

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS**

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MODULAR CLOSETS, LLC,

Plaintiff,

Case No.: 3:24-cv-967

-against-

COMPLAINT

CLOZZITS INC.,

JURY TRIAL DEMANDED

Defendant.
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Plaintiff MODULAR CLOSETS, LLC (“MC”) brings this action against Defendant CLOZZITS INC. (“Defendant”), and alleges as follows:

NATURE OF THE ACTION

1. This is an action for patent infringement arising under 35 U.S.C. §§ 100, *et seq.*
2. This action arises from Defendant’s import, manufacture, use, offer for sale, and/or sale in the United States product(s) that infringe U.S. Patent No. D776,465.

PARTIES

3. MC is a New Jersey limited liability corporation with a place of business in Lakewood, New Jersey.
4. MC specializes in the design of innovative and distinctive closet storage solutions.
5. Upon information and belief, Defendant is a Delaware corporation with a principal place of business in Carrollton, Texas.

JURISDICTION AND VENUE

6. This Court has subject matter jurisdiction under 28 U.S.C. §§ 1331 and 1338(a).
7. This Court has personal jurisdiction over Defendant because, upon information and belief, Defendant has a principal place of business in Texas, conducts its business from Texas,

maintains continuous and systematic contacts within Texas, derives substantial revenue from Texas, and/or has committed acts giving rise to this action within Texas and within this District.

8. Venue is proper in this District pursuant to 28 U.S.C. §§ 1391 and 1400(b) at least because Defendant resides in this District and/or has committed acts of infringement in this District and has a regular and established place of business in this District.

FACTS

MC's Patent

9. United States Patent Number D776,465 (the "'465 Patent;" attached as Exhibit A), entitled "Modular Closet Section With Hanging Bar," was duly issued on January 17, 2017

10. MC is the sole owner by assignment of all right, title, and interest in and to the '465 Patent, including all right to recover for any and all infringement of the '465 Patent..

11. The '465 Patent encompasses the design for a modular closet section, including as shown below:

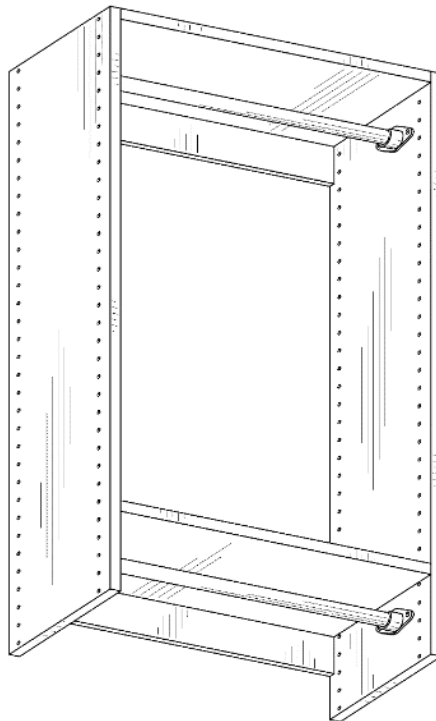


FIG. 8 of the '465 Patent

12. MC's products – including those that embody the '465 Patent – are well-known and are sold throughout the United States.

Defendant's Infringement

13. Defendant imports, makes, uses, offers for sale, and/or sells in the United States a modular closet section (the "Infringing Product"), as shown below.



The Infringing Product

14. Screenshots of various marketing materials further depicting the Infringing Product are attached as Exhibit B.

15. To the ordinary observer, the Infringing Product is substantially the same as that encompassed by the '465 Patent, including as reflected in the below side-by-side comparisons:

'465 Patent	Infringing Product
 <p data-bbox="459 1024 522 1052">FIG. 2</p>	
 <p data-bbox="459 1789 516 1816">FIG. 8</p>	

16. On March 27, 2024, MC sent a cease-and-desist letter to Defendant, informing it of the '465 Patent and that Defendant's activities (including its manufacture, use, sale, and/or offer for sale of the Infringing Product) infringed the '465 Patent.

17. Upon information and belief, Defendant has continued to import, make, use, offer for sale, and/or sell the Infringing Product.

18. Since at least as early as March 27, 2024, Defendant's acts of infringement have been willful and in disregard for the '465 Patent, without any reasonable basis for believing it had the right to engage in such infringing conduct.

19. Defendant's actions evidence a willful and wanton disregard of MC's rights vis-à-vis the '465 Patent and a desire to profit, without regard or respect for U.S. Patent Laws.

20. Upon information and belief, Defendant's willful acts were done with malice to divert profits from MC to Defendant, having an overall oppressive impact on MC's business.

21. Defendant's willful infringement has damaged and continues to damage MC. Moreover, said infringement has directly resulted in MC suffering monetary damage, including a substantial loss of business.

COUNT I: INFRINGEMENT OF U.S. PATENT NO. D776,465

22. MC re-alleges and incorporates the allegations in each paragraph of this Complaint as if fully set forth herein.

23. Defendant infringes the '465 Patent under 35 U.S.C. § 271 at least through its offer for sale, sale, importation, manufacture, and/or use, of the Infringing Product in the U.S.

24. Upon information and belief, Defendant's infringement of the '465 Patent has been willful.

25. Defendant's infringement has damaged and continues to damage and injure MC.

26. This injury is irreparable and will continue unless and until Defendant is enjoined from further infringement.

27. MC is entitled to a complete accounting of all revenue and profits derived by Defendant from the unlawful conduct alleged herein, including without limitation Defendant's total profits pursuant to 35 U.S.C. § 289.

28. Because Defendant has engaged and is currently engaged in willful and deliberate infringement of the '465 Patent, MC is entitled to treble damages pursuant to 35 U.S.C. § 284.

29. Moreover, such willful and deliberate infringement qualifies this action as an exceptional case supporting an award of reasonable attorney's fees pursuant to 35 U.S.C. § 285.

30. MC is also entitled to a permanent injunction preventing Defendant from further infringement of the '465 Patent.

PRAYER FOR RELIEF

WHEREFORE, MC respectfully requests that this Court enter judgment against Defendant as follows:

- A. Granting judgment in favor of MC and against Defendant on all claims;
- B. Adjudging that Defendant has infringed the '465 Patent in violation of 35 U.S.C. § 271;
- C. Adjudging that Defendant's infringement was willful;
- D. Preliminarily and permanently enjoining Defendant, its officers, agents, subsidiaries, servants, partners, employees, attorneys, investors, consultants and all others in active concert or participation with them, from: infringing, contributing to the infringement of, or inducing infringement of the '465 Patent; assisting, aiding, or abetting any other person or

entity in engaging in or performing the aforementioned activities; and making, using, selling, or offering for sale in the U.S., or importing into the U.S., products that infringe the '465 Patent;

E. Ordering an accounting by Defendant of all gains, profits and advantages derived from its wrongful acts;

F. Order Defendant to account for, and pay over to MC, Defendant's profits and all damages sustained by MC;

G. Increase the amount of damages and/or profits awarded to MC, as provided by law;

H. Award MC such treble and punitive damages for Defendant's willful and intentional acts of patent infringement that the Court shall deem just and proper;

I. Award MC the fees, costs and disbursements, and interest, expended in connection with any actions taken to investigate and confirm the claims made herein;

J. Declaring MC as the prevailing party and this case as exceptional, and awarding MC its reasonable attorneys' fees, pursuant to 35 U.S.C. § 285;

K. Grant such other and further relief as the Court may deem just and proper.

JURY DEMAND

MC demands a trial by jury on all claims and issues so triable.

Dated: April 19, 2024

BOCHNER PLLC

By: /s/ Craig Uhrich

Craig Uhrich, Esq.

Andrew D. Bochner, Esq. (*pro hac vice* to be filed)

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