1	Stephen M. Lobbin (SBN 181195)		
2	Stephen M. Lobbin (SBN 181195) sml@smlavvocati.com Adrian R. Lyons (SBN 346075) arl@smlavvocati.com		
3	SML AVVOCATI P.C.		
4	888 Prospect Street, Suite 200 La Jolla, CA 92037 Tel: 949.636.1391		
5	Attorneys for Plaintiff		
6			
7			
8	UNITED STATES DISTRICT COURT		
9	NORTHERN DISTRICT OF CALIFORNIA		
10			
11	JEZIGN LICENSING, LLC,	Case No. 3:24-cv-00256	
12	Plaintiff,		
13	V.	COMPLAINT FOR PATENT	
14	POSHMARK, INC.,	INFRINGEMENT	
15	Defendant.	DEMAND FOR JURY TRIAL	
16			
17			
18 19	For its Complaint, Jezign Licensing, LLC ("Jezign") alleges as follows:		
20	Nature of This Action		
21	1. This is a design patent infringement action against Poshmark, Inc.		
22	("Poshmark") based on its infringement of Jezign's U.S. Design Patent No.		
23	D554,848 ("the 'D848 Patent"). Attached hereto as Exhibit A is a true and correct		
24	copy of the 'D848 Patent, which issued November 13, 2007 and is entitled		
25	"Illuminated Shoe Lower."		
26	<u>Parties</u>		
27	2. Jezign is a New York company with a principal place of business in		
28	Silver Spring, Maryland.		
	II		

3. On information and belief, Defendant Poshmark is a Delaware corporation with a principal place of business at 203 Redwood Shores Parkway, 8th Floor, Redwood City, California 94065.

Jurisdiction and Venue

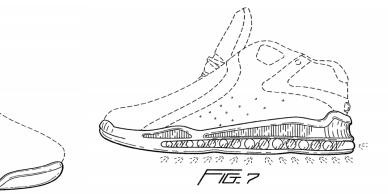
- 4. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 (Federal Question) and 1338(a) (Patents) because this is a civil action for patent infringement arising under the United States patent statutes.
- 5. This Court has personal jurisdiction over Poshmark because it resides in this District, it committed acts of infringement in this District, and it regularly conducts business in this District and/or engages in continuous and systematic activities in this District.
- 6. On information and belief, Poshmark's instrumentalities that are alleged herein to infringe were used, imported, offered for sale, marketed, advertised and/or sold in this District.
- 7. On information and belief, venue is proper in this District pursuant to 28 U.S.C. § 1400(b) because Poshmark is a resident of this District. Alternatively, acts of infringement occurred in this District and Poshmark has a regular and established place of business in this District.

Factual Background

- 8. Jezign is an innovative footwear company specializing in illuminated footwear. Since at least 2000, Jezign and its affiliates have been perfecting the design and technology of its unique illuminated footwear. Jezign's shoes and patent differ from previous patents and shoes, as a result of the design and placement of the illumination system. In contrast, other patents and shoes have different designs and placement of their lights.
- 9. Upon information and belief, Poshmark is an apparel company and ecommerce marketplace that has sold different models of infringing products.

75. S

10. Jezign has sold, distributed, offered for sale, marketed and advertised the ornamental design for an Illuminated Shoe Lower covered by the 'D848 Patent as shown in the figures below.



Infringement of U.S. Design Patent No D554,848

- 11. Jezign is the owner of the 'D848 Patent, titled "Illuminated Shoe Lower," which is attached hereto as Exhibit A, which is a true and correct copy of the 'D848 Patent, which was issued November 13, 2007, and was owned by Jezign until its expiration on November 13, 2021.
- 12. Jezign distributed, sold, offered for sale, marketed and/or advertised the ornamental design for an Illuminated Shoe Lower covered by the 'D848 Patent as shown in the figures.
- 13. Poshmark had actual knowledge of the patent-in-suit since at least the date on which Poshmark received service of the complaint in *Jezign Licensing*, *LLC v. Bebe Holdings*, *Inc.*, *L.T.D. Commodities*, *LLC and Poshmark Inc.*, Case No. 1:22-cv-01592-RDB (D. Md.).
- 14. Upon information and belief, Poshmark sold, offered for sale, distributed, marketed, and/or advertised shoes that infringed the patent-in-suit to end consumers and/or resellers with the intent that these parties use, market, offer to sell and/or sell the shoes in the United States in a manner that infringe the patent-in-suit.

2
 3
 4

15. Upon information and belief, Poshmark sold, offered for sale, marketed, and advertised products including the MBB and Swaggy LED Light-Up, including via its online platform. Example images of these infringing products are shown below:





16. Upon information and belief, Poshmark sold, offered for sale, distributed, marketed, and/or advertised Bebe's infringing shoes including but not limited to the Sport Krysten, Sport Keene, and Light-Up Boots, including via its online platform. Example images of these infringing products shoes are shown below:









- 17. In the eye of the ordinary observer familiar with the relevant prior art, giving such attention as a purchaser usually gives, the claimed design of the patent-in-suit and the design of the infringing products are substantially the same, such that the ordinary observer would be deceived into believing that the design of the infringing products was the design claimed in the patent-in-suit.
- 18. Poshmark directly infringed the patent-in-suit by making, using, offering to sell, selling and/or importing shoes, including the infringing products, having substantially the same ornamental design as the design claimed in the patent-in-suit, in violation of 35 U.S.C. §§ 271(a) and 289.
- 19. Jezign properly marked its shoes to give notice to the public pursuant to 35 U.S.C. § 287. Jezign marked its patent design number U.S. Patent No. D554,848 on the inside tongue of its shoes and on the back of hangtags attached to the shoes, pursuant to 35 U.S.C. § 287. Images of Jezign's markings that gives notice to the public are shown below:





- 20. Upon information and belief, Poshmark knew or should have known that the use, marketing, offering for sale, and selling of the infringing shoes, such as the infringing products to its resellers and/or customers would directly infringe on the patent-in-suit.
- 21. Poshmark's direct and induced infringement of the patent-in-suit has caused damage to Jezign.
- 22. Upon information and belief, Poshmark's acts of infringement have been undertaken with knowledge of the patent-in-suit. Such acts constitute willful infringement and make this case exceptional pursuant to 35 U.S.C. §§ 284 and 285, and entitles Jezign to enhanced damages and reasonable attorney fees.

Prayer for Relief

Plaintiff prays for judgment as follows:

- A. Enter judgment for Plaintiff on this Complaint on all causes of action asserted herein, including a determination that Defendant has infringed the 'D848 Patent under 35 U.S.C. § 271, either literally and/or under the doctrine of equivalents;
- B. An Order directing an accounting to determine Defendant's profits resulting from their unlawful activities;
- C. An Order awarding Jezign compensation for any and all damages, injury or harm pursuant to 35 U.S.C. §§ 284 and 289;
- D. An Order directing Defendant to pay full restitution and/or disgorgement of all profits, including any lost profits, and benefits that may have been obtained by Defendant as a result of its wrongful conduct pursuant to 35 U.S.C. §§ 284 and 289;
- E. An Order awarding Jezign treble damages resulting from Defendant's willful and intentional conduct pursuant to 35 U.S.C. §§ 284 and 289;
 - F. Award Plaintiff pre-judgment and post-judgment interest and costs;

1	G. An Order awarding Jezign its reasonable costs and attorneys' fees		
2	under 35 U.S.C. § 285; and		
3	H. Such further relief as this Court deems just and proper.		
4	JURY TRIAL DEMAND		
5	Pursuant to Fed. R. Civ. P. 38(b)(1) and (c), Plaintiff hereby demands a jury		
6	trial on all the issues in this action so triable of right by a jury.		
7			
8			Respectfully submitted,
9	Dated: January 15, 2024		SML Avvocati P.C.
10			By: /s/ Stephen M. Lobbin Attorneys for Plaintiff
11			Attorneys for Plaintiff
12			
13			
14			
15			
16			
17			
18			
19			
20			
21			
22			
23			
2425			
26			
27			
28			
20			