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10 **UNITED STATES DISTRICT COURT**
11 **CENTRAL DISTRICT OF CALIFORNIA**

13 SKECHERS U.S.A., INC. and) Case No.:
14 SKECHERS U.S.A., INC, II,)
15 Plaintiffs,) **COMPLAINT FOR PATENT**
16) **INFRINGEMENT**
17 v.)
18)
18 LAFORST SHOES, INC. and Does 1-)
19 10 inclusive,)
20 Defendants.)
21) **DEMAND FOR JURY TRIAL**

1 Plaintiffs Skechers U.S.A., Inc. and Skechers U.S.A., Inc. II (collectively
2 "Skechers") bring this action against defendant Laforst Shoes, Inc. ("Laforst") to address
3 Laforst's willful infringement of certain Skechers patents, and allege as follows:

4 **NATURE OF THE ACTION**

5 1. Since it began as a start-up shoe company with a single line of footwear in
6 1992, Skechers has worked tirelessly to now be the third largest footwear company in
7 the world. That explosive growth is based on the quality and visual appeal of its shoes.
8 As a lifestyle and performance footwear company, Skechers is continuously developing
9 new shoe designs and advancing the state of the art so that the visual appearance of its
10 shoes has the broadest consumer appeal. To protect these designs, Skechers has sought
11 and been awarded hundreds of patents from the United States Patent and Trademark
12 Office. These patents, along with Skechers' trademarks, are the legal lifeblood of the
13 company. Over decades, Skechers has invested and spent hundreds of millions of
14 dollars researching, creating, and promoting its new shoe designs. Skechers has now
15 designed more than 3,000 shoe styles and sells its shoes in more than 170 countries and
16 in its more than 4,500 retail stores and on its website and numerous third-party websites.

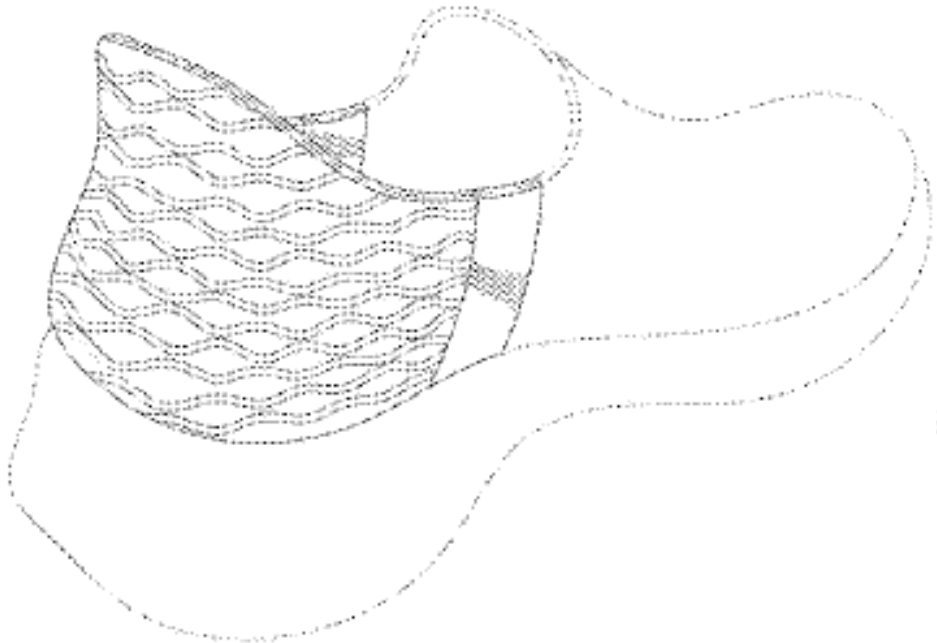
17 2. Skechers' footwear styles are, and have been, promoted by celebrities
18 including Martha Stewart, Snoop Dogg, Doja Cat, Willie Nelson, Sugar Ray Leonard,
19 Ringo Starr, Britney Spears, Carrie Underwood, Meghan Trainor, Tony Romo, Brooke
20 Burke, Kim Kardashian, Howie Long, and Robert Downey Jr. Between the quality and
21 visual appeal of its shoes and these celebrity endorsements, numerous Skechers shoe
22 styles have become wildly successful, popular, and highly acclaimed.

23 3. Skechers' shoe styles that embody its patented designs that are the subject
24 of this complaint (a.k.a. "hands free") have sold millions of pairs. These designs all
25 highlight the portion of the shoe that wraps around the wearer's heel. These designs are
26 unique and eye-catching because they visually separate the heel area from the rest of the
27 shoe by giving it a distinctive visual appearance that is highly appealing.

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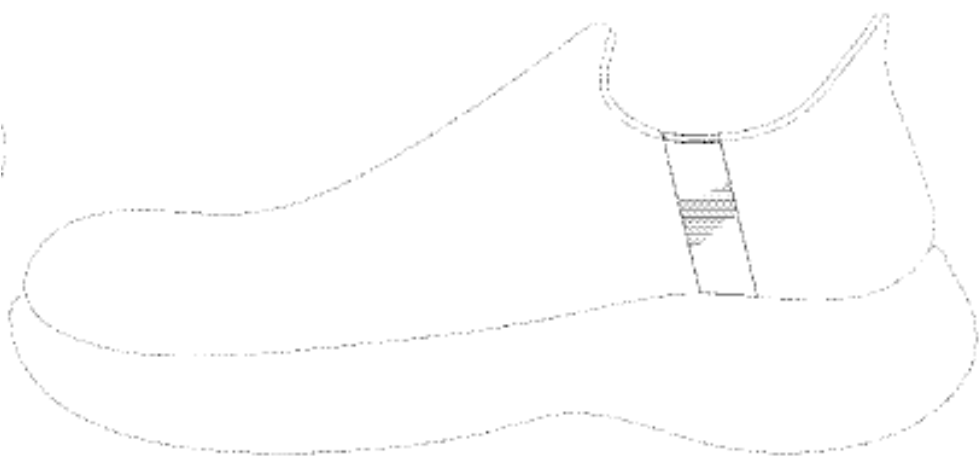
1 4. Based on these novel and unique designs and the proven popularity of the
2 shoes that embody these designs, defendant Laforst began making a shoe that has the
3 same heel design as the patented Skechers heel design. Only after Skechers incurred the
4 substantial risk and monumental expense of developing and promoting its shoes with
5 this heel design, and established that it had broad appeal, did Laforst enter the market
6 with its infringing shoe.

7 5. A sample image from each one of the five patents that Laforst is infringing
8 is shown below.



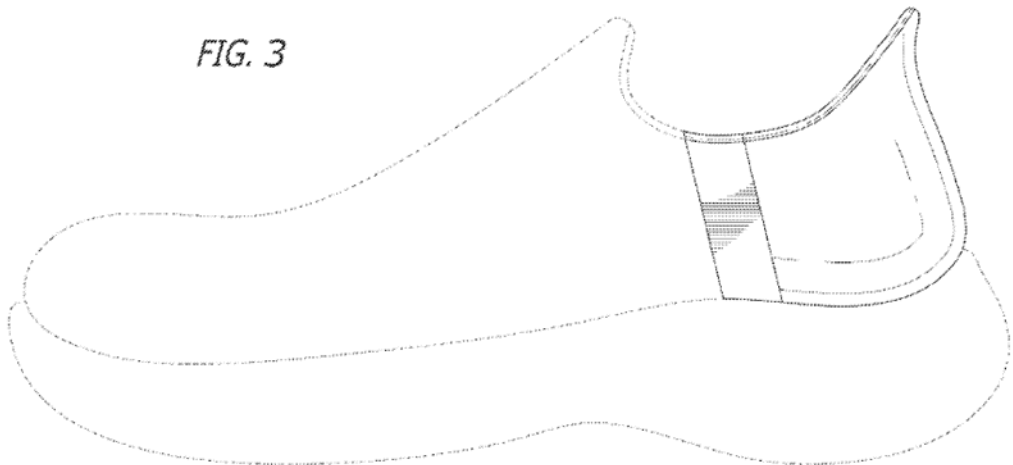
22 Patent No. US D979,917
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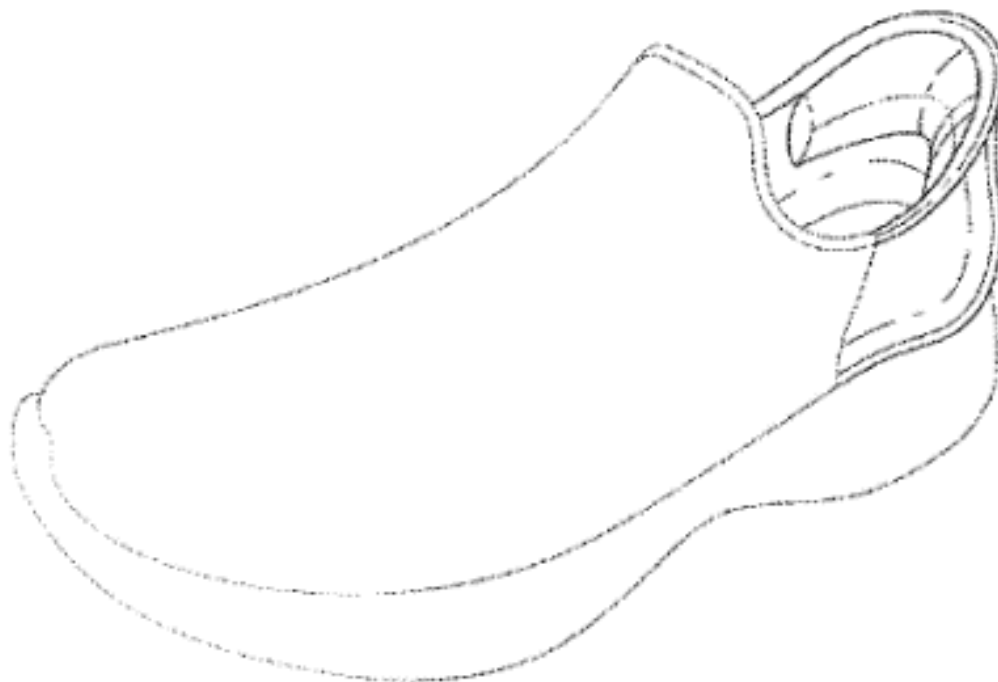
Patent No. US D986,576

FIG. 3

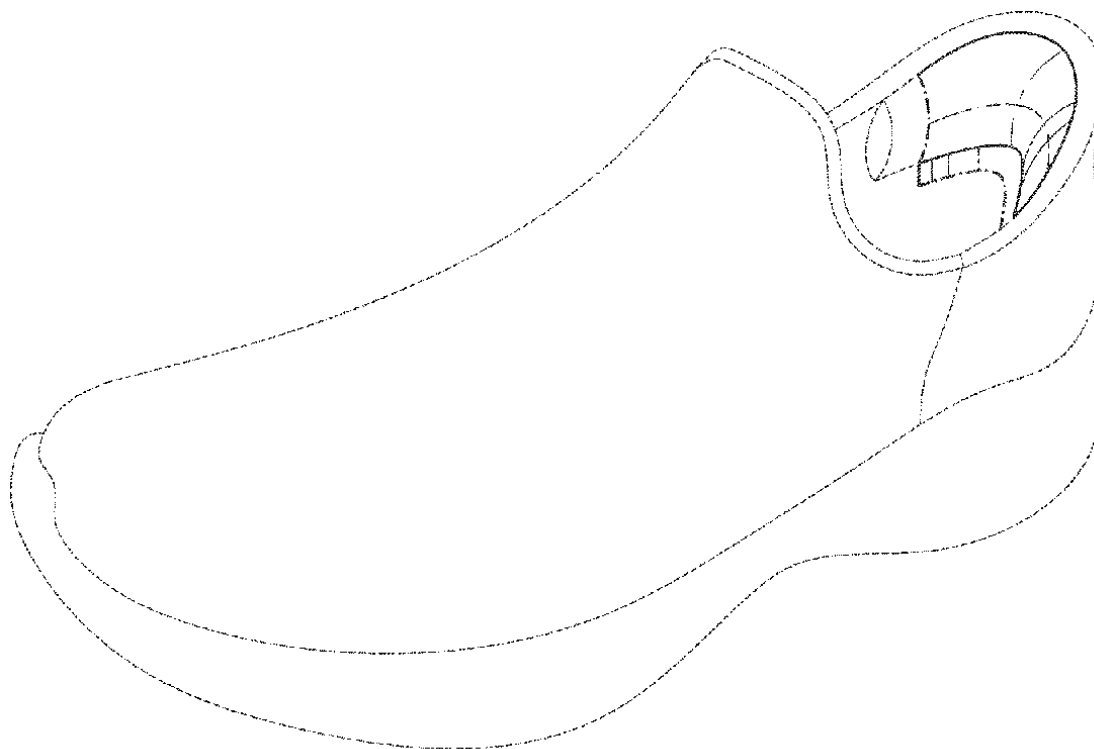


Patent No. US D990,858

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Patent No. US D992,888



Patent No. US D994,312

1 An image of the infringing Laforst shoe is shown below.



12 As can be seen in the above images, the Laforst shoe embodies each one of the five
13 Skechers patented designs. This degree of detailed copying confirms that Laforst
14 intentionally and willfully copied each one of Skechers' patented designs shown above.
15 This intentional copying is further shown when the Laforst shoe is compared to an actual
16 Skechers hands free shoe, an example of which is shown below.



1 6. By this action, Skechers seeks to stop Laforst's patent infringement and
2 obtain compensation for that infringement.

3
4 **PARTIES**

5 7. Plaintiff Skechers U.S.A., Inc. is a corporation duly organized and existing
6 under the laws of the State of Delaware with its principal place of business located at
7 228 Manhattan Beach Blvd., Manhattan Beach, California 90266.

8 8. Plaintiff Skechers U.S.A., Inc. II is a corporation duly organized and
9 existing under the laws of the State of Virginia with its principal place of business
10 located at 228 Manhattan Beach Blvd., Manhattan Beach, California 90266. Skechers
11 U.S.A., Inc. II is a wholly-owned subsidiary of Skechers U.S.A., Inc.

12 9. On information and belief, defendant Laforst, Inc. is a corporation duly
13 organized and existing under the laws of the State of California with its principal place
14 of business located at 19410 Cabot Blvd, Suite B, Hayward, California 94545-1140.

15 10. Does 1 – 10 are unknown to Skechers and sued herein under fictitious
16 names. They consist of those who have imported, advertised, offered for sale, sold,
17 distributed or otherwise commercially used the accused products described below.
18 When their true names and capacities are ascertained, Skechers will amend this second
19 amended complaint by inserting their true names and capacities.

20
21 **JURISDICTION AND VENUE**

22 11. Jurisdiction in this Court arises under the provisions of 28 U.S.C. § 1331
23 (federal question), 28 U.S.C. § 1338(a) (any Act of Congress relating to patents or
24 trademarks), and 35 U.S.C. §§ 271 and 289.

25 12. This Court has personal jurisdiction over Laforst because Laforst has
26 committed and continues to commit acts of infringement in violation of 35 U.S.C. § 271
27 and places infringing products into the stream of commerce, with the knowledge or
28 understanding that such products are sold in the State of California, including in this

1 District. The acts by Laforst cause injury to Skechers within this District. Upon
2 information and belief, Laforst derives revenue from the sale of infringing products
3 within this District, expects its actions to have consequences within this District, and
4 derives revenue from interstate and international commerce.

5 13. Venue in this Court is proper under the provisions of 28 U.S.C. §§ 1391(b),
6 (c), (d) and 1400(b) because Laforst transacts business within this District and offers for
7 sale in this District products that infringe the Skechers patents and Laforst is a resident
8 of California which is a multiple district state. In addition, venue is proper because
9 Skechers' principal place of business is in this District and Skechers suffered harm in this
10 District. Moreover, a substantial part of the events giving rise to the claim occurred in
11 this District.

12
13 **SKECHERS' PATENT RIGHTS**

14 14. Skechers dedicated teams of people to develop and design its hands free
15 shoes. The patented design had broad appeal and was instantly successful.

16 15. Skechers owns all rights, title, and interest in and to each of those design
17 patents. Those design patents are identified below and attached as Exhibits 1-5.

Patent Number	Title
D979,917 (the " '917 Patent")	Shoe Upper
D986.576 (the " '576 Patent")	Shoe Upper
D990,858 (the " '858 Patent")	Shoe Upper
D992,888 (the " '888 Patent")	Shoe Upper Component
D994,312 (the " '312 Patent")	Shoe Upper Component

1 **LAFORST'S INFRINGING PRODUCTS**

2 16. Rather than innovate and develop its own designs and a unique style for its
3 footwear products, Laforst chose to copy Skechers' innovative design elements.

4 17. Laforst had many options in developing its footwear products. Instead,
5 Laforst chose to infringe Skechers' design patents by copying Skechers' hands free shoe
6 style.

7 18. Laforst is infringing Skechers' '917 Patent, '576 Patent, '858 Patent, '888
8 Patent, and '312 Patent by making shoes such as the shoe shown in the following image,
9 hereinafter the "Laforst shoe."



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22
23 **FIRST CLAIM FOR RELIEF**

24 **[Infringement of the '917 Patent]**

25 19. Skechers realleges and incorporates by reference the full text of all of the
26 foregoing numbered paragraphs, images and figures as though each such paragraph,
27 image, and figure has been fully set forth hereat.

1 20. Laforst has infringed and continues to infringe the '917 Patent by making,
2 using, selling, and/or offering for sale in the U.S., and/or importing into the U.S. the
3 Laforst shoe. The Laforst shoe embodies the design claimed in the '917 Patent.

4 21. Skechers is informed and believes, and on that basis alleges, that Laforst's
5 infringement of the '917 Patent has been and continues to be intentional, willful, and
6 without regard to Skechers' rights.

7 22. Skechers is informed and believes, and on that basis alleges, that Laforst
8 has gained profits by virtue of its infringement of the '917 Patent.

9 23. Skechers will suffer and is suffering irreparable harm from Laforst's
10 infringement of the '917 Patent. Skechers has no adequate remedy at law and is entitled
11 to an injunction against Laforst's continuing infringement of the '917 Patent. Unless
12 enjoined, Laforst will continue its infringing conduct.

13
14 **SECOND CLAIM FOR RELIEF**

15 **[Infringement of the '576 Patent]**

16 24. Skechers realleges and incorporates by reference the full text of all of the
17 foregoing numbered paragraphs, images and figures as though each such paragraph,
18 image, and figure has been fully set forth hereat.

19 25. Laforst has infringed and continues to infringe the '576 Patent by making,
20 using, selling, and/or offering for sale in the U.S., and/or importing into the U.S. the
21 Laforst shoe. The Laforst shoe embodies the design claimed in the '576 Patent.

22 26. Skechers is informed and believes, and on that basis alleges, that Laforst's
23 infringement of the '576 Patent has been and continues to be intentional, willful, and
24 without regard to Skechers' rights.

25 27. Skechers is informed and believes, and on that basis alleges, that Laforst
26 has gained profits by virtue of its infringement of the '576 Patent.

27 28. Skechers will suffer and is suffering irreparable harm from Laforst's
28 infringement of the '576 Patent. Skechers has no adequate remedy at law and is entitled

1 to an injunction against Laforst's continuing infringement of the '576 Patent. Unless
2 enjoined, Laforst will continue its infringing conduct.

3
4 **THIRD CLAIM FOR RELIEF**

5 **[Infringement of the '858 Patent]**

6 29. Skechers realleges and incorporates by reference the full text of all of the
7 foregoing numbered paragraphs, images and figures as though each such paragraph,
8 image, and figure has been fully set forth hereat.

9 30. Laforst has infringed and continues to infringe the '858 Patent by making,
10 using, selling, and/or offering for sale in the U.S., and/or importing into the U.S. the
11 Laforst shoe. The Laforst shoe embodies the design claimed in the '858 Patent.

12 31. Skechers is informed and believes, and on that basis alleges, that Laforst's
13 infringement of the '858 Patent has been and continues to be intentional, willful, and
14 without regard to Skechers' rights.

15 32. Skechers is informed and believes, and on that basis alleges, that Laforst
16 has gained profits by virtue of its infringement of the '858 Patent.

17 33. Skechers will suffer and is suffering irreparable harm from Laforst's
18 infringement of the '858 Patent. Skechers has no adequate remedy at law and is entitled
19 to an injunction against Laforst's continuing infringement of the '858 Patent. Unless
20 enjoined, Laforst will continue its infringing conduct.

21
22 **FOURTH CLAIM FOR RELIEF**

23 **[Infringement of the '888 Patent]**

24 34. Skechers realleges and incorporates by reference the full text of all of the
25 foregoing numbered paragraphs, images and figures as though each such paragraph,
26 image, and figure has been fully set forth hereat.

1 35. Laforst has infringed and continues to infringe the '888 Patent by making,
2 using, selling, and/or offering for sale in the U.S., and/or importing into the U.S. the
3 Laforst shoe. The Laforst shoe embodies the design claimed in the '888 Patent.

4 36. Skechers is informed and believes, and on that basis alleges, that Laforst's
5 infringement of the '888 Patent has been and continues to be intentional, willful, and
6 without regard to Skechers' rights.

7 37. Skechers is informed and believes, and on that basis alleges, that Laforst
8 has gained profits by virtue of its infringement of the '888 Patent.

9 38. Skechers will suffer and is suffering irreparable harm from Laforst's
10 infringement of the '888 Patent. Skechers has no adequate remedy at law and is entitled
11 to an injunction against Laforst's continuing infringement of the '888 Patent. Unless
12 enjoined, Laforst will continue its infringing conduct.

13
14 **FIFTH CLAIM FOR RELIEF**

15 **[Infringement of the '312 Patent]**

16 39. Skechers realleges and incorporates by reference the full text of all of the
17 foregoing numbered paragraphs, images and figures as though each such paragraph,
18 image, and figure has been fully set forth hereat.

19 40. Laforst has infringed and continues to infringe the '312 Patent by making,
20 using, selling, and/or offering for sale in the U.S., and/or importing into the U.S. the
21 Laforst shoe. The Laforst shoe embodies the design claimed in the '312 Patent.

22 41. Skechers is informed and believes, and on that basis alleges, that Laforst's
23 infringement of the '312 Patent has been and continues to be intentional, willful, and
24 without regard to Skechers' rights.

25 42. Skechers is informed and believes, and on that basis alleges, that Laforst
26 has gained profits by virtue of its infringement of the '312 Patent.

27 43. Skechers will suffer and is suffering irreparable harm from Laforst's
28 infringement of the '312 Patent. Skechers has no adequate remedy at law and is entitled

1 to an injunction against Laforst's continuing infringement of the '312 Patent. Unless
2 enjoined, Laforst will continue its infringing conduct.

3
4 **REQUEST FOR RELIEF**

5 WHEREFORE, Plaintiffs Skechers U.S.A., Inc. and Skechers U.S.A., Inc. II
6 respectfully request relief against Defendant Laforst as follows:

7 1. A judgment declaring that Defendant Laforst has infringed one or more
8 claims of each of Skechers' asserted design patents;

9 2. An order and judgment preliminarily and permanently enjoining Laforst
10 and its officers, directors, agents, servants, employees, affiliates, attorneys, and all others
11 acting in privity or in concert with them, and their subsidiaries, divisions, successors and
12 assigns, from further acts of infringement of Skechers' asserted design patents;

13 3. A judgment awarding Skechers all damages adequate to compensate for
14 Laforst's infringement of Skechers' asserted design patents, and in no event less than a
15 reasonable royalty for Laforst's acts of infringement, including all pre-judgment and
16 post-judgment interest at the maximum rate permitted by law;

17 4. A judgment awarding Skechers all damages, including treble damages,
18 based on any infringement found to be willful, pursuant to 35 U.S.C. § 284, together
19 with prejudgment interest;

20 5. A judgment awarding Skechers all of Laforst's profits and all remedies,
21 pursuant to 35 U.S.C. § 289 together with prejudgment interest;

- 1 6. Costs of suit and reasonable attorneys' fees; and
- 2 7. Any other remedy to which Skechers may be entitled, including under any
- 3 other law that this Court may deem just and proper.

KLEINBERG & LERNER, LLP

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7 August 17, 2023

By: /s/ Marshall A. Lerner
 Marshall A. Lerner
 Steven J. Kim
 Bradford E. Mattes
 Attorneys for Plaintiffs Skechers U.S.A., Inc.
 and Skechers U.S.A., Inc. II

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DEMAND FOR JURY TRIAL

Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure and Local Rule 38-1, plaintiffs Skechers U.S.A., Inc. and Skechers U.S.A., Inc. II demand a trial by jury of any and all issues triable of right by a jury pursuant to the Seventh Amendment to the United States Constitution or as given by a statute of the United States.

KLEINBERG & LERNER, LLP

August 17, 2023

By: /s/ Marshall A. Lerner
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Attorneys for Plaintiffs Skechers U.S.A., Inc.
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