

1 OTTO O. LEE, CA Bar No. 173987
olee@iplg.com
2 KEVIN VIAU, CA Bar No. 275556
kviau@iplg.com
3 INTELLECTUAL PROPERTY LAW GROUP LLP
1871 The Alameda, Suite 250
4 San Jose, California 95126
Telephone: (408) 286-8933
5 Facsimile: (408) 286-8932

6 *Attorneys for Plaintiff*

7
8 **IN THE UNITED STATES DISTRICT COURT**
9 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

10 BEAUTY UNION GLOBAL LIMITED, a
11 Hong Kong corporation,

12 Plaintiff,

13 v.

14 CREED BOUTIQUE, LLC, a New York
15 corporation, and DOES 1 through 25, inclusive,

16 Defendants.

Case No.: 24-cv-00255

**COMPLAINT FOR DAMAGES AND
INJUNCTIVE RELIEF**

DEMAND FOR JURY TRIAL

17
18 Beauty Union Global Limited, for its Complaint against Defendants Creed Boutique, LLC
19 and DOES 1 through 25 (collectively, “Defendant”), hereby alleges as follows:

20 **PARTIES**

21 1. Plaintiff Beauty Union Global Limited (“Beauty Union”) is a Hong Kong corporation,
22 with its principal place of business at Flat 1, 21/F, Cheung Tat Centre, 18 Cheung Lee Street, Hong
23 Kong.

24 2. On information and belief, Defendant Creed Boutique, LLC (“Creed”) is a New York
25 corporation with its principal place of business at 45 W 25th Street, 7th Floor, New York, NY 10010,
26 which conducts substantial business in and with the State of California and this District, and is the
27 owner of the website at <https://creedboutique.com/>.

1 transacted significant business and committed acts of patent infringement and unfair competition
 2 giving rise to this suit, namely, by the sale of refillable travel perfume atomizer products infringing
 3 Plaintiff's patent, in the State of California and in this District. Among other things, on information
 4 and belief, Defendant has, actually or caused to be, marketed, promoted, offered, provided, and made
 5 significant sales and deliveries of products, namely, refillable travel perfume atomizer products
 6 which practice one or more claims of the patent at issue in this infringement action (i.e., the '388
 7 Patent as defined in Paragraph 11 below), to consumers located within the State of California and
 8 within this District via its own and retailer online store websites:

9 <https://creedboutique.com/search?q=refillable+perfume+atomizer&options%5Bprefix%5D=last>, and
 10 <https://www.dillards.com/p/creed-blue-leather-refillable-spray-travel-atomizer/515815311>. By way
 11 of example, while located in California and this District, an employee of Plaintiff's counsel of record
 12 purchased Creed's infringing refillable travel perfume atomizer product on retailer Dillard's website
 13 <<https://www.dillards.com/p/creed-blue-leather-refillable-spray-travel-atomizer/515815311>> on
 14 February 22, 2023, and Plaintiff's counsel received shipment of the infringing product in California
 15 and this District. On information and belief, Creed's infringing product was and is regularly marketed
 16 and listed for sale on its website and retailers' websites in California and this District. This lawsuit
 17 arises directly out of Defendant's infringing sales of infringing products in California and this
 18 District. Plaintiff's counsel has been able to purchase the infringing Creed product, gain publicly
 19 marketed information about the product, and add the product to online shopping carts on such
 20 websites, all from California and this District. In all of these respects, Defendant has thus conducted
 21 significant commercial activities in California and this District, obtained significant revenues and
 22 profits in and from California and this District derived specifically from the unlawful actions giving
 23 rise to this suit, and purposefully directed significant actions directly related to the infringing
 24 products and infringing conduct to California and this District, thereby making the exercise of
 25 jurisdiction over Defendant fair and reasonable, generally and/or specifically.

VENUE AND INTRADISTRICT ASSIGNMENT

26
 27 8. Venue is proper in this District under 28 U.S.C. § 1400(b) because Defendant has
 28 committed acts of infringement and has a regular and established place of business within this

INTELLECTUAL PROPERTY LAW GROUP LLP
1871 The Alameda, Suite 250
San Jose, California 95126

1 District. As alleged above, Defendant has significantly marketed and sold its infringing products to
2 the State of California and this District, and Plaintiff’s counsel was able to purchase and take delivery
3 of Defendant’s infringing products in this District. Defendant has also maintained a regular and
4 established place of business in this District as, on information and belief, it owns, operates, manages,
5 and/or controls the retail store Creed Boutique Valley Fair, which is located at 2855 Stevens Creek
6 Boulevard, #1127, Santa Clara, California, 95050. On information and belief, Defendant has offered
7 and sold fragrance products including without limitation the accused atomizer products subject to this
8 suit from its Creed Boutique Valley Fair. Creed Boutique Valley Fair is a physical location at which
9 Defendant markets and sells its fragrance products, is must be a regular and established place of
10 business as it is a retail store with regular business hours, and is a place of the Defendant as on
11 information and belief Creed lists the store including on its website as a Creed-owned branded
12 boutique and not merely a retailer. Venue in this District in accordingly proper under 28 U.S.C. §
13 1400(b).

14 9. This is an Intellectual Property Action subject to district-wide assignment.

15 **UNITED STATES PATENT NO. 8,079,388**

16 10. Plaintiff is the owner of United States Patent No. 8,079,388 (the “’388 Patent”)
17 entitled “refill perfume bottle”, which is valid and subsisting. The ‘388 Patent issued on December
18 20, 2011. A true and correct copy of the ‘388 Patent is attached hereto as Exhibit A.

19 11. Carmit Turgeman is the inventor of the ‘388 Patent.

20 12. Carmit Turgeman assigned all rights in the ‘388 Patent to Plaintiff.

21 13. Plaintiff has complied with the statutory requirement of placing a notice of the Letters
22 Patent on the devices it manufactures and sells as required by 35 U.S.C. § 287.

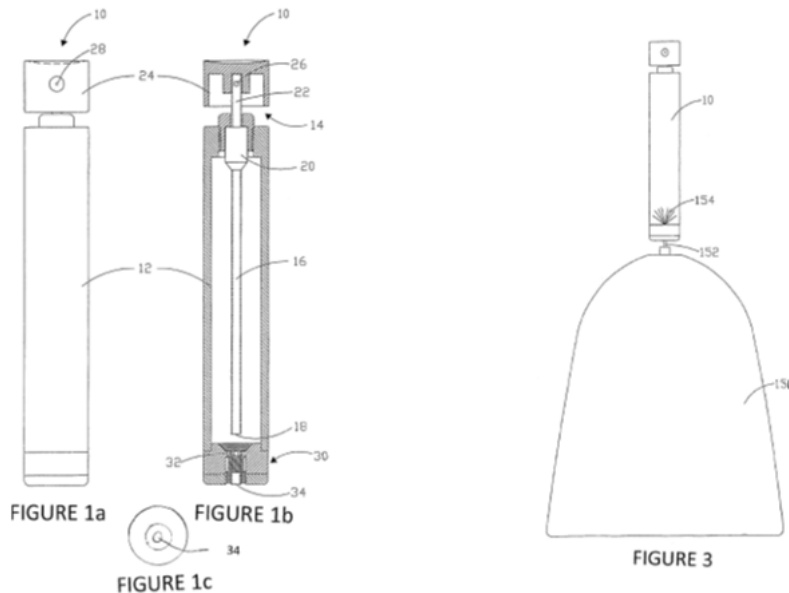
23 **FACTUAL BACKGROUND**

24 **Beauty Union and Its Intellectual Property**

25 14. In or about 2004, Carmit Turgeman conceived of a unique and innovative bottle
26 device to be used for repeatedly receiving and dispensing liquid such as perfume. Plaintiff’s unique
27 bottle device is adapted to be easily refilled by a liquid that is pressurized provided in a bottle having
28 a spaying mechanism.

INTELLECTUAL PROPERTY LAW GROUP LLP
 1871 The Alameda, Suite 250
 San Jose, California 95126

1 15. The refill bottle invented by Carmit Turgeman, according to an embodiment of the
 2 invention comprises a bottom portion and an upper portion, an opening provided in the upper portion
 3 wherein the opening is adapted to be covered, and a refill mechanism provided in the bottom portion.
 4 The liquid is received through the refill mechanism from a regular bottle preferably provided with a
 5 spraying mechanism and is dispensed through the opening. The said upper portion is provided with a
 6 spraying mechanism. The said spraying mechanism comprises a tube adapted to be placed in the
 7 liquid and a pump communicating with said tube, wherein said pump is provided with a nozzle
 8 through which the liquid is adapted to be sprayed. The said refill mechanism is provided with a check
 9 valve which is adapted to open when a stem is pushed through a bottom opening provided in said
 10 bottom portion and wherein the liquid is received inside the refill bottle through said stem. The said
 11 stem is a conduit provided in a spraying mechanism of a regular spray bottle. The said bottom
 12 opening is adapted to receive a conduit provided in a spraying mechanism of a regular spray bottle.
 13 The said liquid is selected from a group of liquids such as perfume or aftershave. Plaintiff's invention
 14 is depicted as follows, as shown in Figs. 1&3 of the '388 Patent:



15
 16
 17
 18
 19
 20
 21
 22
 23
 24
 25 16. On or about April 18, 2005, Carmit Turgeman filed the utility patent application
 26 entitled “Refill Perfume Bottle” with the United States Patent and Trademark Office (“USPTO”),
 27 from which the '388 Patent would issue. Carmit Turgeman assigned the '388 Patent to Beauty Union.
 28 Beauty Union is the owner of all right and title to the '388 Patent.

1 17. Beauty Union exclusively licensed the right to the ‘388 Patent to Genie-S International
2 Limited (hereinafter “Genie-S”), a Hong Kong corporation which manufactures, distributes, sells, and
3 offers for sale refillable perfume atomizers under the brand name “Travallo”. Travallo perfume
4 atomizers are well-known, well regarded, and commercially successful products. Pursuant to its
5 license agreement with Genie-S, Beauty Union retained the right and obligation to enforce and
6 institute actions for infringement of its ‘388 Patent.

7 18. Genie-S markets and sells its distinctive and well-known refillable perfume atomizer
8 products nationwide, including on the website <<https://www.travallo.com/>> and through retailers
9 including <www.amazon.com>. True and correct copies of product listing pages for TRAVALO
10 branded products are attached hereto as Exhibit B. TRAVALO products have met with significant
11 market success.

12 19. Beauty Union and Genie-S are one hundred percent owned and controlled by the
13 mother company Jade Realm Holdings Limited having a principal place of business in Hong Kong.

14 **Defendant’s Infringing Products And Activities**

15 20. On information and belief, Creed Boutique, LLC (“Creed”) is the United States
16 operating division Creed Fragrances, and is registered as a limited liability company in the State of
17 New York. On information and belief, Creed owns and/or maintains the online storefront
18 <<https://creedboutique.com/>>.

19 21. On information and belief, Creed Fragrances is an Anglo-French multi-national niche
20 perfume house, based in Paris. It has boutiques in Paris, London, New York City, Beverly Hills,
21 Sydney, Dubai, Kuwait City, Vienna, Mexico City, Milan, Miami, and Dallas in addition to stands
22 and kiosks in high end retailers across the world. On information and belief, Defendant Creed is
23 owned by, associated with, and/or controlled by Creed Fragrances. Creed Fragrances owns and/or
24 maintains the online storefront <<https://www.creedfragrance.com/>>.

25 22. On information and belief, Ms. Roser Ruiz, Sustainability & NPD Manager of Creed
26 Fragrances, contacted Genie-S on February 6, 2023, inquiring whether Genie-S produces OEM
27 Travel Atomizers. This initial inquiry was sent via the “Contact form” on Travallo’s online store,
28 where the TRAVALO refillable perfume atomizers are sold, at <<https://www.travallo.com/contact->

1 us/>. Ms. Ruiz sent information of the requirements, the brand and budget for the products, and
 2 product pictures of the infringing blue leather refillable perfume atomizer to Genie-S in later email
 3 communications between the parties. In an email dated February 13, 2023, Ms. Ruiz stated that
 4 “Creed’s Travel Atomizer is filled directly from the perfume bottle. There is no funnel.” and “Years
 5 ago I visited your company in China and I know you can provide this kind of refill bottle.” On
 6 information and belief, Creed intended to source atomizers practicing the ‘388 Patent from Genie-S.
 7 However, the parties could not agree to terms and did not enter into any agreement. Creed has never
 8 been authorize to sell atomizers practicing the ‘388 Patent or otherwise to practice the ‘388 Patent in
 9 any way. On information and belief, after being unable to secure an agreement with Genie-S for the
 10 supply of authorized atomizers, Creed decided to forego any agreement and intentionally and
 11 willfully infringed Plaintiff’s patent rights by sourcing and selling unauthorized atomizers which
 12 practice the ‘388 Patent. True and correct copies of email correspondence between Ms. Ruiz and
 13 Genie-S are attached hereto as Exhibit C.

14 23. In or around February 2023, Plaintiff conducted an online search of the CREED
 15 Blue Leather Refillable Perfume Atomizer (“Accused Device”) and discovered that the infringing
 16 products were being sold on retailer Dillard’s website at <[https://www.dillards.com/p/creed-blue-](https://www.dillards.com/p/creed-blue-leather-refillable-spray-travel-atomizer/515815311)
 17 [leather-refillable-spray-travel-atomizer/515815311](https://www.dillards.com/p/creed-blue-leather-refillable-spray-travel-atomizer/515815311)>. Plaintiff also discovered the Accused Device
 18 being sold on eBay and on multiple renowned department stores’ online storefronts, such as
 19 Bloomingdale’s, Macy’s, Neiman Marcus, and Nordstrom, at the following websites:

20 <https://www.ebay.com/itm/285491107294?hash=item42789895de:g:W0AAOSwlH11EyC8>

21 [https://www.bloomingdales.com/shop/product/creed-refillable-travel-](https://www.bloomingdales.com/shop/product/creed-refillable-travel-atomizer?ID=4588406&CategoryID=2921)
 22 [atomizer?ID=4588406&CategoryID=2921](https://www.bloomingdales.com/shop/product/creed-refillable-travel-atomizer?ID=4588406&CategoryID=2921)

23 <https://www.macys.com/shop/product/creed-refillable-travel-atomizer-0.17-oz.?ID=15087550>

24 [https://www.neimanmarcus.com/p/creed-blue-leather-travel-spray-atomizer-](https://www.neimanmarcus.com/p/creed-blue-leather-travel-spray-atomizer-prod258250146?childItemId=NMC5V0N_&msid=4480758&position=0)
 25 [prod258250146?childItemId=NMC5V0N_&msid=4480758&position=0](https://www.neimanmarcus.com/p/creed-blue-leather-travel-spray-atomizer-prod258250146?childItemId=NMC5V0N_&msid=4480758&position=0)

26 [https://www.nordstrom.com/s/creed-refillable-blue-atomizer/7248378?origin=keywordsearch-](https://www.nordstrom.com/s/creed-refillable-blue-atomizer/7248378?origin=keywordsearch-personalizedsort&breadcrumb=Home%2FAll%20Results&col%E2%80%A6)
 27 [personalizedsort&breadcrumb=Home%2FAll%20Results&col%E2%80%A6](https://www.nordstrom.com/s/creed-refillable-blue-atomizer/7248378?origin=keywordsearch-personalizedsort&breadcrumb=Home%2FAll%20Results&col%E2%80%A6)

28 True and correct copies of the said product listing pages are attached hereto as Exhibit D.

INTELLECTUAL PROPERTY LAW GROUP LLP
 1871 The Alameda, Suite 250
 San Jose, California 95126

24. Plaintiff additionally discovered the Accused Device being sold on Creed’s online storefront at <https://creedboutique.com/products/refillable-travel-perfume-atomizer-5ml-blue?_pos=1&_sid=3eacbeb6c&_ss=r>. True and correct copies of the product listing pages are attached hereto as Exhibit E.

25. On information and belief, the refillable perfume atomizer products which infringe the ‘388 Patent are also sold on Creed Fragrance’s online storefront at <<https://www.creedfragrance.com/elysium.search?autocomplete=searchsuggestion&search=refillable%20travel%20perfume>>. True and correct copies of the product listing pages are attached hereto as Exhibit F.

26. Upon review of the Accused Device in comparison to the patent claim elements, the Accused Device directly infringes independent claim 1 of the ‘388 Patent. The Accused Device, which was removed from its case, as intended and as required for use and refilling, reveals a transparent dispenser body with bottom portion (with silver metal detail) and upper portion (gold detail). See Figs. 1 – 2. The upper portion of the body has a first opening and is provided with a vaporizer (a spraying mechanism having a tube, pump and nozzle). See Figs. 4 – 7. The bottom portion of the body has a second opening that is provided with a refill mechanism. See Figs. 3, 5, 8a-b. The refill mechanism comprises a check valve that is adapted to receive a stem of a perfume bottle and opens when the stem is pushed through, allowing liquid (perfume) to be received through the refill mechanism from the bottle. See Figs. 8c-d, and 9 – 11. When the stem is withdrawn from the check valve, the check valve is closed to prevent leakage of the liquid. See Fig. 12.



Figure 1: Portable Refillable Non-Compressible Liquid Dispenser (shown in decorative case)

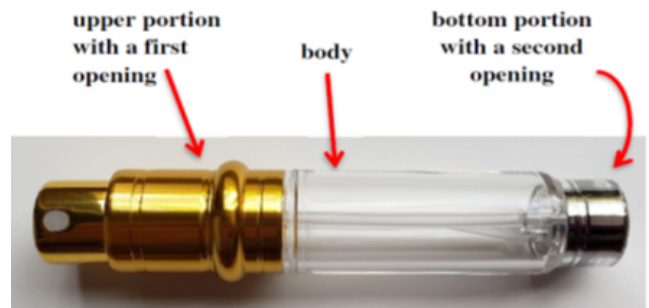


Figure 2: Body, First Opening at Upper Portion, and Second Opening at Bottom Portion

INTELLECTUAL PROPERTY LAW GROUP LLP
1871 The Alameda, Suite 250
San Jose, California 95126

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28



Figure 3: Bottom view - Second Opening at Bottom Portion

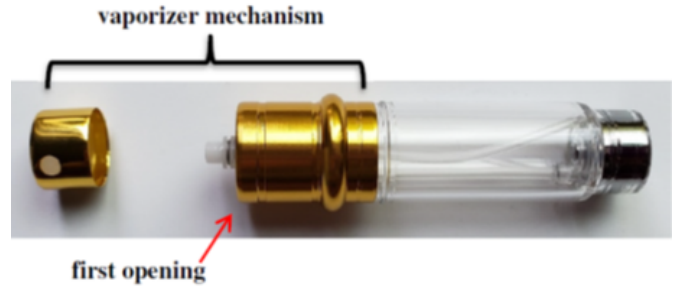


Figure 4: First Opening and Vaporizer Mechanism

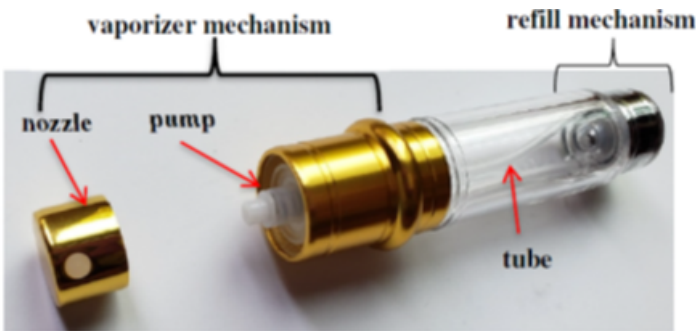


Figure 5: Tube, Pump, and Nozzle

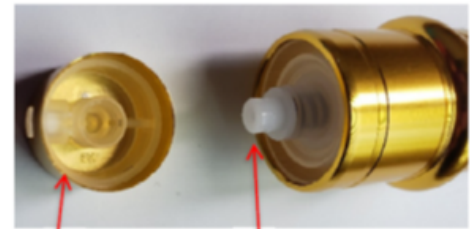
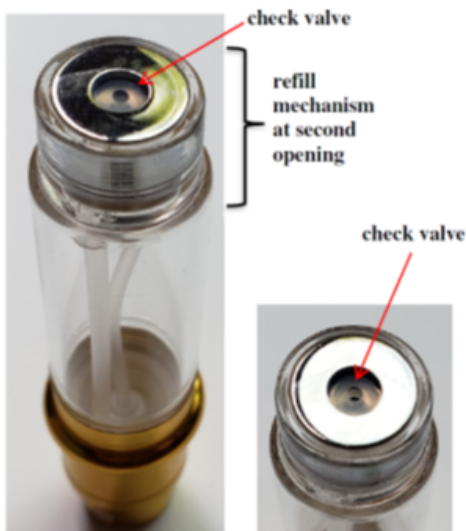


Figure 6
Nozzle actuator cap (spray button) disassembled
Nozzle communicates with the piston pump



Figure 7



Figures 8a-8b: Check Valve



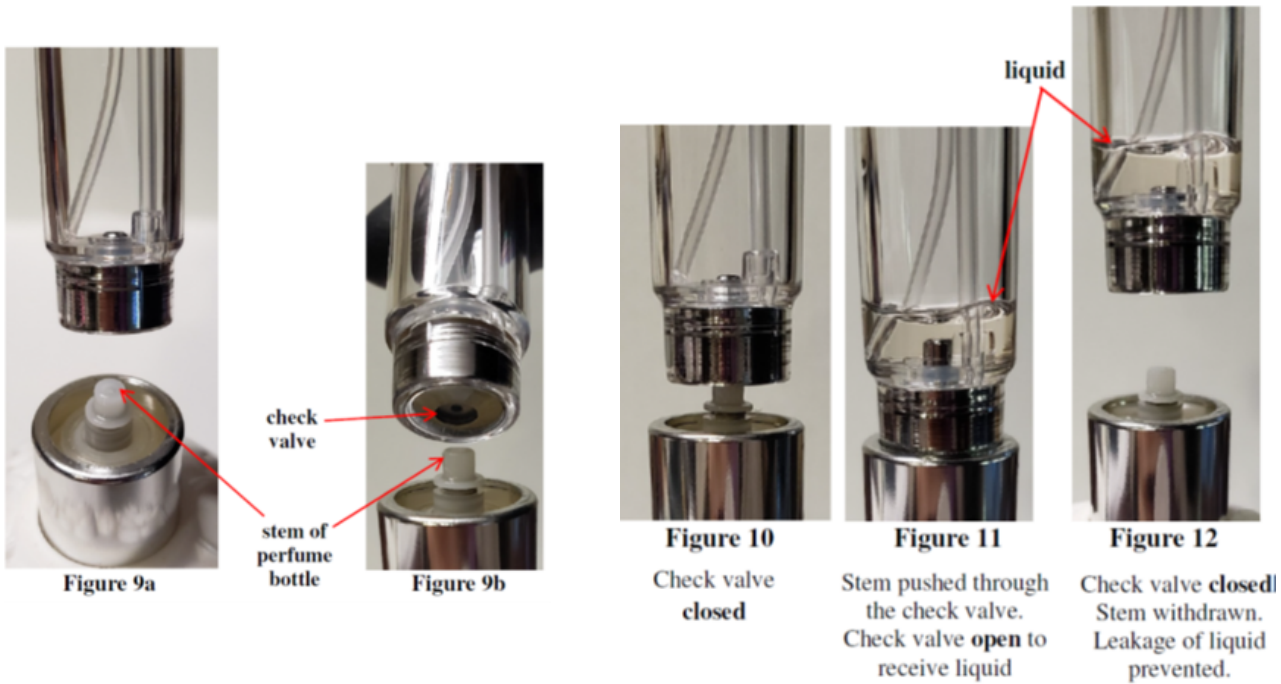
Figure 8c: closed position



Figure 8d: pushed position (open)

INTELLECTUAL PROPERTY LAW GROUP LLP
 1871 The Alameda, Suite 250
 San Jose, California 95126

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28



All claimed features appear present in the infringing product. A true and correct copy of the patent claim chart of comparative analysis is attached hereto as Exhibit G.

27. Plaintiff has not licensed the '388 Patent to Defendant in any manner, nor has Plaintiff assigned any of its exclusive rights in the patent to Defendant. Defendant further did not ask for permission from Plaintiff in any way whatsoever.

28. On information and belief, Defendant has adopted, used, and infringed the '388 Patent with actual knowledge of the patent on account of the fact that Defendant contacted Plaintiff seeking to source Plaintiff's authorized products practicing the patent. On information and belief, Defendant thus intended and intends to trade upon and usurp the considerable goodwill and research and development Plaintiff has established and invested in its intellectual property. Defendant, on information and belief, having seen Plaintiff's innovative product on the market and having sought to source the product for its own sales, created its infringing product with the intent to get around Plaintiff and replicate the patented device disclosed in the '388 Patent in order to trade upon Plaintiff's commercial success and thus willfully infringe the '388 Patent.

29. As a result of Defendant's unlawful actions alleged hereinabove, Plaintiff has suffered damage in the form of, inter alia, lost revenues and profits in an amount to be proven at trial, and lost customers and market share. Plaintiff has further suffered harm for which it has no adequate remedy

1 at law to the goodwill, exclusivity, and distinctiveness it has built up through considerable expense of
2 time and money in its patented product. Defendant meanwhile is directly infringing Plaintiff’s patent,
3 thereby reaping unlawful and unjust revenue, income, profits, and goodwill. Plaintiff accordingly
4 seeks injunctive and monetary relief by this action to put an end to Defendant’s infringing activities
5 and unjust enrichment, and remedy its significant harm caused by Defendant’s illicit actions

6 **CLAIM I**

7 **DIRECT INFRINGEMENT OF THE ‘388 PATENT**

8 30. Plaintiff realleges and incorporates by reference each of the preceding paragraphs of
9 this Complaint as though fully set forth herein.

10 31. On information and belief, Defendant has been and is now infringing, literally or by
11 equivalents, Claim 1 of the ‘388 Patent in the State of California, in this District, and elsewhere in the
12 United States in violation of 35 U.S.C. § 271(a) by, among other things, making, using, selling, or
13 offering for sale refillable perfume atomizer products, including without limitation, at least the
14 CREED Blue Leather Refillable Perfume Atomizer product (the “Accused Device”), which includes:

15 “a body having an upper portion with a first opening and a bottom portion with a second
16 opening;

17 wherein the first opening has a vaporizer mechanism for dispensing non-compressible
18 liquid... comprising a tube..., a pump communicating with the tube, and a nozzle
19 communicating with the pump,...;

20 wherein the second opening has a refill mechanism comprising;

21 a check valve adapted to receive the stem of the bottle so that when the stem is pushed
22 through the check valve, the check valve is open to and receives the non-compressible
23 liquid...;

24 and when the stem is withdrawn from the check valve, the check valve is closed to prevent
25 leakage of the non-compressible liquid”.

26 as covered by Claim 1 of the ‘388 Patent, to the injury of the Plaintiff. Attached at Exhibit G,
27 is a patent claim chart, detailing how Defendant’s Accused Device practices each and every element
28 of Claim 1 of the ‘388 Patent. Defendant is thus directly infringing the ‘388 Patent pursuant to 35
U.S.C. § 271(a).

INTELLECTUAL PROPERTY LAW GROUP LLP
1871 The Alameda, Suite 250
San Jose, California 95126

1 infringes Plaintiff’s ‘388 Patent, but still manufactured, displayed, sold, and induced its distributors
2 and/or retailers to sell the infringing products.

3 38. As a result of Defendant’s infringing activities, Plaintiff has sustained, and continues
4 to sustain, damages in an amount to be proven at trial. Plaintiff is further entitled to collect pre-filing
5 damages for the full period allowed by law.

6 39. Defendant’s acts of inducement to infringement have caused and will continue to
7 cause Plaintiff irreparable harm for which there is no adequate remedy at law. Unless enjoined,
8 Defendant will continue its infringement and cause further irreparable injury to Plaintiff.

9 **CLAIM III**

10 **UNFAIR COMPETITION UNDER CAL. BUS. & PROF CODE § 17200**

11 40. Plaintiff realleges and incorporates by reference each of the preceding paragraphs of
12 this Complaint as though fully set forth herein.

13 41. Defendant’s acts of infringement and other unlawful actions alleged hereinabove
14 constitute “unlawful, unfair or fraudulent business act[s] or practice[s] and[/or] unfair, deceptive,
15 untrue or misleading advertising” within the meaning of Cal. Bus. & Prof. Code § 17200.

16 42. As a direct and proximate result of Defendant’s unfair business practices, Plaintiff has
17 suffered and will continue to suffer significant damage in the form of loss of revenue, income, profits,
18 and goodwill, which will increase if not enjoined, and Defendant has unfairly acquired and will
19 continue to unfairly acquire revenue, income, profits, and goodwill and unjustly enrich themselves at
20 Plaintiff’s expense.

21 43. Defendant’s unlawful actions will also continue to cause irreparable harm if Defendant
22 is not restrained by this Court from further violation of Plaintiff’s rights. Plaintiff has no adequate
23 remedy at law for all of the harm being caused to Plaintiff, particularly in respect of the loss of
24 Plaintiff’s goodwill, market share, and mark and brand control. Plaintiff is therefore entitled to
25 injunctive relief.

26 44. As a consequence of Defendant’s actions, Plaintiff is also entitled to an order that
27 Defendant disgorge all profits obtained from the promotion, offer, display, provision, use, or sale of
28

INTELLECTUAL PROPERTY LAW GROUP LLP
1871 The Alameda, Suite 250
San Jose, California 95126

1 the infringing product, and to exemplary damages sufficient to punish and make an example of
2 Defendant.

3 **PRAYER FOR RELIEF**

4 WHEREFORE, Plaintiff prays for judgment against Defendant as follows:

5 45. For an order and judgment in favor of Plaintiff that Defendant has infringed the ‘388
6 Patent in violation of Plaintiff’s rights under federal law, and that Defendant has unfairly competed
7 with Plaintiff in violation of Plaintiff’s rights California and/or common law.

8 46. For a judgment and order requiring that Defendant pay to Plaintiff its damages, costs,
9 expenses, and pre-judgment and post-judgment interest for Defendant’s infringement of the ‘388
10 Patent as provided under 35 U.S.C. § 284, and an accounting of ongoing post-judgment infringement.

11 47. For an injunction preliminarily and permanently enjoining Defendant, and its officers,
12 directors, agents, servants, employees, attorneys, subsidiaries, affiliates, and all those acting in
13 concert with or under or through it, from making, selling, offering for sale, using, and/or exporting or
14 importing any devices that infringe the ‘388 Patent, and otherwise from directly or indirectly
15 committing or inducing or contributing to further acts of infringement of the ‘388 Patent.

16 48. For an order and judgment that Defendant be required to immediately deliver to
17 Plaintiff’s counsel its entire inventory of infringing products, including without limitation all Creed
18 accused infringing products that are in Defendant’s possession, custody, or control.

19 49. For an order and judgment that Plaintiff recover from Defendant its damages and lost
20 profits in an amount to be proven at trial.

21 50. For an order and judgment requiring an accounting of Defendant’s profits, revenues,
22 funds, and assets that have arisen and arise out of its infringing or unlawful activities.

23 51. For an order and judgment finding that this case is an exceptional one and that
24 Plaintiff be awarded its fees, costs, expenses, and disbursements incurred in relation to this action,
25 including its reasonable attorneys’ fees and investigative expenses.

26 52. For an order and judgment sustaining each of the causes of actions set forth herein
27 against Defendant.
28

INTELLECTUAL PROPERTY LAW GROUP LLP
1871 The Alameda, Suite 250
San Jose, California 95126

INTELLECTUAL PROPERTY LAW GROUP LLP
1871 The Alameda, Suite 250
San Jose, California 95126

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

53. For an order and judgment requiring Defendant to pay such other damages and monetary relief as the Court deems fit under the circumstances, or as may be sought by Plaintiff according to proof at trial.

54. For any and all other relief as the Court deems just and reasonable.

Respectfully submitted,

Dated: January 15, 2024

By: /s/ Kevin Viau
Otto O. Lee
Kevin Viau
INTELLECTUAL PROPERTY LAW GROUP LLP
1871 The Alameda, Suite 250
San Jose, California 95126
Telephone: (408) 286-8933
Facsimile: (408) 286-8932
Attorneys for Plaintiff

DEMAND FOR JURY TRIAL

Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, Plaintiff hereby demands a trial by jury on all issues raised by the Complaint.

Respectfully submitted,

Dated: January 15, 2024

By: /s/ Kevin Viau
Otto O. Lee
Kevin Viau
INTELLECTUAL PROPERTY LAW GROUP LLP
1871 The Alameda, Suite 250
San Jose, California 95126
Telephone: (408) 286-8933
Facsimile: (408) 286-8932
Attorneys for Plaintiff