

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF CONNECTICUT

TRUEING STUDIO LLC,)
Plaintiff,)

v.)

SERPENTINE JEWELS, LLC,)
Defendant.)

Case No.: _____

December 28, 2023

COMPLAINT

COMPLAINT FOR PATENT INFRINGEMENT AND DEMAND FOR JURY TRIAL

Plaintiff Trueing Studio LLC (hereinafter “Trueing”), by and through their undersigned attorneys, complains and alleges against Defendant Serpentine Jewels, LLC (hereinafter “Serpentine”) as follows:

THE PARTIES

1. Trueing is a limited liability company organized and existing under the laws of the State of New York with its principal place of business at 2219 41st Avenue, Queens, New York 11101.

2. Trueing is a New York-based design studio founded by Joshua Metersky and Aiden Bowman. Trueing focuses on the design and sale of ultra high-end, contemporary lighting and furniture products. Trueing’s products are, in large part, marketed and sold to a very limited subset of consumers interested and able to purchase ultra high-end lighting and furniture products. While Trueing sells products throughout the United States as well as internationally, Trueing’s sales are

frequently concentrated in affluent portions of the greater New York City area including, for example, Greenwich, Connecticut.

3. On information and belief, Serpentine is a limited liability company organized and existing under the laws of the State of New York with its principal place of business at 12 the Serpentine, New Rochelle, New York, 10801.

4. On information and belief, Serpentine designs and sells bespoke jewelry and other jewelry products. In particular, Serpentine operates a jewelry showroom in Greenwich, Connecticut, and sells bespoke jewelry and other jewelry products at this location.

JURISDICTION AND VENUE

5. This is an action arising under the patent laws of the United States, 35 U.S.C. § 1 *et seq.* Accordingly, this Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a).

6. Serpentine is subject to this Court's specific and general personal jurisdiction because, on information and belief, Serpentine (i) operates a jewelry showroom at their Greenwich Townhouse at 115 Mason Street, Greenwich, Connecticut 06830; (ii) Serpentine continuously and systematically transacts business within Connecticut; and (iii) this lawsuit arises out of Serpentine's infringing activity at their Greenwich Townhouse.

7. Venue is proper within this district pursuant to 28 U.S.C. §§ 1391 and 1400. Venue is also proper because, on information and belief, Serpentine has committed acts of infringement and maintains a regular and established place of business in the District of Connecticut.

THE ASSERTED PATENT

8. On May 17, 2022, U.S. Patent No. D952232 (hereinafter the “D232 patent”), entitled “Lighting Fixture,” was duly and legally issued by the United States Patent and Trademark Office (“USPTO”) and names Joshua J. Metersky and Aiden A. Bowman as inventors. A copy of the D232 patent is attached as Exhibit A.

9. 35 U.S.C. § 271(a) imparts upon the patentee the right to prevent others from making, **using**, selling, offering to sell or importing into the United States any object embodying the patented invention.

10. By lawful assignment, Trueing is the owner of all rights, title, and interest in and to the D232 patent.

11. The D232 patent discloses and claims a non-functional ornamental design for a lighting fixture, which is described and shown from representative perspectives in Figures 1 and 2, reproduced below.

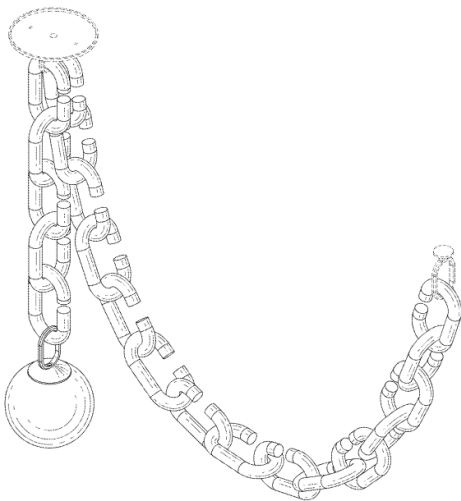


FIG. 1

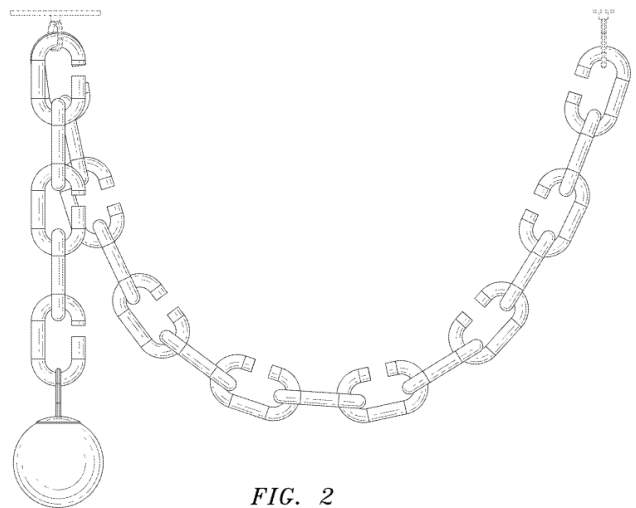


FIG. 2

12. The ornamental design disclosed and claimed by the D232 patent is embodied by multiple lighting fixtures of Trueing's CERINE[®] product line of lighting fixtures, which are available in a variety of configurations. Examples of these lighting fixture configurations are reproduced below, illustrating Trueing's triple pendant configuration in Figure 3 and Trueing's swagged chandelier configuration in Figure 4.



FIG. 3



FIG. 4

BACKGROUND

13. Trueing re-alleges and incorporates by reference Paragraphs 1-12 of its Complaint.

14. As previously discussed, Trueing's products, including Trueing's CERINE[®] product line of lighting fixtures, are frequently sold to a very limited subset of consumers in affluent portions of the greater New York City area such as Greenwich, Connecticut. Serpentine sells bespoke jewelry and other jewelry products in Greenwich, Connecticut from their Greenwich Townhouse. On information and belief, the nature of Trueing's and Serpentine's respective businesses, as well as the geographic overlap between their respective businesses, contributes to significant cross-over between Trueing's limited consumer base and Serpentine's customers.

15. On information and belief, on July 21, 2022, an Interior Designer representing Serpentine, contacted Aiden Bowman, president of Trueing, requested pricing for an attached image of Trueing’s CERINE® swagged chandelier. *See* Exhibit B (A minimally redacted email from the Interior Designer to Mr. Bowman). Also on July 21, 2022, Mr. Bowman responded to the Interior Designer stating: “The standard swagged chandi is \$41,565 (\$48,000 list) – but can be fully customized down to the chain link. The price grows (or shrinks) depending on the number of links and the customization process s provided gratis!” On August 9, 2022, the Interior Designer responded, stating: “Thank you! It didn’t work for my clients budget, but Id love to come by sometime to see your showroom.” *See* Exhibit C (A minimally redacted email from the Interior Designer to Mr. Bowman).

16. On information and belief, on or around February 12, 2023, Serpentine published to Instagram an image from their Greenwich Townhouse, attached as Exhibit D. The image, reproduced in part below in Figure 5, includes a lighting fixture including multiple instances of ornamental features directly infringing the D232 patent.



FIG. 5

17. On August 18, 2023, a Second Interior Designer representing a Trueing customer, contacted Mr. Bowman by email, regarding the lighting fixture installed in Serpentine's Greenwich Townhouse. Specifically, the Second Interior Designer stated in this email:

“Hi Aiden,

I have a question-my client recently visited a jewelry showroom and saw the chandelier installed- she wondered what color way it was ? Serpentine Jewels in Greenwich CT. She didn't like the color, so it makes me nervous! Image attached for reference.” *See Exhibit E* (A minimally redacted email from the Second Interior Designer to Mr. Bowman).

The email from the Second Interior Designer included an attachment of Serpentine's Instagram photo, shown above in Figure 5.

18. On September 15, 2023, Trueing informed Serpentine of Serpentine's infringement of Trueing's D232 patent. *See Cease and Desist Letter attached as Exhibit F.*

19. On October 17, 2023, Serpentine responded, via counsel, to Trueing's September 15, 2023 letter. In the October 17, 2023 response, attached as Exhibit G, Serpentine stated, in part:

“The light fixture apparently at issue was purchased by Ms. Galgano[, owner of Serpentine,] via a bona fide sale with an arm's length third party merchant who made no mention whatsoever of any intellectual property rights running with the item.

The purchase was made on the Etsy platform, with the seller using the name “ElephantCollection”, and the point of contact being an individual using the name “Mustafa”,

whose profile at the time of the purchase indicated being based in California. The purchase was consummated on August 2, 2022, with Ms. Galgano paying \$1403.00 including shipping. Ms. Galgano retains all the documentation evidencing the transaction and I'm glad to forward that along if it would be helpful."

20. Despite Trueing's repeated communications over the proceeding months asking Serpentine to remove the infringing lighting fixture from their Greenwich Townhouse showroom or to confirm that the lighting fixture will be removed, Trueing has not yet received a response from Serpentine indicating that the infringing lighting fixture has been or will be removed. On information and belief, the infringing lighting fixture has been in use at Serpentine's Greenwich Townhouse showroom, in violation of Trueing's D232 patent, since at least the February 12, 2023 date of Serpentine's Instagram post including the image of their infringing lighting fixture. *See* Exhibit D.

21. On information and belief, Serpentine has used the infringing lighting fixture in their Greenwich Townhouse showroom since Trueing's September 15, 2023 letter and continues to use the lighting fixture directly infringing the non-functional ornamental features disclosed and claimed by Trueing's D232 patent.

COUNT ONE

SERPENTINE'S DIRECT INFRINGEMENT OF THE D232 PATENT UNDER 35 U.S.C. § 271

22. Trueing re-alleges and incorporates by reference Paragraphs 1-21 of its Complaint.

23. The D232 patent claims a non-functional ornamental design, specifically an "ornamental design of a lighting fixture."

24. The Accused Lighting Fixture belonging to Serpentine includes ornamental features that infringe the D232 patent. As shown in the Figures of Paragraphs 11 and 16 above, the Accused Lighting Fixture has appropriated the ornamental design as described and claimed in the D232 patent.

25. In the eye of an ordinary observer, giving such attention as a purchaser usually gives, the non-functional ornamental design of the Accused Lighting Fixture and the non-functional ornamental design claimed in the D232 patent are substantially the same, with resemblance such as to deceive an ordinary observer.

26. On information and belief, Serpentine, without authority, has directly infringed and continues to directly infringe the D232 patent, under 35 U.S.C. § 271(a), at least by using the Accused Lighting Fixture within the United States.

27. On information and belief, Serpentine was aware of Trueing's lighting products and intentionally decided to purchase a low-quality knockoff of Trueing's lighting products instead of purchasing an authentic Trueing lighting product.

28. As exemplified in Paragraph 17 above, prospective Trueing customers may see the Accused Lighting Fixture in Serpentine's Greenwich Townhouse and be deceived into believing that the Accused Lighting Fixture is an authentic Trueing lighting fixture. These prospective Trueing customers may be dissatisfied with the look and low-quality features of this consumer-perceived Trueing lighting fixture. For Trueing, the limited consumer base interested and able to purchase Trueing's ultra high-end lighting and furniture products, means that even a small number of lost sales can be highly damaging. Serpentine's continued use of the Accused Lighting Fixture at their Greenwich Townhouse will amplify the damages suffered by Trueing as a result of the

significant cross-over between Trueing's limited consumer base and Serpentine's customers in one of Trueing's key marketing regions – Greenwich, Connecticut and the surround area.

29. As a result of Serpentine's infringement of the D232 patent, Trueing has suffered and will continue to suffer damages and, therefore, Trueing is entitled to recover for damages sustained as a result of Serpentine's wrongful acts in an amount subject to proof at trial. Trueing is entitled to recover damages adequate to compensate it for such infringement, but in no event less than a reasonable royalty, as permitted under 35 U.S.C. § 284, as well as all remedies for design patent infringement permitted under 35 U.S.C. § 289.

30. Serpentine became aware of the issued claim of the D232 patent no later than the October 17, 2023 date of Mr. Bergman's email to Mr. Holshouser. On information and belief, despite Serpentine's knowledge of its actual infringement of the D232 patent, Serpentine has knowingly and willfully infringed the D232 patent by continuing the use the Accused Lighting Fixture.

31. Serpentine's infringement of the D232 patent is willful, making this an exception case and entitling Trueing to enhanced damages and attorney's fees.

32. Trueing has been irreparably harmed by Serpentine's infringement of the D232 patent, and will continue to be harmed unless Serpentine's infringing conduct is restrained and enjoined by order of this Court

PRAYER FOR RELIEF

WHEREFORE, Trueing respectfully requests this Court:

1. Adjudge that Serpentine has infringed, and unless enjoined, will continue to infringe the D232 patent;
2. Adjudge that Serpentine has willfully infringed the D232 patent;
3. Permanently enjoin Serpentine, its officers, agents, and employees, and those in active concert or participation with any of them, from infringing the D232 patent;
4. Award Trueing damages adequate to compensate Trueing for Serpentine's infringement of the D232 patent, but in no event less than a reasonable royalty as permitted by 35 U.S.C. § 284, together with pre-judgment interest from the date the infringement began;
5. Award Trueing increased damages under 35 U.S.C. § 284 for Serpentine's willful and deliberate infringement of the D232 patent;
6. Declare this to be an exceptional case under 35 U.S.C. § 285;
7. Award Trueing its attorney fees and costs incurred in prosecuting this action, together with pre-judgment and post-judgment interest; and
8. Grant Trueing such other and further relief as this Court deems just and proper, including an injunction.

JURY DEMAND

Trueing hereby respectfully requests a trial by jury of all issues so triable, pursuant to Rule 38 of the Federal Rules of Civil Procedure.

Dated: December 28, 2023

/s/ Timothy A. Johnson
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