company
Order quantity	28159 Pieces
Qty available	3000 Pieces ( 10.65 %)
Ref. sample	Yes

**OVERALL INSPECTION RESULT:** Failed (Client has the final decision to Reject or Approve)

Record your decision about this production lot and generate statistics on your [Dashboard](#):

Approve

Reject

25

70. Each Accused Product performs a mobile Quality Management Inspection System of a database in communication with the network server and configured to receive and store all data input to the mobile device during an onsite inspection. For example, the Accused Products transmit in real-time from a database to a network server, allowing the inspector to input and store information and data from a mobile device.

<sup>25</sup> QIMA, QIMA INSPECTION REPORT (IPC) 1 (2020), <https://content.qima.com/rs/944-QDO-384/images/QIMA%20-%20IPC%20Inspection%20Report%20-%20Lab%20Coat%20-%20Failed.pdf>.

## Why QIMA for product and supplier compliance?

### The QIMA Benefits

- Supply chain intelligence: get supplier and quality stats in real time
- Industry leading turnaround time for audits, testing and inspections
- Online and mobile: manage your orders and access your data anywhere, any time
- All-inclusive pricing: flat rates for inspections and audits; instant quotes for testing

26

71. Each Accused Product performs a mobile Quality Management Inspection System where the network server configured to perform, according to the data input to the mobile device, a usage decision process and a non-conformance process. For example, upon information and belief, the Accused Products, via a network server, prompt a user to approve or reject an inspection lot on a mobile device. If the inspection lot is rejected, a non-conformance process is then applied, prompting a user to continue additional steps.

72. Each Accused Product performs a mobile Quality Management Inspection System where the usage decision process includes the network server automatically performing the steps of: determining whether a sample in an inspection lot meets a gold seal acceptance standard. For example, the Accused Products, via a network server, decide whether a sample from an inspection lot meets a quality standard and/or one of the below applicable accreditations.

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<sup>26</sup> *Footwear Testing*, QIMA, <https://www.qima.com/testing/footwear> (last visited Mar. 6, 2023).

## What is an Initial Production Check (IPC)?

An Initial Production Check is an on-site Product Inspection performed before your production begins, up until 20% has been completed. A preliminary inspection of all machinery and materials to be used in your production, an IPC is the first step in ensuring the quality of your product will be consistent throughout production. An IPC is an early-warning system that safeguards your product against costly import risks.

For all inspections, QIMA uses the standard internationally recognized ANSI/ASQC Z1.4 (ISO 2859-1) statistical sampling procedure. These comprehensive criteria cover: functionality, performance, durability, overall appearance, and dimension.

## The QIMA benefits

**Independent quality control** performed by product experts to protect your business interests.

**Global coverage** across 85 countries in Asia, Africa, Europe, North and South America.

**Speed and flexibility** with an inspector onsite within 48 hours; modify or cancel up to the day before inspection.

**Same-day inspection reports** tailored for your product.

**Online program management** book inspections, make payments and download detailed reports.

**Custom quality dashboard** to identify trends and make informed decisions in real-time.

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<sup>27</sup> *Initial Production Check*, QIMA, <https://www.qima.com/initial-production-check> (last visited Mar. 6, 2023).

## QIMA Accreditation Scope

### Iso 9001:2015 certified

QIMA protocols are certified compliant with ISO Standard 9001:2015 (No.04619Q12914R0M), the international standard for quality management best practices. This certification represents a strict adherence to ISO requirements and a commitment to enhance client satisfaction. ISO 9001:2015 Certification has been implemented by over one million organizations in 176 countries.



[Visit their website](#)

### ISO/IEC 17065 accredited

QIMA Limited (No. 8894) is accredited in accordance with ISO/IEC 17065 Conformity assessment — Requirements for bodies certifying products, processes and services by the ANSI National Accreditation Board (ANAB) for Scheme Type 1a (per ISO/IEC 17067) product certification, covering a range of product categories including consumer goods, construction materials, electrical and electronics, machinery, cosmetic, chemicals and auto spare parts. This accreditation validates that QIMA Limited operates its product certification scheme(s) in a “competent, consistent and impartial manner”.



[Visit their website](#)

### CNAS accredited (ISO17020 and ISO17025)

QIMA Inspection (Shenzhen) Limited is accredited in accordance with ISO/IEC 17020:2012 and ISO/IEC 17025:2017 General Criteria for the Operation of Various Types of Bodies Performing Inspection as a Type A inspection body.



[Visit their website](#)

QIMA Testing (Hangzhou) is accredited in accordance with the requirements of CNAS-CL01 "Testing and Calibration Laboratory Capability Accreditation Standards" (ISO / IEC 17025:2017), and has been accredited by the China National Accreditation Service for Conformity Assessment (CNAS) and the China Metrology Accreditation (CMA).



[Visit their website](#)

China National Accreditation Service for Conformity Assessment (CNAS) is authorized by the Certification and Accreditation Administration of the People's Republic of China (CNCA) to operate the national accreditation schemes for TIC conformity assessment.

### TIC Council

TIC is not-for profit a trade federation that represents over 90 of the world's leading international testing, inspection and certification companies. TIC aims to improve the methods, standards, safety procedures and rules used by its members for the benefit of both them and their stakeholders.

All applicants for TIC membership are required to implement the TIC Compliance Code, and members' continuing compliance is independently audited on an annual basis.

Ask us about our Compliance Code and send us inquiries, complaints or feedback: [compliance@qima.com](mailto:compliance@qima.com).



[Visit their website](#)

### ANAB

QIMA (US), LLC (No. AT-1407) and QIMA Testing (HK) Limited (No. AT-1500) are accredited by the ANSI-ASQ National Accreditation Board (ANAB) to issue test reports with the ANAB endorsement for accredited activities. This accreditation confirms that both laboratories meet the requirements of the international standard ISO/IEC 17025:2017, while demonstrating technical competence in the field of testing.

ANAB (formerly ACLASS) is a non-profit organization that provides accreditation to testing and calibration labs, inspection and certification bodies, reference material producers, and proficiency test providers. Through its accreditation efforts, ANAB aims to eliminate redundant audits and tests and facilitate international trade while ensuring the safety of goods, services, and the environment.



[Visit their website](#)

### CPSC (CPSIA)

QIMA is CPSC-accepted to provide third-party testing services in accordance with the requirements of the Consumer Product Safety Improvement Act (accreditation certificates under QIMA (US), LLC (lab code 1199), QIMA Testing (HK) Limited (lab code 1322) and QIMA (Hangzhou) Testing Co., Ltd. (lab code 1195).

Founded over 40 years ago, the CPSC (U.S. Consumer Product Safety Committee) regulates the manufacture and sale of over 1,500 consumer products. Its mission is to protect consumers from products that pose a fire, electrical, chemical, or mechanical hazard, by establishing safety requirements, researching potential hazards, as well as by means of ban and recall of dangerous products.



[Visit their website](#)

## HOKLAS

QIMA Testing (HK) Limited has been accredited by Hong Kong Accreditation Service (HKAS) under the Hong Kong Laboratory Accreditation Scheme (HOKLAS). Our HKAS accreditation is an independent third-party formal demonstration that we have the competence in performing the activities included in our HKAS scope of accreditation. All conformity assessment bodies accredited by HKAS are required to implement effective quality assurance measures to assure the quality of their accredited activities.



[Visit their website](#)

Operating since 1985, Hong Kong Accreditation Service provides accreditation for laboratories, certification bodies and inspection bodies located in Hong Kong. Its goals include upgrading the standards of operation of conformity assessment bodies and increasing efficiency in conformity assessment through mutual recognition and endorsement.

## RJC

QIMA is accredited by the Responsible Jewellery Council (RJC) to verify compliance with the RJC Code of Practices and the Signet Responsible Sourcing Protocol. RJC accreditation confirms that QIMA is an impartial third-party auditor with the experience and expertise necessary to carry out ethical audits in jewelry manufacturing, wholesale, and retail.



[Visit their website](#)

The Responsible Jewellery Council is a not-for-profit standard-setting and certification organization that includes over 800 companies involved in every step of the jewelry supply chain. The RJC Code of Practices is an international standard on responsible business practices in the jewelry supply chain, including human rights, labor rights, environmental impact, and other key considerations.

## ICS (Initiative for Compliance and Sustainability)

QIMA is one the partner auditing bodies of ICS (Initiative for Compliance and Sustainability), accredited to carry out ethical audits that assess suppliers' compliance with the ICS Code of Conduct.



[Visit their website](#)

Founded in 1998, ICS is a group of twenty retailers that work together to sustainably improve working conditions, guided by the universal human rights principles and local social regulations. The ICS Code of Conduct covers key areas of suppliers' social performance and manufacturing ethics



### Higg Index Verifier Body

QIMA is an approved Verifier Body for the Higg Index FEM (Facility Environmental Module) and the FSLM (Facility Social and Labor Module). The Higg Facility Tools are used by manufacturing brands to measure the social and environmental performance of their facilities.



[Visit their website](#)

The Higg Index is operated by the Sustainable Apparel Coalition (SAC), an alliance for sustainable production in the apparel, footwear and home textile industry.

### Life and Building Safety (LABS)

QIMA was an early member of the Life and Building Safety Initiative and involved in the development of the program to mitigate preventable fire, electrical and structural safety risks in key apparel and footwear producing countries.



[Visit their website](#)

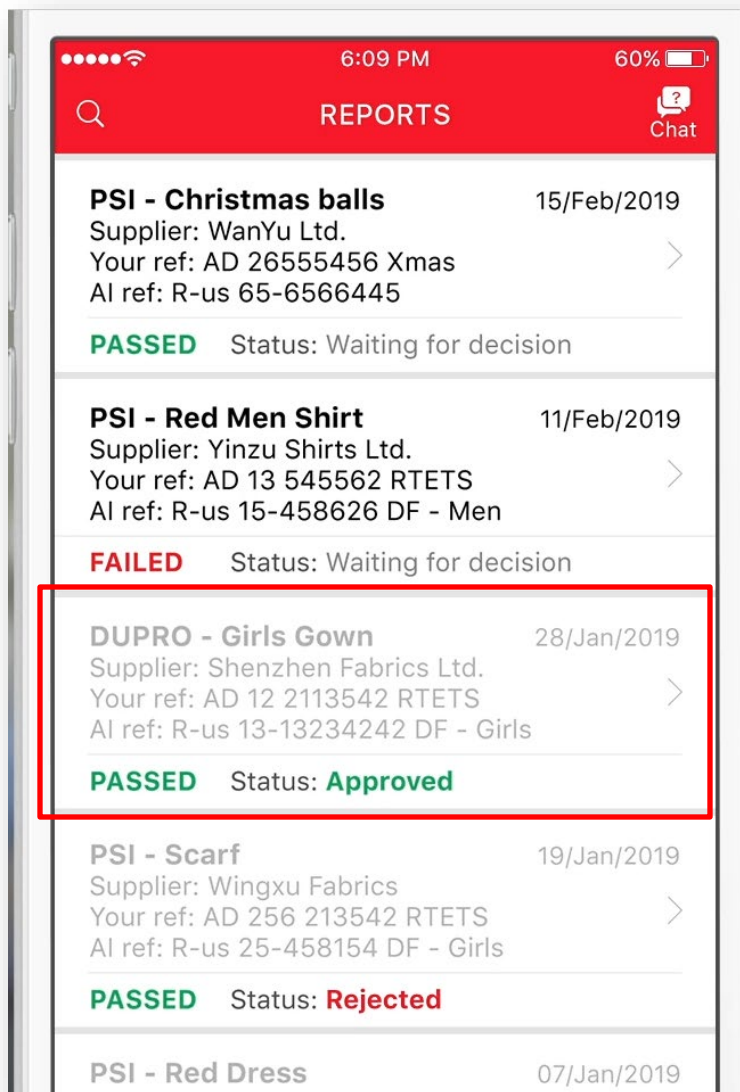
QIMA is an approved audit body for LABS in Vietnam and India (the only countries where LABS is currently active).

28

73. Each Accused Product performs a mobile Quality Management Inspection System of updating a quality information record if the sample meets the gold seal acceptable standard. For example, the Accused Products, via a network server, update the inspection lot record with quality information if a quality standard is met.

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<sup>28</sup> *Accreditations*, QIMA, <https://www.qima.com/accreditations> (last visited Mar. 6, 2023).



29

74. Each Accused Product performs a mobile Quality Management Inspection System of determining whether a source inspection is rejected with re-inspection.

75. Each Accused Product performs a mobile Quality Management Inspection System of generating an indication to block the inbound delivery of the rejected source inspection.

<sup>29</sup> *QIMA Mobile App Demo*, QIMA, <https://fast.wistia.net/embed/iframe/g7zh0ybo0u?videoFoam=true> (last visited Mar. 6, 2023).

76. Each Accused Product performs a mobile Quality Management Inspection System of identifying a failure of the inspection lot.

77. Each Accused Product performs a mobile Quality Management Inspection System of creating a new inspection when there has been an identified failure in the inspection.

78. Each Accused Product performs a mobile Quality Management Inspection System wherein the mobile device is configured to enable an inspector to perform, on site, at least one selected from a group consisting of source inspection, receiving inspection, product qualification inspection, social compliance, Customs-Trade Partnership Against Terrorism (CTPAT) and factory valuations, non-conformance processing, and document management. For example, the Accused Products allow an inspector to review on-site inspections lots via mobile device. The real-time inspection includes, among other tests, whether the lot is C-TPAT compliant.

The screenshot shows the QIMA website's 'C-TPAT Audit and Compliance' page. The header features the QIMA logo and navigation links: 'Our Solutions', 'Your Industry', 'About us', and 'Careers'. The main heading is 'C-TPAT Audit and Compliance'. Below it, a paragraph states: 'The Customs-Trade Partnership Against Terrorism (C-TPAT) is a supply chain security program led by U.S. Customs and Border Protection focused on improving the security of private companies' supply chains with respect to terrorism.' A blue button with a document icon says 'Download a Sample Report'. The page is divided into three sections: 'C-TPAT Compliance Audit', 'Securing the Global Supply Chain', and a final paragraph. The 'C-TPAT Compliance Audit' section explains that QIMA qualified auditors assist organizations in assessing and enhancing security measures. It lists seven audit areas: Outside Barriers and Physical Security, Factory Internal Security, Factory Employee Security, Shipping Dock Security, Key and Seal Controls, Security Processes, and Container and Merchandise Movement. The 'Securing the Global Supply Chain' section describes C-TPAT as a voluntary government-business initiative to build cooperative relationships and improve international supply chain and U.S. border security. It notes that C-TPAT recognizes that U.S. Customs and Border Protection (CBP) can provide the highest level of cargo security only through close cooperation with the ultimate owners of the international supply chain. The final paragraph states that through this initiative, CBP asks businesses to ensure the integrity of their security practices and communicate and verify the security guidelines of their business partners within the supply chain. A third-party C-TPAT audit will ensure the security of the supply chain, verify compliance, and improve U.S. border security.

30

79. Each Accused Product performs a mobile Quality Management Inspection System wherein the mobile device is further configured to upload this the non-conformance process results and any one of the on site inspector selected processes to the database in real time. For example,

<sup>30</sup> *C-TPAT Audit and Compliance*, QIMA, <https://www.qima.com/c-tpat-compliance> (last visited Mar. 6, 2023).

the Accused Products allow an inspector to review on-site inspections lots via mobile device. The real-time inspection includes, among other tests, whether the lot is C-TPAT compliant.

80. QIMA has had knowledge and notice of the '380 Patent at least as of the filing of this Complaint.

81. QIMA has indirectly infringed and continues to indirectly infringe one or more claims of the '380 Patent, as provided by 35 U.S.C. § 271(b), by inducing infringement by others, such as QIMA's customers and end-users, in this Judicial District and elsewhere in the United States. For example, QIMA's customers and end-users directly infringe, either literally or under the doctrine of equivalents, through their use of the inventions claimed in the '380 Patent. QIMA induces this direct infringement through its affirmative acts of making, using, selling, offering for sale, and/or importing into the United States the Accused Products, and providing instructions, documentation, and other information to customers and end-users, suggesting that they use the Accused Products in an infringing manner, including technical support, marketing, product manuals, advertisements, and online documentation. Because of QIMA's inducement, QIMA's customers and end-users use Accused Products in a way QIMA intends and directly infringe the '380 Patent. QIMA performs these affirmative acts with knowledge of the '380 Patent and with the intent or willful blindness that the induced acts directly infringe the '380 Patent.

82. QIMA has indirectly infringed and continues to indirectly infringe one or more claims of the '380 Patent, as provided by 35 U.S.C. § 271(c), by contributing to direct infringement by others, such as customers and end-users, in this Judicial District and elsewhere in the United States. QIMA's affirmative acts of selling and offering to sell the Accused Products in this Judicial District and elsewhere in the United States and causing the Accused Products to be made, used, sold, offered for sale, and/or imported contributes to others' use and of the Accused Products such

that the '380 Patent is directly infringed by others. The accused components within the Accused Products are material to the invention of the '380 Patent, are not staple articles or commodities of commerce, have no substantial non-infringing uses, and are known by QIMA to be especially made or adapted for use in the infringement of the '380 Patent. QIMA performs these affirmative acts with knowledge of the '380 Patent and with intent or willful blindness that they cause the direct infringement of the '380 Patent.

83. Because of QIMA's direct and indirect infringement of the '380 Patent, Lifetime Brands has suffered, and will continue to suffer, damages in an amount to be proved at trial.

84. Because of QIMA's direct and indirect infringement of the '380 Patent, Lifetime Brands has suffered, and will continue to suffer, irreparable harm for which there is no adequate remedy at law, unless QIMA's infringement is enjoined by this Court.

**COUNT IV**  
**(Infringement of the '523 Patent)**

85. Paragraphs 1 through 16 are incorporated herein by reference as if fully set forth in their entireties.

86. Lifetime Brands has not licensed or otherwise authorized QIMA to make, use, offer for sale, sell, or import any products that embody the inventions of the '523 Patent.

87. QIMA infringes, contributes to the infringement of, and/or induces infringement of the '523 Patent by making, using, selling, offering for sale, and/or importing into the United States products and/or methods covered by one or more claims of the '523 Patent including, but not limited to, at least the Accused Products.


88. QIMA has directly infringed and continues to directly infringe the '523 Patent, either literally or under the doctrine of equivalents, without authority and in violation of 35 U.S.C. § 271, by making, using, offering to sell, selling, and/or importing into the United States products

that satisfy each and every limitation of one or more claims of the '523 Patent. Upon information and belief, these products include the Accused Products that practice the methods and apparatuses covered by the '523 Patent including, for example, implementations of QIMA quality management inspection systems, mobile inspection solutions, and/or QIMAone solutions. For example, such implementations of the Accused Products infringe at least claim 1 of the '523 Patent.

89. For example, QIMA has and continues to directly infringe at least claim 1 of the '523 Patent by making, using, offering to sell, selling, and/or importing into the United States products that implement a mobile Quality Management Inspection System comprising: a mobile device in communication with at least one network server, the mobile device having a display screen and input means for inputting data, said data including photographs; and a database in communication with the network server and configured to receive and store all data input to the mobile device during an on site inspection, the network server configured to perform, according to the data input the mobile device, a usage decision process and a non-conformance process, the usage decision process includes the network server automatically performing the steps of: determining whether a sample in the inspection lot meets a gold seal acceptance standard; updating a quality information record if the sample meets the gold seal acceptable standard; determining whether the source inspection is rejected with re-inspection; generating an indication to block the inbound delivery of the lot and creating a re-inspection of the lot when the source inspection is rejection with re-inspection; identifying a failure of the inspection lot when the source inspection is not rejected with re-inspection; and creating a new source inspection lot when there has been an identified failure; wherein the mobile device is configured to enable an inspector to perform, on site, at least one of source inspection; receiving inspection; product qualification inspection; social compliance, Customs-Trade Partnership Against Terrorism (CTPAT) and factory valuations; non-

conformance processing and document management, and upload this information to the database in real time.

90. Each Accused Product performs a mobile Quality Management Inspection System of a mobile device in communication with at least one network server. For example, QIMA inspectors use a mobile device for inspections. For example, the Accused Products transmit information associated with a plurality of inspection lots from the network server to an inspector's mobile device.



**QIMAone: our SaaS Platform for Quality and Compliance Management**

- Equip your own inspectors and suppliers with our cloud-based inspection software
- QIMAone gives you visibility, agility and control to improve your quality performance

[Learn more about QIMAone](#)

The complex block features an illustration on the left showing a person in a red vest at a desk with a large monitor displaying a QIMAone dashboard with various charts and data. To the right, the text 'QIMAone: our SaaS Platform for Quality and Compliance Management' is displayed in bold. Below this, a red-bordered box contains the first bullet point: 'Equip your own inspectors and suppliers with our cloud-based inspection software'. The second bullet point, 'QIMAone gives you visibility, agility and control to improve your quality performance', is located below the red box. At the bottom right, there is a blue button with the text 'Learn more about QIMAone'.


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<sup>31</sup> QIMA, <https://www.qima.com/> (last visited Mar. 6, 2023).



91. Each Accused Product performs a mobile Quality Management Inspection System of the mobile device having a display screen and input means for inputting data, said data including photographs. For example, the QIMA application on the inspector’s mobile device allows the inspector to input information and data associated with each of the inspections. The inspector may upload photos within the inspection report.

**INSPECTION DETAILS**



Client	<b>Anonymous Company</b>
Product Name	Lab Coats
Location	ABC City
Date	XX-Apr-20XX
Shipment date	XX-May-20XX
Your ref	Initial Inspection
Ref.# / SKU #	ABC6789
P/O number	PO CD-123456
Supplier	Lab Coat Supplier Company
Order quantity	28159 Pieces
Qty available	3000 Pieces ( 10.65 %)
Ref. sample	Yes

**OVERALL INSPECTION RESULT:** Failed (Client has the final decision to Reject or Approve)

Record your decision about this production lot and generate statistics on your [Dashboard](#):

Approve

Reject

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92. Each Accused Product performs a mobile Quality Management Inspection System of a database in communication with the network server and configured to receive and store all data input to the mobile device during an on site inspection. For example, the Accused Products

<sup>32</sup> QIMA, QIMA INSPECTION REPORT (IPC) 1 (2020), <https://content.qima.com/rs/944-QDO-384/images/QIMA%20-%20IPC%20Inspection%20Report%20-%20Lab%20Coat%20-%20Failed.pdf>.

transmit in real-time from a database to a network server, allowing the inspector to input and store information and data from a mobile device.

### Why QIMA for product and supplier compliance?

#### The QIMA Benefits

- Supply chain intelligence: get supplier and quality stats in real time
- Industry leading turnaround time for audits, testing and inspections
- Online and mobile: manage your orders and access your data anywhere, any time
- All-inclusive pricing: flat rates for inspections and audits; instant quotes for testing

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93. Each Accused Product performs a mobile Quality Management Inspection System where the network server configured to perform, according to the data input the mobile device, a usage decision process and a non-conformance process. For example, upon information and belief, the Accused Products, via a network server, prompt a user to approve or reject an inspection lot on a mobile device. If the inspection lot is rejected, a non-conformance process is then applied, prompting a user to continue additional steps.

94. Each Accused Product performs a mobile Quality Management Inspection System where the usage decision process includes the network server automatically performing the steps of: determining whether a sample in the inspection lot meets a gold seal acceptance standard. For example, upon information and belief, the Accused Products, via a network server, decides whether a sample from an inspection lot meets a quality standard and/or one of the applicable accreditations.

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<sup>33</sup> *Footwear Testing*, QIMA, <https://www.qima.com/testing/footwear> (last visited Mar. 6, 2023).

## What is an Initial Production Check (IPC)?

An Initial Production Check is an on-site Product Inspection performed before your production begins, up until 20% has been completed. A preliminary inspection of all machinery and materials to be used in your production, an IPC is the first step in ensuring the quality of your product will be consistent throughout production. An IPC is an early-warning system that safeguards your product against costly import risks.

For all inspections, QIMA uses the standard internationally recognized ANSI/ASQC Z1.4 (ISO 2859-1) statistical sampling procedure. These comprehensive criteria cover: functionality, performance, durability, overall appearance, and dimension.

## The QIMA benefits

**Independent quality control** performed by product experts to protect your business interests.

**Global coverage** across 85 countries in Asia, Africa, Europe, North and South America.

**Speed and flexibility** with an inspector onsite within 48 hours; modify or cancel up to the day before inspection.

**Same-day inspection reports** tailored for your product.

**Online program management** book inspections, make payments and download detailed reports.

**Custom quality dashboard** to identify trends and make informed decisions in real-time.

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<sup>34</sup> *Initial Production Check*, QIMA, <https://www.qima.com/initial-production-check> (last visited Mar. 6, 2023).

## QIMA Accreditation Scope

### ISO 9001:2015 certified

QIMA protocols are certified compliant with ISO Standard 9001:2015 (No.04619Q12914ROM), the international standard for quality management best practices. This certification represents a strict adherence to ISO requirements and a commitment to enhance client satisfaction. ISO 9001:2015 Certification has been implemented by over one million organizations in 176 countries.



[Visit their website](#)

### ISO/IEC 17065 accredited

QIMA Limited (No. 8894) is accredited in accordance with ISO/IEC 17065 Conformity assessment – Requirements for bodies certifying products, processes and services by the ANSI National Accreditation Board (ANAB) for Scheme Type 1a (per ISO/IEC 17067) product certification, covering a range of product categories including consumer goods, construction materials, electrical and electronics, machinery, cosmetic, chemicals and auto spare parts. This accreditation validates that QIMA Limited operates its product certification scheme(s) in a “competent, consistent and impartial manner”.



[Visit their website](#)

### CNAS accredited (ISO17020 and ISO17025)

QIMA Inspection (Shenzhen) Limited is accredited in accordance with ISO/IEC 17020:2012 and ISO/IEC 17025:2017 General Criteria for the Operation of Various Types of Bodies Performing Inspection as a Type A inspection body.



[Visit their website](#)

QIMA Testing (Hangzhou) is accredited in accordance with the requirements of CNAS-CL01 “Testing and Calibration Laboratory Capability Accreditation Standards” (ISO / IEC 17025:2017), and has been accredited by the China National Accreditation Service for Conformity Assessment (CNAS) and the China Metrology Accreditation (CMA).



[Visit their website](#)

China National Accreditation Service for Conformity Assessment (CNAS) is authorized by the Certification and Accreditation Administration of the People's Republic of China (CNCA) to operate the national accreditation schemes for TIC conformity assessment.

### TIC Council

TIC is not-for profit a trade federation that represents over 90 of the world's leading international testing, inspection and certification companies. TIC aims to improve the methods, standards, safety procedures and rules used by its members for the benefit of both them and their stakeholders.

All applicants for TIC membership are required to implement the TIC Compliance Code, and members' continuing compliance is independently audited on an annual basis.

Ask us about our Compliance Code and send us inquiries, complaints or feedback: [compliance@qima.com](mailto:compliance@qima.com).



[Visit their website](#)

### ANAB

QIMA (US), LLC (No. AT-1407) and QIMA Testing (HK) Limited (No. AT-1500) are accredited by the ANSI-ASQ National Accreditation Board (ANAB) to issue test reports with the ANAB endorsement for accredited activities. This accreditation confirms that both laboratories meet the requirements of the international standard ISO/IEC 17025:2017, while demonstrating technical competence in the field of testing.

ANAB (formerly ACLASS) is a non-profit organization that provides accreditation to testing and calibration labs, inspection and certification bodies, reference material producers, and proficiency test providers. Through its accreditation efforts, ANAB aims to eliminate redundant audits and tests and facilitate international trade while ensuring the safety of goods, services, and the environment.



[Visit their website](#)

### CPSC (CPSIA)

QIMA is CPSC-accepted to provide third-party testing services in accordance with the requirements of the Consumer Product Safety Improvement Act (accreditation certificates under QIMA (US), LLC (lab code 1199), QIMA Testing (HK) Limited (lab code 1322) and QIMA (Hangzhou) Testing Co., Ltd. (lab code 1195).

Founded over 40 years ago, the CPSC (U.S. Consumer Product Safety Committee) regulates the manufacture and sale of over 1,500 consumer products. Its mission is to protect consumers from products that pose a fire, electrical, chemical, or mechanical hazard, by establishing safety requirements, researching potential hazards, as well as by means of ban and recall of dangerous products.



[Visit their website](#)

## HOKLAS

QIMA Testing (HK) Limited has been accredited by Hong Kong Accreditation Service (HKAS) under the Hong Kong Laboratory Accreditation Scheme (HOKLAS). Our HKAS accreditation is an independent third-party formal demonstration that we have the competence in performing the activities included in our HKAS scope of accreditation. All conformity assessment bodies accredited by HKAS are required to implement effective quality assurance measures to assure the quality of their accredited activities.



[Visit their website](#)

Operating since 1985, Hong Kong Accreditation Service provides accreditation for laboratories, certification bodies and inspection bodies located in Hong Kong. Its goals include upgrading the standards of operation of conformity assessment bodies and increasing efficiency in conformity assessment through mutual recognition and endorsement.

## RJC

QIMA is accredited by the Responsible Jewellery Council (RJC) to verify compliance with the RJC Code of Practices and the Signet Responsible Sourcing Protocol. RJC accreditation confirms that QIMA is an impartial third-party auditor with the experience and expertise necessary to carry out ethical audits in jewelry manufacturing, wholesale, and retail.



[Visit their website](#)

The Responsible Jewellery Council is a not-for-profit standard-setting and certification organization that includes over 800 companies involved in every step of the jewelry supply chain. The RJC Code of Practices is an international standard on responsible business practices in the jewelry supply chain, including human rights, labor rights, environmental impact, and other key considerations.

## ICS (Initiative for Compliance and Sustainability)

QIMA is one the partner auditing bodies of ICS (Initiative for Compliance and Sustainability), accredited to carry out ethical audits that assess suppliers' compliance with the ICS Code of Conduct.



[Visit their website](#)

Founded in 1998, ICS is a group of twenty retailers that work together to sustainably improve working conditions, guided by the universal human rights principles and local social regulations. The ICS Code of Conduct covers key areas of suppliers' social performance and manufacturing ethics

**Higg Index Verifier Body**

QIMA is an approved Verifier Body for the Higg Index FEM (Facility Environmental Module) and the FSLM (Facility Social and Labor Module). The Higg Facility Tools are used by manufacturing brands to measure the social and environmental performance of their facilities.



[Visit their website](#)

The Higg Index is operated by the Sustainable Apparel Coalition (SAC), an alliance for sustainable production in the apparel, footwear and home textile industry.

**Life and Building Safety (LABS)**

QIMA was an early member of the Life and Building Safety Initiative and involved in the development of the program to mitigate preventable fire, electrical and structural safety risks in key apparel and footwear producing countries.



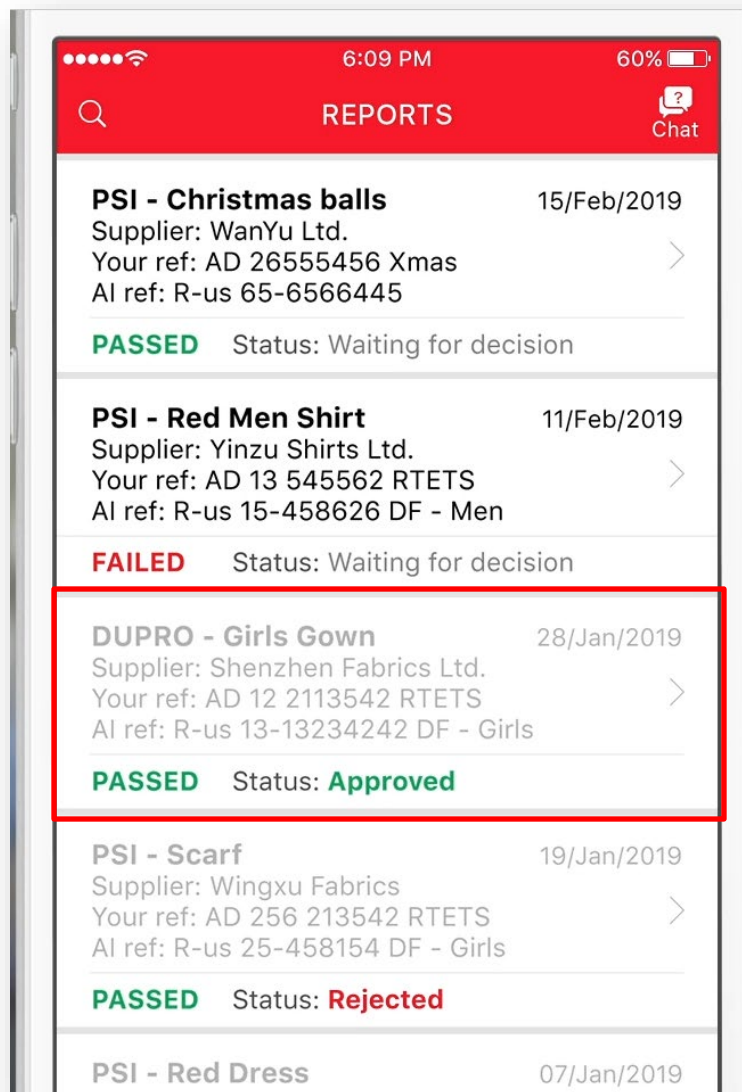
[Visit their website](#)

QIMA is an approved audit body for LABS in Vietnam and India (the only countries where LABS is currently active).

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95. Each Accused Product performs a mobile Quality Management Inspection System of updating a quality information record if the sample meets the gold seal acceptable standard. For example, the Accused Products, via a network server, update the inspection lot record with quality information if a quality standard is met.

<sup>35</sup> *Accreditations*, QIMA, <https://www.qima.com/accreditations> (last visited Mar. 6, 2023).



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96. Each Accused Product performs a mobile Quality Management Inspection System determining whether the source inspection is rejected with re-inspection.

97. Each Accused Product performs a mobile Quality Management Inspection System of generating an indication to block the inbound delivery of the lot and creates a re-inspection of the lot when the source inspection is rejection with re-inspection.

<sup>36</sup> *QIMA Mobile App Demo*, QIMA, <https://fast.wistia.net/embed/iframe/g7zh0ybo0u?videoFoam=true> (last visited Mar. 6, 2023).



98. Each Accused Product performs a mobile Quality Management Inspection System of identifying a failure of the inspection lot when the source inspection is not rejected with re-inspection.

99. Each Accused Product performs a mobile Quality Management Inspection System of creating a new source inspection lot when there has been an identified failure.

100. Each Accused Product performs a mobile Quality Management Inspection System wherein the mobile device is configured to enable an inspector to perform, on site, at least one of source inspection; receiving inspection; product qualification inspection; social compliance, Customs-Trade Partnership Against Terrorism (CTPAT) and factory valuations; non-conformance processing and document management, and upload this information to the database in real time. For example, the Accused Products allow an inspector to review on-site inspections lots via mobile device. The real-time inspection includes, among other tests, whether the lot is C-TPAT compliant.

The screenshot shows the QIMA website's 'C-TPAT Audit and Compliance' page. The header features the QIMA logo and navigation links: 'Our Solutions', 'Your Industry', 'About us', and 'Careers'. The main heading is 'C-TPAT Audit and Compliance'. Below it, a paragraph states: 'The Customs-Trade Partnership Against Terrorism (C-TPAT) is a supply chain security program led by U.S. Customs and Border Protection focused on improving the security of private companies' supply chains with respect to terrorism.' A blue button with a document icon says 'Download a Sample Report'. The background image shows an industrial facility with large storage tanks and piping.

## C-TPAT Compliance Audit

QIMA qualified auditors assist organizations to assess and enhance security measures throughout their supply chains and ensure compliance with security requirements.

We perform supply chain security audits against all Customs-Trade Partnership against Terrorism (C-TPAT global and regional requirements) ensuring:

- Outside Barriers and Physical Security
- Factory Internal Security
- Factory Employee Security
- Shipping Dock Security
- Key and Seal Controls
- Security Processes
- Container and Merchandise Movement
- Computer Systems Security and Controls

## Securing the Global Supply Chain

Customs-Trade Partnership Against Terrorism (C-TPAT) is a voluntary government-business initiative to build cooperative relationships that strengthen and improve overall international supply chain and U.S. border security.

C-TPAT recognizes that U.S. Customs and Border Protection (CBP) can provide the highest level of cargo security only through close cooperation with the ultimate owners of the international supply chain such as importers, carriers, consolidators, licensed customs brokers, and manufacturers.

Through this initiative, CBP is asking businesses to ensure the integrity of their security practices and communicate and verify the security guidelines of their business partners within the supply chain. A third party C-TPAT audit will ensure the security of your supply chain, verify your compliance, and improve U.S. border security.

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101. QIMA has had knowledge and notice of the '523 Patent at least as of the filing of this Complaint.

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<sup>37</sup> *C-TPAT Audit and Compliance*, QIMA, <https://www.qima.com/c-tpat-compliance> (last visited Mar. 6, 2023).

102. QIMA has indirectly infringed and continues to indirectly infringe one or more claims of the '523 Patent, as provided by 35 U.S.C. § 271(b), by inducing infringement by others, such as QIMA's customers and end-users, in this Judicial District and elsewhere in the United States. For example, QIMA's customers and end-users directly infringe, either literally or under the doctrine of equivalents, through their use of the inventions claimed in the '523 Patent. QIMA induces this direct infringement through its affirmative acts of making, using, selling, offering for sale, and/or importing into the United States the Accused Products, and providing instructions, documentation, and other information to customers and end-users suggesting that they use the Accused Products in an infringing manner, including technical support, marketing, product manuals, advertisements, and online documentation. Because of QIMA's inducement, QIMA's customers and end-users use Accused Products in a way QIMA intends and directly infringe the '523 Patent. QIMA performs these affirmative acts with knowledge of the '523 Patent and with the intent or willful blindness that the induced acts directly infringe the '523 Patent.

103. QIMA has indirectly infringed and continues to indirectly infringe one or more claims of the '523 Patent, as provided by 35 U.S.C. § 271(c), by contributing to direct infringement by others, such as customers and end-users, in this Judicial District and elsewhere in the United States. QIMA's affirmative acts of selling and offering to sell the Accused Products in this Judicial District and elsewhere in the United States and causing the Accused Products to be made, used, sold, offered for sale, and/or imported contributes to others' use of the Accused Products such that the '523 Patent is directly infringed by others. The accused components within the Accused Products are material to the invention of the '523 Patent, are not staple articles or commodities of commerce, have no substantial non-infringing uses, and are known by QIMA to be especially made or adapted for use in the infringement of the '523 Patent. QIMA performs these affirmative acts

with knowledge of the '523 Patent and with intent or willful blindness that they cause the direct infringement of the '523 Patent.

104. Because of QIMA's direct and indirect infringement of the '523 Patent, Lifetime Brands has suffered, and will continue to suffer, damages in an amount to be proved at trial.

105. Because of QIMA's direct and indirect infringement of the '523 Patent, Lifetime Brands has suffered, and will continue to suffer, irreparable harm for which there is no adequate remedy at law, unless QIMA's infringement is enjoined by this Court.

### **DEMAND FOR JURY TRIAL**

Lifetime Brands hereby demands a jury for all issues so triable.

### **PRAYER FOR RELIEF**

WHEREFORE, Lifetime Brands prays for relief against QIMA as follows:

- a. Entry of judgment declaring that QIMA has directly and/or indirectly infringed one or more claims of each of the Patents-in-Suit;
- b. An order pursuant to 35 U.S.C. 283 permanently enjoining Defendant, its officers, agents, servants, employees, attorneys, and those persons in active concert or participation with them, from further acts of infringement of the Patents-in-Suit;
- c. An order awarding damages sufficient to compensate Lifetime Brands for QIMA's infringement of the Patents-in-Suit, but in no event less than lost profits or a reasonable royalty, including supplemental damages post-verdict, together with pre-judgment and post-judgment interest and costs;
- d. An order awarding Lifetime Brands all ongoing lost profits, royalties, and/or other damages caused by Defendant's continuing infringement of the Patents-in-Suit;
- e. Enhanced damages pursuant to 35 U.S.C. § 284;

- f. Entry of judgment declaring that this case is exceptional and awarding Lifetime Brands its costs and reasonable attorney fees pursuant to 35 U.S.C. § 285;
- g. An accounting for acts of infringement;
- h. Such other equitable relief which may be requested and to which the Lifetime Brands is entitled; and
- i. Such other and further relief as the Court deems just and proper.

Dated: May 12, 2023

Respectfully submitted,

/s/ Evan H. Langdon

Alfred R. Fabricant

NY Bar No. 2219392

Email: ffabricant@fabricantllp.com

Peter Lambrianakos

NY Bar No. 2894392

Email: plambrianakos@fabricantllp.com

Vincent J. Rubino, III

NY Bar No. 4557435

Email: vrubino@fabricantllp.com

Enrique W. Iturralde

NY Bar No. 5526280

Email: eiturralde@fabricantllp.com

**FABRICANT LLP**

411 Theodore Fremd Avenue,

Suite 206 South

Rye, New York 10580

Telephone: (212) 257-5797

Facsimile: (212) 257-5796

Evan H. Langdon

DC Bar No. 1003057

Email: elangdon@fabricantllp.com

**FABRICANT LLP**

1101 Pennsylvania Ave., NW, Suite 300

Washington, D.C. 20004

Telephone: (202) 507-4899

Facsimile: (212) 257-5796

Samuel F. Baxter  
Texas State Bar No. 01938000  
Email: sbaxter@mckoolsmith.com  
Jennifer L. Truelove  
Texas State Bar No. 24012906  
Email: jtruelove@mckoolsmith.com  
**MCKOOL SMITH, P.C.**  
104 E. Houston Street, Suite 300  
Marshall, Texas 75670  
Telephone: (903) 923-9000  
Facsimile: (903) 923-9099

**ATTORNEYS FOR PLAINTIFF  
LIFETIME BRANDS, INC.**