

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

Civil Action No.

LOVEPOP, INC., a Delaware Corporation,

Plaintiff,

v.

POPLIFE, LLC, a Colorado Limited Liability Company,

Defendant.

COMPLAINT

Plaintiff Lovepop, Inc., by and through its undersigned counsel, brings this action against PopLife, LLC, and in doing so states and alleges as follows:

THE PARTIES

1. Lovepop, Inc. (“Lovepop” or “Plaintiff”) is a Delaware corporation with its principal place of business located at 68 Harrison Ave #501, Boston, MA 02111.

2. Defendant PopLife, LLC, (“Defendant”) is a Colorado Limited Liability company with its principal place of business located at 2301 Panorama Ave., Boulder, Colorado 80304.

JURISDICTION AND VENUE

3. This action arises under the patent laws of the United States, Title 35, United States Code, copyright laws of the United States, Title 17, United States Code, and the Lanham Act, 15 U.S.C. 1051, *et seq.* This Court has jurisdiction over the subject matter of this action under 28 U.S.C. §§ 1331 and 1338(a).

4. This Court also has original subject-matter jurisdiction of this action under 28 U.S.C. § 1332, in that it is a civil action between citizens of different states, or citizens or subjects of a foreign state, and the subject matter in controversy exceeds the sum or value of \$75,000, exclusive of interests and costs.

5. Venue is proper in this District pursuant to 28 U.S.C. §§ 1391(b)-(c) and 1400(b) because the acts of infringement which form the basis of this action occurred within this District, including the marketing, making, using, selling, offering for sale, and/or importing the Accused Products within this District. Defendant resides in this District and has an office in this District located at 2301 Panorama Ave., Boulder, Colorado 80304, which serves as a regular and established place of business within this District. Plaintiff has been harmed by Defendant's conduct, business transactions, and sales in this District. Finally, this Court has personal jurisdiction over Defendant because, on information and belief, Defendant has made, used, sold and/or offered for sale its Accused Products and placed such infringing products in the stream of interstate commerce with the expectation that they would be made, used, sold and/or offered for sale within this District.

GENERAL ALLEGATIONS

A. Introduction

6. Lovepop is a greeting card manufacturer in located in Boston, Massachusetts. It was started by Wonbi Rose and John Wise.

7. In 2015, Messrs. Rose and Wise appeared on ABC's Shark Tank, earning an investment from Kevin "Mr. Wonderful" O'Leary. Since that time, Lovepop has created hundreds of unique designs to help people share their love with the special people in their lives.

8. Lovepop has had great success since its inception, and has been featured on CNN, CNBC, Forbes, and numerous other national programs. It has entered into numerous license agreements with companies like Disney, Marvel, and Lucasfilm.

9. Poplife is a more recent entrant into the greeting card market. Rather than innovating its own designs and cards, Poplife has focused on copying the intellectual property developed and owned by Lovepop. Therefore, Lovepop has had no choice but to pursue this action.

B. The Patents-At-Issue

10. On December 20, 2016, the United States Patent and Trademark Office (“USPTO”) issued a United States Patent, Patent No. 9,524,658 entitled “POP-UP GREETING CARD WITH TAB SUPPORT OF A LASER-CUT, SLICE-FORM POP-UP ELEMENT” (the “‘658 Patent”).

A true and correct copy of the ‘658 Patent is attached hereto as **Exhibit A**.

11. Representative Claim 1 of the ‘658 Patent covers the following:

1. A pop-up card, comprising:
 - a card comprising a first panel and a second panel connected to each other along a crease line, said card being foldable on the crease line; and
 - a self-erecting pop-up display structure secured to inner faces of the first and second panels such that the pop-up display structure is in a collapsed state when the card is in a folded position and in an erected state when the card is in an opened position, said pop-up display structure including a first sliceform element and a second sliceform element, each of the first and second sliceform elements having a tab at a first end thereof secured to the first panel and a tab at an opposite second end thereof secured to the second panel, wherein the first and second sliceform elements are each foldable along a crease line between first and second ends thereof such that the first and second sliceform elements form a parallelogram shape when the pop-up structure is in the erected state, wherein said pop-up display structure further includes one or more additional sliceform elements connected to said first and second sliceform elements.

12. The '658 Patent was invented by John Perry Wise and Robin Sebastian Koske Rose.
13. Lovepop is the assignee of the '658 Patent.
14. On March 21, 2017, the USPTO issued a United States Patent, Patent No. 9,601,033 entitled "POP-UP GREETING CARD WITH TAB SUPPORT OF A LASER-CUT, SLICE-FORM POP-UP ELEMENT" (the "'033 Patent"). A true and correct copy of the '033 Patent is attached hereto as **Exhibit B**.

15. Representative Claim 1 of the '033 Patent covers the following:

1. An article comprising a pop-up card, the pop-up card comprising: a single sheet of paper including a single crease and separating the sheet of paper into a left panel and a right panel, wherein the sheet is in a closed position when folded along the crease, and wherein the sheet is in the open position when not folded along the crease; a pop-up sliceform element coupled to said sheet, wherein the sliceform includes a first plurality of sliceform elements perpendicular to a second plurality of slice-form elements when in the open position;

wherein the first plurality of sliceform elements comprises: a) a first sliceform element with a distal tab perpendicular to the first sliceform element when in the open position, wherein said tab is coupled to the left panel, and b) a last sliceform element with a distal tab perpendicular to the last sliceform element when in the open position, and wherein said tab is coupled to the right panel;

wherein the second plurality of sliceform elements comprises: a) a first sliceform element with a distal tab perpendicular to the first sliceform element when in the open position, wherein said tab is coupled to the right panel, and b) a last sliceform element with a distal tab perpendicular to the last sliceform element when in the open position, and wherein said tab is coupled to the left panel; and

wherein the open position the pop-up sliceform element is displayed as a three-dimensional configuration, and in the closed position said pop-up sliceform element folds together into a flat configuration.

16. The '033 Patent was invented by John Perry Wise and Robin Sebastian Koske Rose.
17. Lovepop is the assignee of the '033 Patent.

18. On July 18, 2023, the USPTO issued United States Patent, Patent No. 11,705,021 entitled “POP-UP GREETING CARD WITH TAB SUPPORT OF A LASER-CUT, SLICE-FORM POP-UP ELEMENT” (the “’021 Patent”). A true and correct copy of the ‘021 Patent is attached hereto as **Exhibit C**.

19. Representative claim 1 of the ‘021 Patent covers the following:

1. A pop-up card, comprising:
 - a card foldable along a crease line defining a first section and a second section;
 - a self-erecting pop-up display structure including a first set of slice-form elements and a second set of slice-form elements;
 - a first tab of the first set of slice-form elements securing the self-erecting pop-up display structure to the card at the first section;
 - a second tab of the first set of slice-form elements securing the self-erecting pop-up display structure to the card at the second section;
 - a third tab of the second set of slice-form elements securing the self-erecting pop-up display structure to the card at the first section;
 - and
 - a fourth tab of the second set of slice-form elements securing the self-erecting pop-up display structure to the card at the second section, the self-erecting pop-up display structure being in a collapsed state when the card is in a folded position and in an erected state when the card is in an opened position.

20. The ‘021 Patent was invented by John Perry Wise and Robin Sebastian Koske Rose.

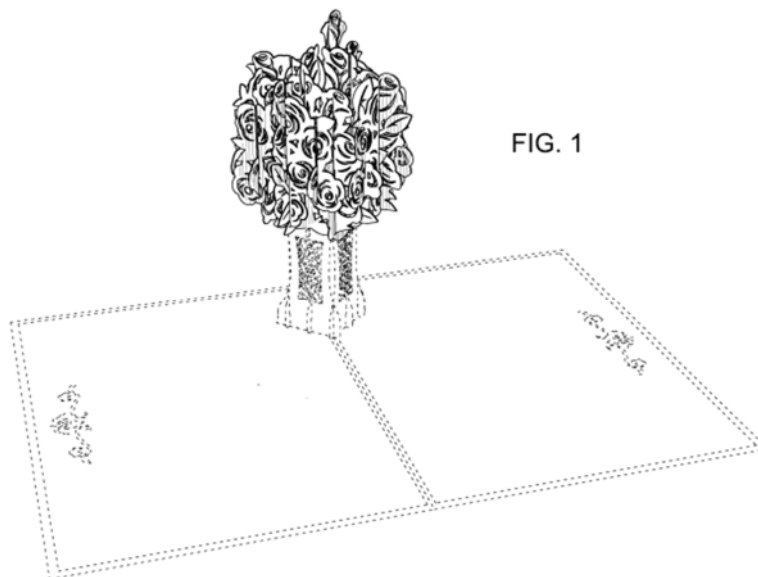
21. Lovepop is the assignee of the ‘021 Patent.

22. On November 19, 2019, the USPTO issued a United States Design Patent, Patent No. D867,448 entitled ROSE BOUQUET POP-UP CARD (the “’448 Patent”).

23. A true and correct copy of the ‘448 Patent is attached hereto as **Exhibit D**.

24. The ‘448 Patent was invented by Norma Yue (“Yue”). Lovepop is the assignee of the ‘448 Patent.

25. FIG. 1 representative of the claimed design of the ‘448 Patent is reproduced below:



26. The ‘658 Patent, ‘033 Patent, ‘021 Patent, and ‘448 Patent (collectively the “Lovepop Patents”) are valid and describe new, novel, and nonobvious designs for unique greeting cards.

C. Lovepop’s Copyrights

27. The cards made by Lovepop (the “Lovepop Cards”) are copyrightable subject matter under the copyright laws in the United States and are registered with the United States Copyright Office.

28. On November 18, 2016, Lovepop achieved registration for the copyright entitled “Santa Train”, Copyright Registration No. VA0002047646 (the “Santa Train Copyright”) for the design depicted below and attached hereto as **Exhibit E**:



29. On November 16, 2020, Lovepop achieved registration for the copyright entitled “Happy Birthday”, Copyright Registration No. VA0002254700 (the “Happy Birthday Copyright”) for the design depicted below and attached hereto as **Exhibit F**:



30. On May 14, 2021, Lovepop obtained a registration for the United States Copyright Registration No. VA0002274171 entitled “Thanksgiving Cornucopia” (“Cornucopia Copyright”) for the design depicted below and attached hereto as **Exhibit G**:



31. Lovepop has complied with the Copyright Act of 1976, 17 U.S.C. §§ 410 & 411, and as owner of the Santa Train Copyright, the Happy Birthday Copyright, and the Cornucopia Copyright (collectively, “Lovepop Copyrights”) has the right to reproduce, create derivative works, market, sell, and distribute its Lovepop Cards in commerce within the United States.

32. The copyright-protected Lovepop Copyrights are original, unique designs that create a distinctive overall appearance that is recognizable and attributable to Lovepop by its many customers.

33. As a result of the marketing, sales, and success of the copyright-protected Lovepop Copyrights, and the public’s widespread recognition and use of the copyright-protected Lovepop Copyrights, such Lovepop Cards have come to represent not only Lovepop’s goods, but Lovepop’s reputation and standard of quality.

D. Lovepop’s Trademarks

34. Since at least 2014, Lovepop has used the trademark “Lovepop” in United States commerce in association with the sale of its greeting cards and related products (“the LOVEPOP common law trademark”).

35. Lovepop registered the LOVEPOP common law trademark with the USPTO, Registration Number 4,730,483, with an application filed on June 10, 2014, for “Paper goods, namely, greeting cards, stationery, promotional materials, namely, corporate holidays cards, event invitations, and corporate cards for company anniversaries and other special events and milestones, calendars, books in the field of children’s literature, history, architecture, sports, music, and art, and decorative paper sculptures” in International Class 016. Trademark Registration Number 4,730,483 has a date of first use of February 14, 2014.

36. Trademark Registration Number 4,730,483 for LOVEPOP has become incontestable pursuant to Section 15 of the Lanham Act (15 U.S.C. § 1065). Incontestability serves as conclusive evidence of Lovepop's ownership of this mark. Incontestability further serves as conclusive evidence of Lovepop's exclusive right to use this mark in commerce on or in connection with the goods identified in the registration as provided by Section 33(b) of the Lanham Act (15 U.S.C. § 1115(b)). A true and correct copy of Trademark Registration Number 4,730,483 for the mark "LOVEPOP" is attached hereto as **Exhibit H**.

37. Lovepop registered the trademark "LOVEPOP," USPTO Registration Number 5,961,804, with an application filed on May 9, 2016, for "Custom design of paper products, namely, corporate cards for company anniversaries and other special events and milestones; Custom design of paper products, namely, greeting cards, stationery, wedding stationery, corporate holiday cards, event invitations, wedding invitations, and decorative paper sculptures" in International Class 042. A true and correct copy of Trademark Registration Number 5,961,804 for the mark "LOVEPOP" is attached hereto as **Exhibit I**.

38. Lovepop registered with the USPTO the stylized mark depicted below, USPTO Registration Number 5,961,803, with an application filed on May 9, 2016, for "Paper goods, namely, corporate cards for company anniversaries other special events and milestones Paper goods, namely, greeting cards, stationery, invitations, decorative paper sculptures, and promotional materials, namely, corporate holiday cards and event invitations, and decorative paper sculptures" in International Class 016 and "Custom design of paper products, namely, corporate cards for company anniversaries and other special events and milestones Custom design of paper

products, namely, greeting cards, stationery, wedding stationery, corporate holiday cards, event invitations, wedding invitations, and decorative paper sculptures” in International Class 042.



39. A true and correct copy of Trademark Registration Number 5,961,803 for the mark is attached hereto as **Exhibit J**.

40. Lovepop also registered with the USPTO the stylized logo depicted below, USPTO Registration Number 6,458,927, with an application filed on May 27, 2020 for “Three-dimensional figurines made of paper; decorative paper sculptures, namely, pop up greeting cards; three-dimensional works of art, namely, flower bouquets made of origami folding paper” in International Class 016.



41. A true and correct copy of Trademark Registration Number 6,458,927 for the mark is attached hereto as **Exhibit K**.

42. The LOVEPOP common law trademark and the marks of U.S. Registration Nos. 4,730,483, 5,961,804, 5,961,803, and 6,458,927 (collectively the “LOVEPOP Marks”) are so well-known that they have become famous marks in the greeting cards industry.

43. Lovepop is the sole owner of all right, title, and interest in and to the LOVEPOP Marks, including all goodwill associated therewith.

44. Because of Lovepop’s exclusive and extensive use of the LOVEPOP Marks, the marks, individually and collectively, have acquired enormous value. The LOVEPOP Marks have become extremely well known to the consuming public and industry. The LOVEPOP Marks exclusively and uniquely identify Lovepop as the source of goods under each of the LOVEPOP Marks.

45. The LOVEPOP Marks are vital to Lovepop’s business and commercial livelihood. The LOVEPOP Marks not only represent Lovepop’s goods and services, but Lovepop’s reputation and standard of quality. To preserve its business reputation, consumer goodwill, and to protect the value of the trademarks, Lovepop maintains strict standards in the delivery of its goods and services.

E. The Defendant’s Products

49. Lovepop is informed, believes, and thereupon alleges that Defendant is intentionally and willfully making, using, selling, offering for sale, and importing its own three-dimensional greeting cards that infringe at least claim 1 of the ‘658 Patent, claim 1 of the ‘033 Patent, claim 1 of the ‘021 Patent, the ‘448 Patent, Lovepop Copyrights, and are intentionally using marks that are confusingly similar to the LOVEPOP Marks. These products include at least the following cards (“Accused Products”):

- **Bluebird of Happiness Pop up Card:**
<https://www.poplifecards.com/products/bluebird-of-happiness-pop-up-card>
- **Stork and Baby Pop Up Card:**
<https://www.poplifecards.com/products/stork-and-baby-pop-up-greeting-card>
- **Bumblebee and Flower Pop Up Card:**
<https://www.poplifecards.com/products/bumblebee-and-flower-pop-up-card>
- **Purple Morning Glory Pop Up Card:**
<https://www.poplifecards.com/products/purple-morning-glory-pop-up-card>

- Tree House Pop Up Card: <https://www.poplifecards.com/products/tree-house-pop-up-card>
- Dia de los Muertos Pop Up Card: <https://www.poplifecards.com/products/dia-de-los-muertos-pop-up-card>
- Corgi Puppy Pop Up Card: <https://www.poplifecards.com/products/corgi-puppy-pop-up-card>
- When Sh#% Hits The Fan Pop Up Card: <https://www.poplifecards.com/products/when-sh-hits-the-fan-pop-up-card>
- Love You to the MOON Pop Up Card: <https://www.poplifecards.com/products/love-you-to-the-moon-pop-up-card>
- Cheeky Peach Pop Up Card: <https://www.poplifecards.com/products/funny-peach-pop-up-card>
- Wishing You Peace & Joy Pop Up Card: <https://www.poplifecards.com/products/peace-joy-pop-up-card>
- Red Roses Pop Up Card: <https://www.poplifecards.com/products/red-roses-pop-up-card>
- Pink Roses Pop Up Card: <https://www.poplifecards.com/products/pink-roses-pop-up-card>
- Steam Engine Pop Up Card: <https://www.poplifecards.com/products/steam-engine-train-pop-up-greeting-card>
- Fire Engine Pop Up Card: <https://www.poplifecards.com/products/fire-engine-pop-up-card>
- Funny Wino Pop Up Card: <https://www.poplifecards.com/collections/new-releases/products/funny-wino-pop-up-card>
- Nativity Scene Pop Up Card: <https://www.poplifecards.com/collections/new-releases/products/nativity-scene-pop-up-card>
- Autumn Cornucopia Pop Up Card: <https://www.poplifecards.com/collections/new-releases/products/autumn-cornucopia-pop-up-card>
- Copy of Congratulations It's a Boy Pop Up Card: <https://www.poplifecards.com/collections/new-releases/products/copy-of-congratulations-its-a-boy-pop-up-card>
- Congratulations Its A Girl Pop Up Card: <https://www.poplifecards.com/collections/new-releases/products/congratulations-its-a-girl-pop-up-card>
- Happy Valentines Sign Pop Up Card: <https://www.poplifecards.com/collections/new-releases/products/happy-valentines-sign-pop-up-card>
- Beautiful Day Butterfly And Colorful Flowers Pop Up Card: <https://www.poplifecards.com/collections/new-releases/products/beautiful-day-butterfly-and-colorful-flowers-pop-up-card>
- Toucan Birds Pop Up Card: <https://www.poplifecards.com/collections/new-releases/products/toucan-birds-pop-up-card>

- **Colorful Marguerite Daisy Flowers Pop Up Card:**
<https://www.poplifecards.com/collections/new-releases/products/colorful-marguerite-daisy-flowers-pop-up-card>
- **Spooky Halloween Pumpkin Pop Up Card:**
<https://www.poplifecards.com/collections/new-releases/products/spooky-halloween-pumpkin-pop-up-card>
- **Halloween Cauldron Pop Up Card:**
<https://www.poplifecards.com/collections/new-releases/products/halloween-cauldron-pop-up-card>
- **Evil Bat Halloween Pop Up Card:**
<https://www.poplifecards.com/collections/new-releases/products/evil-bat-halloween-pop-up-card>
- **Statue Of Liberty Pop Up Card:**
<https://www.poplifecards.com/collections/new-releases/products/statue-of-liberty-pop-up-card>
- **Daisy Flowers Pop Up Card:** <https://www.poplifecards.com/collections/new-releases/products/daisy-flowers-pop-up-card>
- **Love You To Infinity Pop Up Card:**
<https://www.poplifecards.com/collections/new-releases/products/love-you-to-infinity-pop-up-card>
- **Funny Wino Pop Up Card:** <https://www.poplifecards.com/collections/new-releases/products/funny-wino-pop-up-card>
- **Dads Financial Burden Pop Up Card:**
<https://www.poplifecards.com/collections/new-releases/products/dads-financial-burden-pop-up-card>
- **Moms Financial Burden Pop Up Card:**
<https://www.poplifecards.com/collections/new-releases/products/moms-financial-burden-pop-up-card>
- **Daisy Flowers Pop Up Card:** <https://www.poplifecards.com/collections/new-releases/products/daisy-flowers-pop-up-card>
- **Best Mom Ever Pop Up Card:**
<https://www.poplifecards.com/collections/new-releases/products/best-mom-ever-pop-up-card>
- **40th Birthday Pop Up Card:** <https://www.poplifecards.com/collections/new-releases/products/40th-birthday-pop-up-card>
- **16th Birthday Pop Up Card:** <https://www.poplifecards.com/collections/new-releases/products/16th-birthday-birthday-pop-up-card>
- **18th Birthday Pop Up Card:** <https://www.poplifecards.com/collections/new-releases/products/18th-birthday-pop-up-card>
- **Butterflies On Flowers Pop Up Card:**
<https://www.poplifecards.com/collections/new-releases/products/butterflies-on-flowers-pop-up-card>
- **Dragonflies Pop Up Card:** <https://www.poplifecards.com/collections/new-releases/products/dragonflies-pop-up-card>

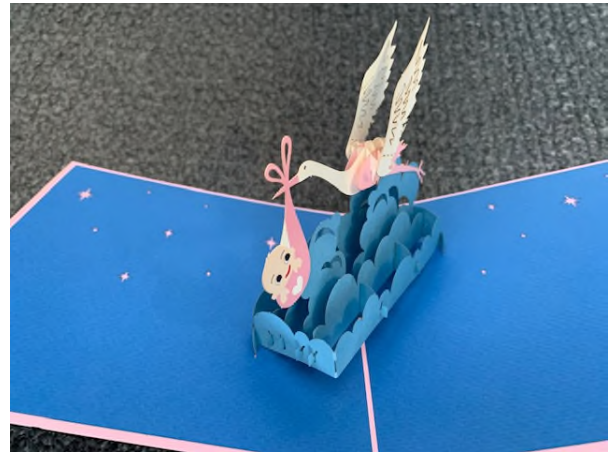
- **Wildflower Meadow Hummingbird Pop Up Card:**
<https://www.poplifecards.com/collections/new-releases/products/wildflower-meadow-hummingbird-pop-up-card>
- **Classic Automobile Pop Up Card:**
<https://www.poplifecards.com/collections/new-releases/products/classic-automobile-pop-up-card>
- **Nativity Scene Pop Up Card:** <https://www.poplifecards.com/collections/new-releases/products/nativity-scene-pop-up-card>
- **Autumn Turkey Pop Up Card:**
<https://www.poplifecards.com/collections/new-releases/products/autumn-turkey-pop-up-card>
- **Parrot Love Birds Pop Up Card:**
<https://www.poplifecards.com/collections/new-releases/products/parrot-love-birds-pop-up-card>
- **Love Bug Car Pop Up Card:** <https://www.poplifecards.com/collections/new-releases/products/love-bug-car-pop-up-card>
- **Sending Love Pop Up Card:** <https://www.poplifecards.com/collections/new-releases/products/sending-love-pop-up-card>
- **Sailboat Pop Up Card:** <https://www.poplifecards.com/collections/new-releases/products/sailboat-pop-up-card>
- **60th Birthday Pop Up Card:**
<https://www.poplifecards.com/collections/birthday/products/60th-birthday-pop-up-card>
- **Happy Birthday Pop Up Card:**
<https://www.poplifecards.com/collections/birthday/products/happy-birthday-pop-up-card>
- **Happy Birthday Hot Air Balloons Pop Up Card:**
<https://www.poplifecards.com/collections/birthday/products/happy-birthday-hot-air-balloons-pop-up-card>
- **Flying Elephant And Balloons Pop Up Card:**
<https://www.poplifecards.com/collections/birthday/products/flying-elephant-and-balloons-pop-up-card>
- **Love Explosion Pop Up Card:**
<https://www.poplifecards.com/collections/birthday/products/love-explosion-pop-up-card>
- **Naughty Pickle Pop Up Card:**
<https://www.poplifecards.com/collections/birthday/products/naughty-pickle-pop-up-card>
- **Cheesy Pop Up Card:**
<https://www.poplifecards.com/collections/birthday/products/cheesy-pop-up-card>
- **Happy Birthday Colorful Cake Pop Up Card:**
<https://www.poplifecards.com/collections/birthday/products/happy-birthday-colorful-cake-pop-up-card>

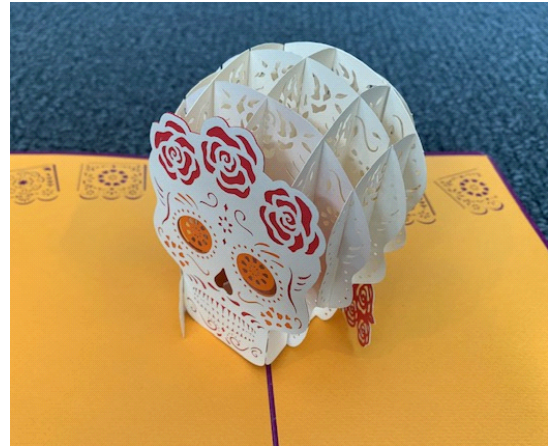
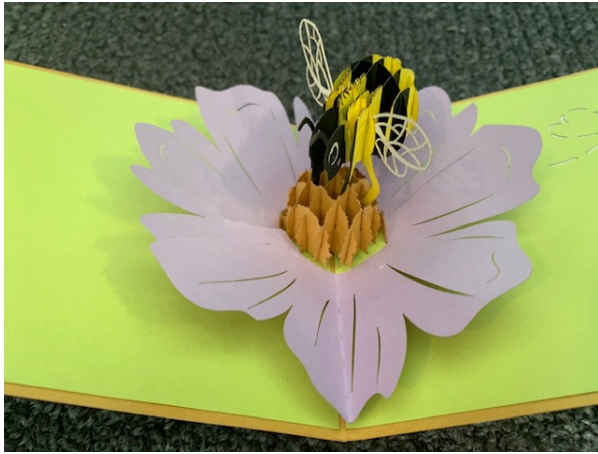
- **Poplife You're Fire Pop Up Card For All Occasions:**
<https://www.poplifecards.com/collections/birthday/products/poplife-youre-fire-pop-up-card-for-all-occasions>
- **You Are Awesome Pop Up Card:**
<https://www.poplifecards.com/collections/birthday/products/you-are-awesome-pop-up-card>
- **Funny I Love You To Death Pop Up Card:**
<https://www.poplifecards.com/collections/birthday/products/funny-i-love-you-to-death-pop-up-card>
- **Naughty Light Of My Life Pop Up Card:**
<https://www.poplifecards.com/collections/birthday/products/naughty-light-of-my-life-pop-up-card>
- **Champagne Cheers Pop Up Card:**
<https://www.poplifecards.com/collections/birthday/products/champagne-cheers-pop-up-card>
- **Drum Kit Pop Up Card:**
<https://www.poplifecards.com/collections/birthday/products/drum-kit-pop-up-card>
- **Cheeky Peach Pop Up Card:**
<https://www.poplifecards.com/collections/birthday/products/cheeky-peach-pop-up-card>
- **Love You To The Moon And Back Pop Up Card:**
<https://www.poplifecards.com/collections/birthday/products/love-you-to-the-moon-and-back-pop-up-card>
- **Naughty Taco Pop Up Card:**
<https://www.poplifecards.com/collections/birthday/products/naughty-taco-pop-up-card>
- **When Sh#% Hits The Fan Pop Up Card:**
<https://www.poplifecards.com/collections/birthday/products/when-sh-hits-the-fan-pop-up-card>
- **Yellow Bug Pop Up Card:**
<https://www.poplifecards.com/collections/birthday/products/yellow-bug-pop-up-card>
- **Greenhouse Garden Pop Up Card:**
<https://www.poplifecards.com/collections/birthday/products/greenhouse-garden-pop-up-card>
- **Funny Puppy Pop Up Card Givepop 1 Donated To The Humane Society:**
<https://www.poplifecards.com/collections/birthday/products/funny-puppy-pop-up-card-givepop-1-donated-to-the-humane-society>
- **Luxe Flower Box Pop Up Card:**
<https://www.poplifecards.com/collections/birthday/products/luxe-flower-box-pop-up-card>

- **White Lily Bouquet Pop Up Card:**
<https://www.poplifecards.com/collections/birthday/products/white-lily-bouquet-pop-up-card>
- **Blue Dragonfly And Lotus Pop Up Card:**
<https://www.poplifecards.com/collections/birthday/products/blue-dragonfly-and-lotus-pop-up-card>
- **Naughty Octopus Pop Up Card:**
<https://www.poplifecards.com/collections/birthday/products/naughty-octopus-pop-up-card>
- **Mountain Skier Pop Up Card:**
<https://www.poplifecards.com/collections/birthday/products/mountain-skier-pop-up-card>
- **Health Hero Pop Up Card:**
<https://www.poplifecards.com/collections/birthday/products/health-hero-pop-up-card>
- **Typewriter Happy Birthday Message Pop Up Card:**
<https://www.poplifecards.com/collections/birthday/products/typewriter-happy-birthday-message-pop-up-card>
- **Humpback Whale And Baby Pop Up Card:**
<https://www.poplifecards.com/collections/birthday/products/humpback-whale-and-baby-pop-up-card>
- **Cats Playing On Couch Pop Up Card:**
<https://www.poplifecards.com/collections/birthday/products/cats-playing-on-couch-pop-up-card>
- **Healthcare Heart Pop Up Card:**
<https://www.poplifecards.com/collections/birthday/products/healthcare-heart-pop-up-card>
- **Coffee Love Pop Up Card:**
<https://www.poplifecards.com/collections/birthday/products/coffee-love-pop-up-card>
- **Eagle Bird Pop Up Card:**
<https://www.poplifecards.com/collections/birthday/products/eagle-bird-pop-up-card>
- **Christmas Wreath Pop Up Card:**
<https://www.poplifecards.com/collections/birthday/products/christmas-wreath-pop-up-card>
- **French Lavender Pop Up Card:**
<https://www.poplifecards.com/collections/birthday/products/french-lavender-pop-up-card>
- **Bulldozer Pop Up Card:**
<https://www.poplifecards.com/collections/birthday/products/bulldozer-pop-up-card>

- **Purple Morning Glory Pop Up Card:**
<https://www.poplifecards.com/collections/birthday/products/purple-morning-glory-pop-up-card>
- **Golden Gate Bridge Pop Up Card:**
<https://www.poplifecards.com/collections/birthday/products/golden-gate-bridge-pop-up-card>

50. Examples of the Accused Products are depicted below:





51. The Accused Products are advertised in connection with marks that are confusingly similar to the Lovepop Marks.

52. On August 12, 2017, Defendant filed United States Trademark Application Number 87/566,648 for POPLIFE for “Greeting cards” in International Class 016. The mark was registered on March 5, 2019. While Defendant filed for registration of its mark, the date of first use, January 27, 2016, comes almost two years after Lovepop’s first use of its marks (“the POPLIFE Mark”).

53. Defendant also uses a stylized mark that is confusingly similar to the LOVEPOP Marks to advertise its Accused Products (“the Poplife Stylized Mark”).



Poplife Stylized Mark

Lovepop Stylized Marks

54. Both the LOVEPOP Stylized Marks and the Poplife Stylized Mark have similar color and a similar shape symbolizing a half-open card. Further, they both use the word “POP” in a manner likely to create confusion.

55. Plaintiff is informed and believes and thereon alleges that by using the POPLIFE Mark and the Poplife Stylized Mark (collectively “the Infringing Marks”), Defendant is knowingly, intentionally, and willfully advertising in a matter meant to confuse the relevant public and create confusion with Lovepop, the Lovepop Cards, and the LOVEPOP Marks.

56. On May 12, 2021, Lovepop sent a letter, through counsel, to Defendant informing it that certain Accused Products infringe its ‘658 Patent, ‘033 Patent, ‘448 Patent, the Lovepop Copyrights, and the LOVEPOP Marks and demanding that it immediately cease and desist any making, using, selling, offering for sale, or importation of its Accused Products in this country.

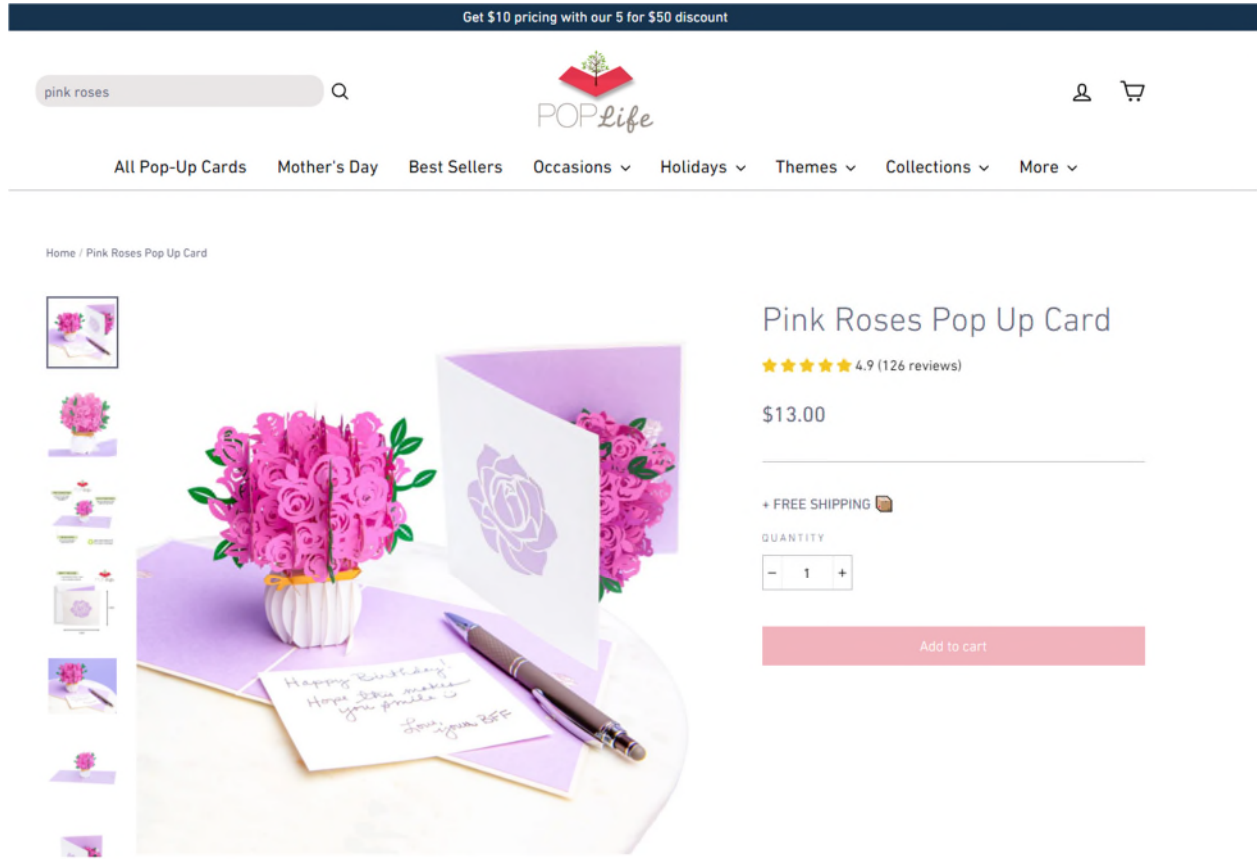
57. On June 1, 2021, Defendant provided a response wherein it indicated that it would stop selling some of the Accused Products, redesign the logo to not include a red open card design, and redesign its rose bouquet popup card and cease use of the current iteration.

58. However, Defendant refused to cease use of other Accused Products and referred to irrelevant examples of what the Defendant contends was “invalidating prior art” and has nevertheless taken no steps to comply with Lovepop’s demands.

59. On October 15, 2021, Lovepop sent a letter to Defendant regarding its continued use and sale of Accused Products in the United States. In that letter, Lovepop explained Defendant’s incorrect reading of the claims and reiterated its request that Defendant cease and desist making, using, selling, offering to sell, or importing its products that infringe Lovepop’s intellectual property and cease and desist using any mark confusingly similar to the LOVEPOP Marks.

60. On November 29, 2021, Defendant wrote Lovepop refusing to cease and desist making, using, selling, offering to sell, or importing Accused Products. Defendant further asserted that it would not cease and desist using the Infringing Marks.

61. Defendant currently markets and sells the Accused Products under the Infringing Marks within the United States. Below is a screen shot from the Defendant’s website taken on April 24, 2024, from the following URL: <https://www.poplifecards.com/products/pink-roses-popup-card>.



62. Defendant has willfully and in bad faith committed the foregoing acts. Said acts involving the Accused Products and the Infringing Marks have and will continue to cause irreparable harm to Lovepop. Consequently, Lovepop files this action seeking injunctive relief, an accounting of award of Defendant’s profits flowing from their infringing activities; pre-judgement interest, attorneys’ fees and costs of suit incurred herein, and any other relief this honorable Court deems just and proper.

FIRST CLAIM FOR RELIEF


Patent Infringement – The ‘658 Patent

63. Lovepop repeats the allegations in the preceding paragraphs as though fully set forth herein.

64. Lovepop is the rightful owner of the '658 Patent.

65. By making, using, offering for sale, selling, and/or importing the Accused Products, Defendant has infringed at least claim 1 of the '658 Patent.

66. For example, the following limitations are found in the "When Sh#% Hits The Fan" Pop Up Card: <https://www.poplifecards.com/products/when-sh-hits-the-fan-pop-up-card>, which constitutes a representative sample of an Accused Product that infringes the '658 Patent:

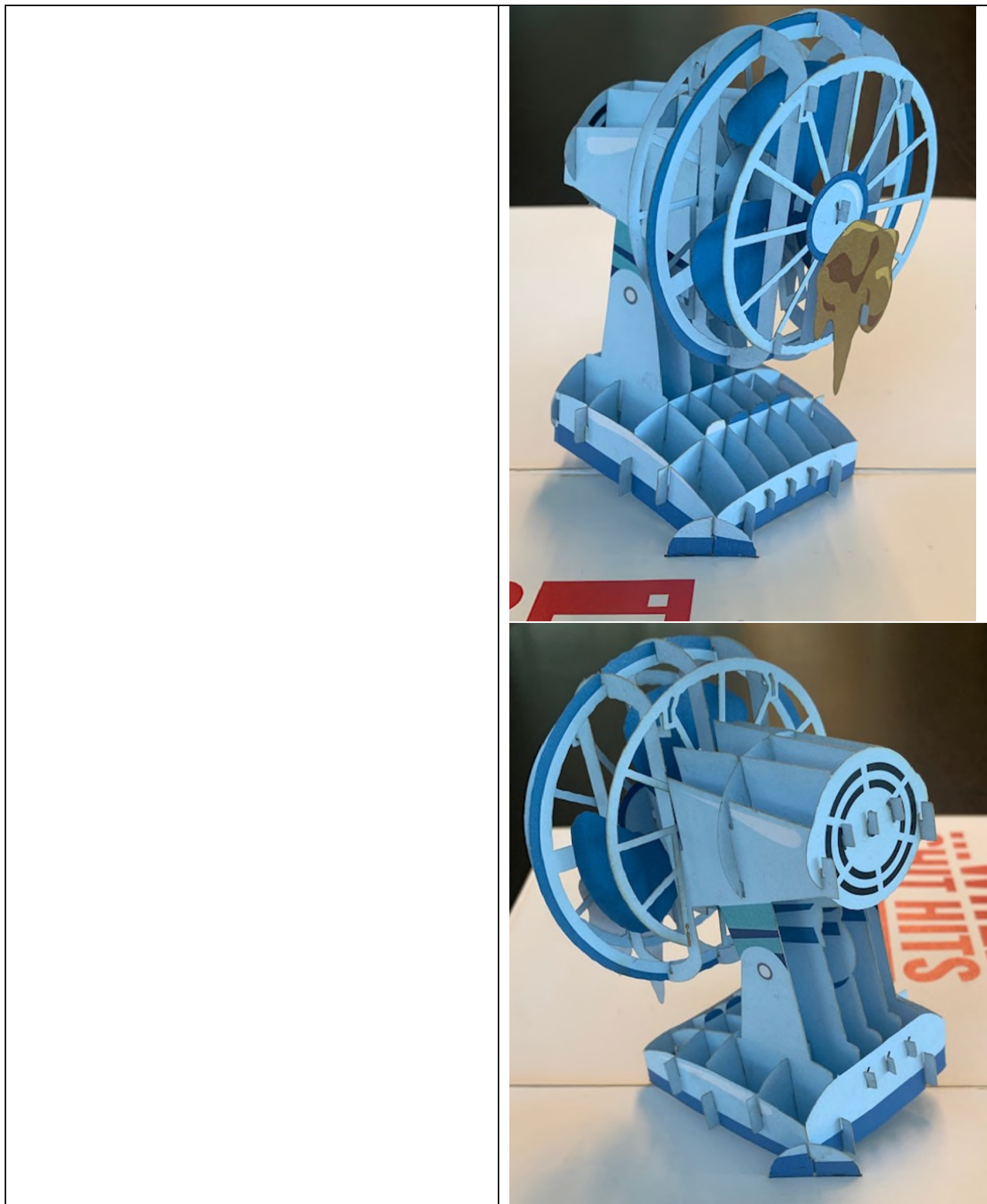
<p>1. A pop-up card, comprising: a card comprising a first panel and a second panel connected to each other along a crease line, said card being foldable on the crease line; and</p>	
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a self-erecting pop-up display structure secured to inner faces of the first and second panels such that the pop-up display structure is in a collapsed state when the card is in a folded position and in an erected state when the card is in an opened position,

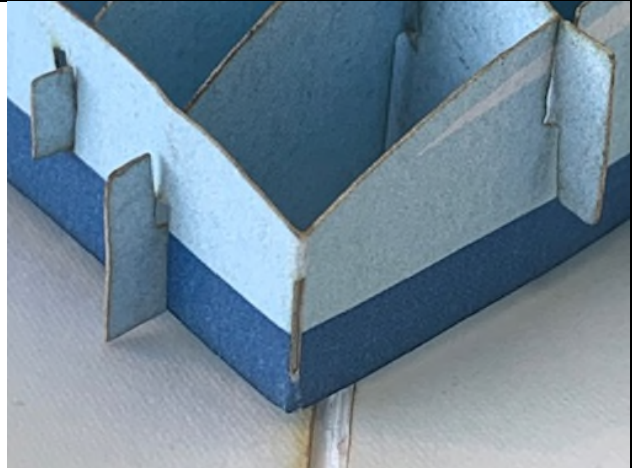


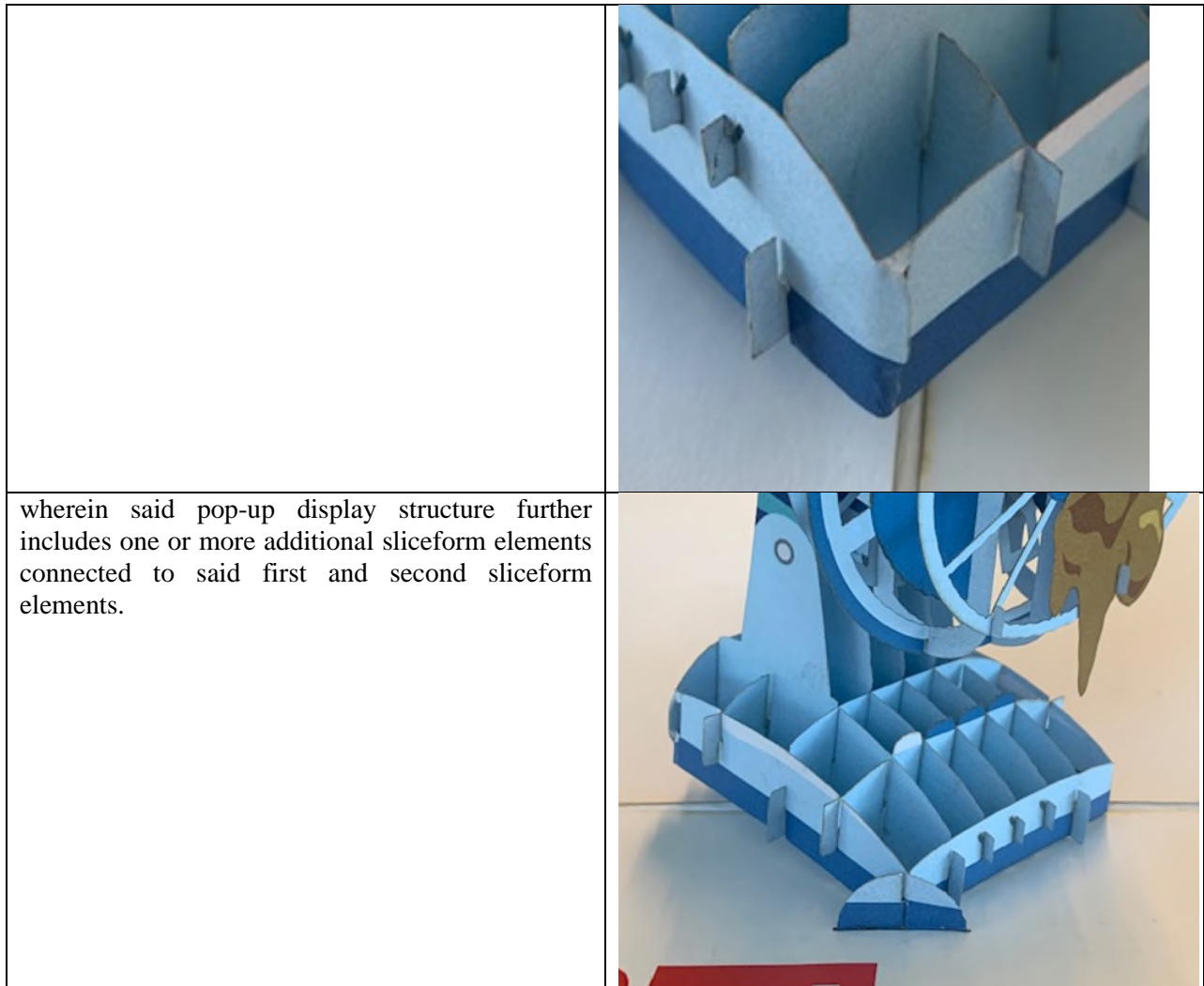
said pop-up display structure including a first sliceform element and a second sliceform element, each of the first and second sliceform elements having a tab at a first end thereof secured to the first panel and a tab at an opposite second end thereof secured to the second panel,





a wherein the first and second sliceform elements are each foldable along a crease line between first and second ends thereof such that the first and second sliceform elements form a parallelogram shape when the pop-up structure is in the erected state,





67. Other Accused Products that infringe the '658 Patent include, but are not limited to, the following:

- **Corgi Puppy Pop Up Card:** <https://www.poplifecards.com/products/corgi-puppy-pop-up-card>
- **Stork and Baby Pop Up Card:** <https://www.poplifecards.com/products/stork-and-baby-pop-up-greeting-card>
- **Fire Engine Pop Up Card:** <https://www.poplifecards.com/products/fire-engine-pop-up-card>
- **Funny Wino Pop Up Card:** <https://www.poplifecards.com/collections/new-releases/products/funny-wino-pop-up-card>

- **Nativity Scene Pop Up Card:** <https://www.poplifecards.com/collections/new-releases/products/nativity-scene-pop-up-card>
- **Autumn Cornucopia Pop Up Card:** <https://www.poplifecards.com/collections/new-releases/products/autumn-cornucopia-pop-up-card>
- **Copy of Congratulations It's a Boy Pop Up Card:** <https://www.poplifecards.com/collections/new-releases/products/copy-of-congratulations-its-a-boy-pop-up-card>
- **Congratulations Its A Girl Pop Up Card:** <https://www.poplifecards.com/collections/new-releases/products/congratulations-its-a-girl-pop-up-card>
- **Happy Valentines Sign Pop Up Card:** <https://www.poplifecards.com/collections/new-releases/products/happy-valentines-sign-pop-up-card>
- **Beautiful Day Butterfly And Colorful Flowers Pop Up Card:** <https://www.poplifecards.com/collections/new-releases/products/beautiful-day-butterfly-and-colorful-flowers-pop-up-card>
- **Toucan Birds Pop Up Card:** <https://www.poplifecards.com/collections/new-releases/products/toucan-birds-pop-up-card>
- **Colorful Marguerite Daisy Flowers Pop Up Card:** <https://www.poplifecards.com/collections/new-releases/products/colorful-marguerite-daisy-flowers-pop-up-card>
- **Spooky Halloween Pumpkin Pop Up Card:** <https://www.poplifecards.com/collections/new-releases/products/spooky-halloween-pumpkin-pop-up-card>
- **Halloween Cauldron Pop Up Card:** <https://www.poplifecards.com/collections/new-releases/products/halloween-cauldron-pop-up-card>
- **Evil Bat Halloween Pop Up Card:** <https://www.poplifecards.com/collections/new-releases/products/evil-bat-halloween-pop-up-card>
- **Statue Of Liberty Pop Up Card:** <https://www.poplifecards.com/collections/new-releases/products/statue-of-liberty-pop-up-card>
- **Daisy Flowers Pop Up Card:** <https://www.poplifecards.com/collections/new-releases/products/daisy-flowers-pop-up-card>
- **Love You To Infinity Pop Up Card:** <https://www.poplifecards.com/collections/new-releases/products/love-you-to-infinity-pop-up-card>
- **Funny Wino Pop Up Card:** <https://www.poplifecards.com/collections/new-releases/products/funny-wino-pop-up-card>
- **Dads Financial Burden Pop Up Card:** <https://www.poplifecards.com/collections/new-releases/products/dads-financial-burden-pop-up-card>

- **Moms Financial Burden Pop Up Card:**
<https://www.poplifecards.com/collections/new-releases/products/moms-financial-burden-pop-up-card>
- **Daisy Flowers Pop Up Card:** <https://www.poplifecards.com/collections/new-releases/products/daisy-flowers-pop-up-card>
- **Best Mom Ever Pop Up Card:**
<https://www.poplifecards.com/collections/new-releases/products/best-mom-ever-pop-up-card>
- **40th Birthday Pop Up Card:** <https://www.poplifecards.com/collections/new-releases/products/40th-birthday-pop-up-card>
- **16th Birthday Pop Up Card:** <https://www.poplifecards.com/collections/new-releases/products/16th-birthday-birthday-pop-up-card>
- **18th Birthday Pop Up Card:** <https://www.poplifecards.com/collections/new-releases/products/18th-birthday-pop-up-card>
- **Butterflies On Flowers Pop Up Card:**
<https://www.poplifecards.com/collections/new-releases/products/butterflies-on-flowers-pop-up-card>
- **Dragonflies Pop Up Card:** <https://www.poplifecards.com/collections/new-releases/products/dragonflies-pop-up-card>
- **Wildflower Meadow Hummingbird Pop Up Card:**
<https://www.poplifecards.com/collections/new-releases/products/wildflower-meadow-hummingbird-pop-up-card>
- **Classic Automobile Pop Up Card:**
<https://www.poplifecards.com/collections/new-releases/products/classic-automobile-pop-up-card>
- **Nativity Scene Pop Up Card:** <https://www.poplifecards.com/collections/new-releases/products/nativity-scene-pop-up-card>
- **Autumn Turkey Pop Up Card:**
<https://www.poplifecards.com/collections/new-releases/products/autumn-turkey-pop-up-card>
- **Parrot Love Birds Pop Up Card:**
<https://www.poplifecards.com/collections/new-releases/products/parrot-love-birds-pop-up-card>
- **Love Bug Car Pop Up Card:** <https://www.poplifecards.com/collections/new-releases/products/love-bug-car-pop-up-card>
- **Sending Love Pop Up Card:** <https://www.poplifecards.com/collections/new-releases/products/sending-love-pop-up-card>
- **Sailboat Pop Up Card:** <https://www.poplifecards.com/collections/new-releases/products/sailboat-pop-up-card>
- **60th Birthday Pop Up Card:**
<https://www.poplifecards.com/collections/birthday/products/60th-birthday-pop-up-card>

- **Happy Birthday Pop Up Card:**
<https://www.poplifecards.com/collections/birthday/products/happy-birthday-pop-up-card>
- **Happy Birthday Hot Air Balloons Pop Up Card:**
<https://www.poplifecards.com/collections/birthday/products/happy-birthday-hot-air-balloons-pop-up-card>
- **Flying Elephant And Balloons Pop Up Card:**
<https://www.poplifecards.com/collections/birthday/products/flying-elephant-and-balloons-pop-up-card>
- **Love Explosion Pop Up Card:**
<https://www.poplifecards.com/collections/birthday/products/love-explosion-pop-up-card>
- **Naughty Pickle Pop Up Card:**
<https://www.poplifecards.com/collections/birthday/products/naughty-pickle-pop-up-card>
- **Cheesy Pop Up Card:**
<https://www.poplifecards.com/collections/birthday/products/cheesy-pop-up-card>
- **Happy Birthday Colorful Cake Pop Up Card:**
<https://www.poplifecards.com/collections/birthday/products/happy-birthday-colorful-cake-pop-up-card>
- **Poplife You're Fire Pop Up Card For All Occasions:**
<https://www.poplifecards.com/collections/birthday/products/poplife-youre-fire-pop-up-card-for-all-occasions>
- **You Are Awesome Pop Up Card:**
<https://www.poplifecards.com/collections/birthday/products/you-are-awesome-pop-up-card>
- **Funny I Love You To Death Pop Up Card:**
<https://www.poplifecards.com/collections/birthday/products/funny-i-love-you-to-death-pop-up-card>
- **Naughty Light Of My Life Pop Up Card:**
<https://www.poplifecards.com/collections/birthday/products/naughty-light-of-my-life-pop-up-card>
- **Champagne Cheers Pop Up Card:**
<https://www.poplifecards.com/collections/birthday/products/champagne-cheers-pop-up-card>
- **Drum Kit Pop Up Card:**
<https://www.poplifecards.com/collections/birthday/products/drum-kit-pop-up-card>
- **Cheeky Peach Pop Up Card:**
<https://www.poplifecards.com/collections/birthday/products/cheeky-peach-pop-up-card>

- **Love You To The Moon And Back Pop Up Card:**
<https://www.poplifecards.com/collections/birthday/products/love-you-to-the-moon-and-back-pop-up-card>
- **Naughty Taco Pop Up Card:**
<https://www.poplifecards.com/collections/birthday/products/naughty-taco-pop-up-card>
- **When Sh#% Hits The Fan Pop Up Card:**
<https://www.poplifecards.com/collections/birthday/products/when-sh-hits-the-fan-pop-up-card>
- **Yellow Bug Pop Up Card:**
<https://www.poplifecards.com/collections/birthday/products/yellow-bug-pop-up-card>
- **Greenhouse Garden Pop Up Card:**
<https://www.poplifecards.com/collections/birthday/products/greenhouse-garden-pop-up-card>
- **Funny Puppy Pop Up Card Givepop 1 Donated To The Humane Society:**
<https://www.poplifecards.com/collections/birthday/products/funny-puppy-pop-up-card-givepop-1-donated-to-the-humane-society>
- **Luxe Flower Box Pop Up Card:**
<https://www.poplifecards.com/collections/birthday/products/luxe-flower-box-pop-up-card>
- **White Lily Bouquet Pop Up Card:**
<https://www.poplifecards.com/collections/birthday/products/white-lily-bouquet-pop-up-card>
- **Blue Dragonfly And Lotus Pop Up Card:**
<https://www.poplifecards.com/collections/birthday/products/blue-dragonfly-and-lotus-pop-up-card>
- **Naughty Octopus Pop Up Card:**
<https://www.poplifecards.com/collections/birthday/products/naughty-octopus-pop-up-card>
- **Mountain Skier Pop Up Card:**
<https://www.poplifecards.com/collections/birthday/products/mountain-skier-pop-up-card>
- **Health Hero Pop Up Card:**
<https://www.poplifecards.com/collections/birthday/products/health-hero-pop-up-card>
- **Typewriter Happy Birthday Message Pop Up Card:**
<https://www.poplifecards.com/collections/birthday/products/typewriter-happy-birthday-message-pop-up-card>
- **Humpback Whale And Baby Pop Up Card:**
<https://www.poplifecards.com/collections/birthday/products/humpback-whale-and-baby-pop-up-card>

- **Cats Playing On Couch Pop Up Card:**
<https://www.poplifecards.com/collections/birthday/products/cats-playing-on-couch-pop-up-card>
- **Healthcare Heart Pop Up Card:**
<https://www.poplifecards.com/collections/birthday/products/healthcare-heart-pop-up-card>
- **Coffee Love Pop Up Card:**
<https://www.poplifecards.com/collections/birthday/products/coffee-love-pop-up-card>
- **Eagle Bird Pop Up Card:**
<https://www.poplifecards.com/collections/birthday/products/eagle-bird-pop-up-card>
- **Christmas Wreath Pop Up Card:**
<https://www.poplifecards.com/collections/birthday/products/christmas-wreath-pop-up-card>
- **French Lavender Pop Up Card:**
<https://www.poplifecards.com/collections/birthday/products/french-lavender-pop-up-card>
- **Bulldozer Pop Up Card:**
<https://www.poplifecards.com/collections/birthday/products/bulldozer-pop-up-card>
- **Purple Morning Glory Pop Up Card:**
<https://www.poplifecards.com/collections/birthday/products/purple-morning-glory-pop-up-card>
- **Golden Gate Bridge Pop Up Card:**
<https://www.poplifecards.com/collections/birthday/products/golden-gate-bridge-pop-up-card>

68. There are no non-infringing uses for the Accused Products.

69. Defendant knows from its correspondence with counsel for Lovepop about the ‘658 Patent and its infringement of the same, and that anyone who uses, sells, offers for sale, makes, or imports the Accused Products also infringe the ‘658 Patent.

70. Defendant also infringes the ‘658 Patent by inducing others to directly infringe those patents. For example, Defendant actively encourages others to use and sell its Accused Products, which can only be used in an infringing manner by its customers.

71. Defendant's customers directly infringe the '658 Patent, and Defendant knows of the direct infringement, knows that there are no substantial non-infringing uses, and knows its products are especially made to infringe. Therefore, Defendant contributorily infringes the '658 Patent.

72. Lovepop is being irreparably harmed by the Defendant's continued infringement and, unless it and its agents, employees, representatives, affiliates and all others acting in concert with it are enjoined from infringing the '658 Patent, Lovepop will continue to be irreparably harmed.

73. Lovepop has no adequate remedy at law.

74. Lovepop has a substantial likelihood of success on the merits. If an injunction is not granted, it would likely suffer irreparable injury. Lovepop's threatened injury from the continued sale of the Accused Products outweighs any harm to Defendant under an injunction. An injunction would not be adverse to the public interest. Therefore, Lovepop seeks an injunction permanently restraining Defendant and its respective agents, employees, representatives, affiliates and all others acting in concert with it, from making, using, selling, offering for sale, importing, or marketing the Accused Products.

75. The Defendant's continued infringement of the '658 Patent is causing Lovepop injury, and Lovepop is entitled to recover damages in an amount to be proven at trial. Among other remedies, Lovepop is entitled to lost profits or, in the alternative, no less than a reasonable royalty.

76. Defendant's infringement constitutes willful infringement of the '658 Patent and entitles Lovepop to treble damages and attorneys' fees, costs incurred in this action, and prejudgment interest under 35 U.S.C. §§ 284 and 285.

77. Any future use, sale, offer for sale, importation, or manufacture of infringing Accused Products will demonstrate objectively reckless conduct with respect to Lovepop’s patent rights.

SECOND CLAIM FOR RELIEF


Patent Infringement – The ‘033 Patent

78. Lovepop repeats the allegations in the preceding paragraphs as though fully set forth herein.

79. Lovepop is the rightful owner of the ‘033 Patent.

80. By making, using, offering for sale, selling, and/or importing the Accused Products, Defendant has infringed at least claim 1 of the ‘033 Patent.

81. For example, the following limitations are found in the Corgi Puppy Pop Up Card: <https://www.poplifecards.com/products/corgi-puppy-pop-up-card>, which constitutes a representative Defendant’s card:

<p>1. An article comprising a pop-up card, the pop-up card comprising:</p>	
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single sheet of paper including a single crease and separating the sheet of paper into a left panel and a right panel, wherein the sheet is in a closed position when folded along the crease, and wherein the sheet is in the open position when not folded along the crease;

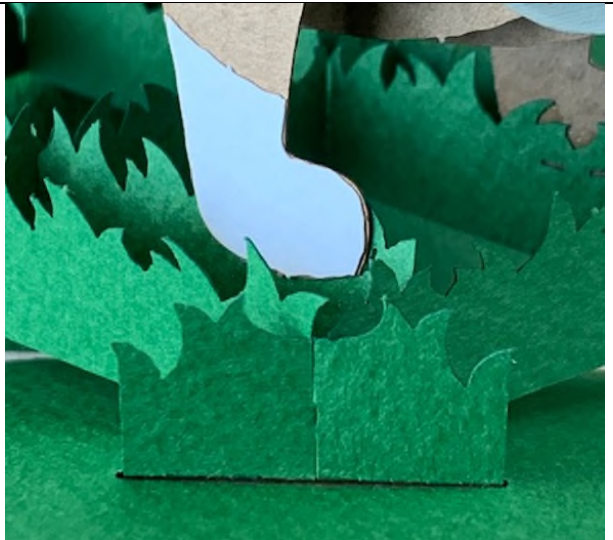


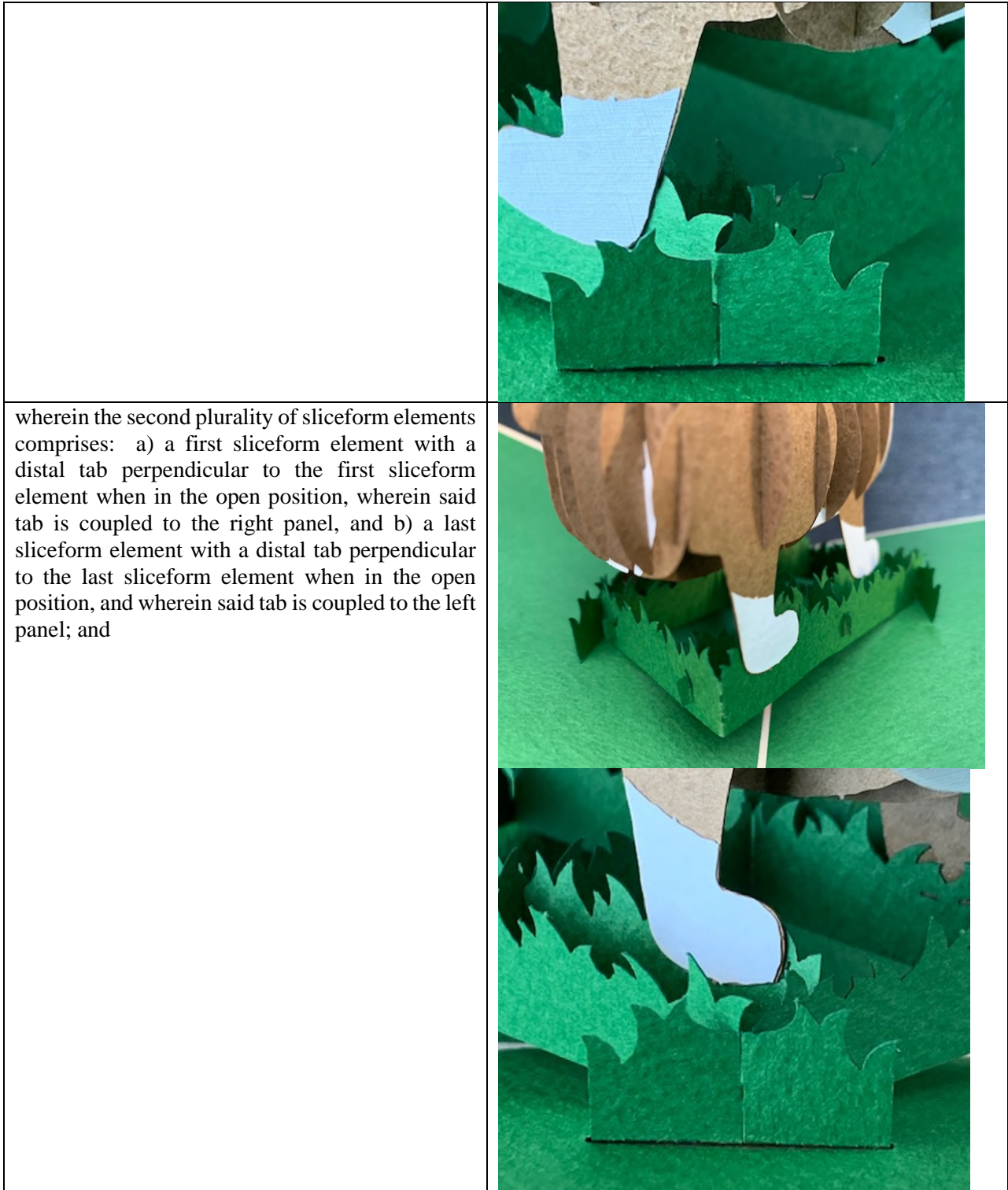
a pop-up sliceform element coupled to said sheet, wherein the sliceform includes a first plurality of sliceform elements perpendicular to a second plurality of slice-form elements when in the open position;



wherein the first plurality of sliceform elements comprises: a) a first sliceform element with a distal tab perpendicular to the first sliceform element when in the open position, wherein said

tab is coupled to the left panel, and b) a last sliceform element with a distal tab perpendicular to the last sliceform element when in the open position, and wherein said tab is coupled to the right panel;







82. Figure 3C of the '033 Patent is depicted on the left and a zoomed-in example of an Accused Product is depicted on the right.

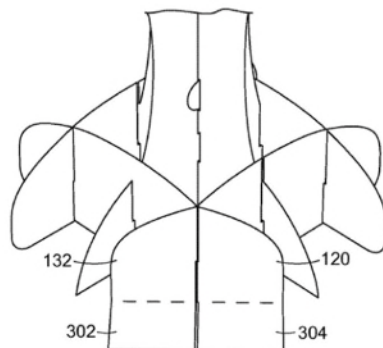
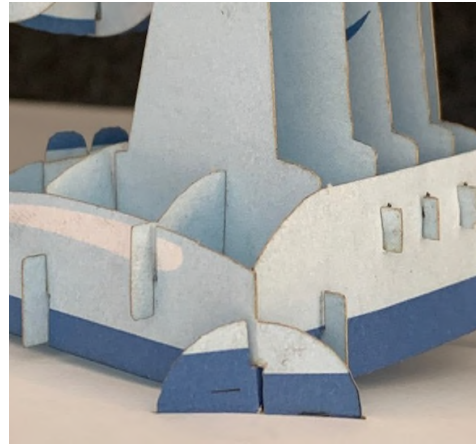


FIG. 3C



83. Other cards that infringe the '033 Patent include, but are not limited to, the following:

- **Stork and Baby Pop Up Card:**
<https://www.poplifecards.com/products/stork-and-baby-pop-up-greeting-card>
- **Bumblebee and Flower Pop Up Card:**
<https://www.poplifecards.com/products/bumblebee-and-flower-pop-up-card>
- **Purple Morning Glory Pop Up Card:**
<https://www.poplifecards.com/products/purple-morning-glory-pop-up-card>
- **Tree House Pop Up Card:** <https://www.poplifecards.com/products/tree-house-pop-up-card>
- **London Tower Pop Up Card:**
<https://www.poplifecards.com/products/london-tower-bridge-pop-up-card>
- **Dia de los Muertos Pop Up Card:**
<https://www.poplifecards.com/products/dia-de-los-muertos-pop-up-card>
- **Bluebird of Happiness Pop up Card:**
<https://www.poplifecards.com/collections/get-well/products/bluebird-of-happiness-pop-up-card>,
- **When Sh#% Hits The Fan Pop Up Card:**
<https://www.poplifecards.com/products/when-sh-hits-the-fan-pop-up-card>
- **Love You to the MOON Pop Up Card:**
<https://www.poplifecards.com/products/love-you-to-the-moon-pop-up-card>
- **Cheeky Peach Pop Up Card:** <https://www.poplifecards.com/products/funny-peach-pop-up-card>
- **Wishing You Peace & Joy Pop Up Card:**
<https://www.poplifecards.com/products/peace-joy-pop-up-card>
- **Red Roses Pop Up Card:** <https://www.poplifecards.com/products/red-roses-pop-up-card>

- **Pink Roses Pop Up Card:** <https://www.poplifecards.com/products/pink-roses-pop-up-card>
- **Fire Engine Pop Up Card:** <https://www.poplifecards.com/products/fire-engine-pop-up-card>
- **Funny Wino Pop Up Card:** <https://www.poplifecards.com/collections/new-releases/products/funny-wino-pop-up-card>
- **Nativity Scene Pop Up Card:** <https://www.poplifecards.com/collections/new-releases/products/nativity-scene-pop-up-card>
- **Drum Kit Pop Up Card:**
<https://www.poplifecards.com/collections/birthday/products/drum-kit-pop-up-card>
- **Yellow Bug Pop Up Card:**
<https://www.poplifecards.com/collections/birthday/products/yellow-bug-pop-up-card>
- **Autumn Cornucopia Pop Up Card:**
<https://www.poplifecards.com/collections/new-releases/products/autumn-cornucopia-pop-up-card>
- **Copy of Congratulations It's a Boy Pop Up Card:**
<https://www.poplifecards.com/collections/new-releases/products/copy-of-congratulations-its-a-boy-pop-up-card>
- **Congratulations Its A Girl Pop Up Card:**
<https://www.poplifecards.com/collections/new-releases/products/congratulations-its-a-girl-pop-up-card>
- **Happy Valentines Sign Pop Up Card:**
<https://www.poplifecards.com/collections/new-releases/products/happy-valentines-sign-pop-up-card>
- **Beautiful Day Butterfly And Colorful Flowers Pop Up Card:**
<https://www.poplifecards.com/collections/new-releases/products/beautiful-day-butterfly-and-colorful-flowers-pop-up-card>
- **Toucan Birds Pop Up Card:** <https://www.poplifecards.com/collections/new-releases/products/toucan-birds-pop-up-card>
- **Colorful Marguerite Daisy Flowers Pop Up Card:**
<https://www.poplifecards.com/collections/new-releases/products/colorful-marguerite-daisy-flowers-pop-up-card>
- **Spooky Halloween Pumpkin Pop Up Card:**
<https://www.poplifecards.com/collections/new-releases/products/spooky-halloween-pumpkin-pop-up-card>
- **Halloween Cauldron Pop Up Card:**
<https://www.poplifecards.com/collections/new-releases/products/halloween-cauldron-pop-up-card>
- **Evil Bat Halloween Pop Up Card:**
<https://www.poplifecards.com/collections/new-releases/products/evil-bat-halloween-pop-up-card>

- **Statue Of Liberty Pop Up Card:**
<https://www.poplifecards.com/collections/new-releases/products/statue-of-liberty-pop-up-card>
- **Daisy Flowers Pop Up Card:** <https://www.poplifecards.com/collections/new-releases/products/daisy-flowers-pop-up-card>
- **Love You To Infinity Pop Up Card:**
<https://www.poplifecards.com/collections/new-releases/products/love-you-to-infinity-pop-up-card>
- **Funny Wino Pop Up Card:** <https://www.poplifecards.com/collections/new-releases/products/funny-wino-pop-up-card>
- **Dads Financial Burden Pop Up Card:**
<https://www.poplifecards.com/collections/new-releases/products/dads-financial-burden-pop-up-card>
- **Moms Financial Burden Pop Up Card:**
<https://www.poplifecards.com/collections/new-releases/products/moms-financial-burden-pop-up-card>
- **Daisy Flowers Pop Up Card:** <https://www.poplifecards.com/collections/new-releases/products/daisy-flowers-pop-up-card>
- **Best Mom Ever Pop Up Card:**
<https://www.poplifecards.com/collections/new-releases/products/best-mom-ever-pop-up-card>
- **40th Birthday Pop Up Card:** <https://www.poplifecards.com/collections/new-releases/products/40th-birthday-pop-up-card>
- **16th Birthday Pop Up Card:** <https://www.poplifecards.com/collections/new-releases/products/16th-birthday-birthday-pop-up-card>
- **18th Birthday Pop Up Card:** <https://www.poplifecards.com/collections/new-releases/products/18th-birthday-pop-up-card>
- **Butterflies On Flowers Pop Up Card:**
<https://www.poplifecards.com/collections/new-releases/products/butterflies-on-flowers-pop-up-card>
- **Dragonflies Pop Up Card:** <https://www.poplifecards.com/collections/new-releases/products/dragonflies-pop-up-card>
- **Wildflower Meadow Hummingbird Pop Up Card:**
<https://www.poplifecards.com/collections/new-releases/products/wildflower-meadow-hummingbird-pop-up-card>
- **Classic Automobile Pop Up Card:**
<https://www.poplifecards.com/collections/new-releases/products/classic-automobile-pop-up-card>
- **Nativity Scene Pop Up Card:** <https://www.poplifecards.com/collections/new-releases/products/nativity-scene-pop-up-card>
- **Autumn Turkey Pop Up Card:**
<https://www.poplifecards.com/collections/new-releases/products/autumn-turkey-pop-up-card>

- **Parrot Love Birds Pop Up Card:**
<https://www.poplifecards.com/collections/new-releases/products/parrot-love-birds-pop-up-card>
- **Love Bug Car Pop Up Card:** <https://www.poplifecards.com/collections/new-releases/products/love-bug-car-pop-up-card>
- **Sending Love Pop Up Card:** <https://www.poplifecards.com/collections/new-releases/products/sending-love-pop-up-card>
- **Sailboat Pop Up Card:** <https://www.poplifecards.com/collections/new-releases/products/sailboat-pop-up-card>
- **60th Birthday Pop Up Card:**
<https://www.poplifecards.com/collections/birthday/products/60th-birthday-pop-up-card>
- **Happy Birthday Pop Up Card:**
<https://www.poplifecards.com/collections/birthday/products/happy-birthday-pop-up-card>
- **Happy Birthday Hot Air Balloons Pop Up Card:**
<https://www.poplifecards.com/collections/birthday/products/happy-birthday-hot-air-balloons-pop-up-card>
- **Flying Elephant And Balloons Pop Up Card:**
<https://www.poplifecards.com/collections/birthday/products/flying-elephant-and-balloons-pop-up-card>
- **Love Explosion Pop Up Card:**
<https://www.poplifecards.com/collections/birthday/products/love-explosion-pop-up-card>
- **Naughty Pickle Pop Up Card:**
<https://www.poplifecards.com/collections/birthday/products/naughty-pickle-pop-up-card>
- **Cheesy Pop Up Card:**
<https://www.poplifecards.com/collections/birthday/products/cheesy-pop-up-card>
- **Happy Birthday Colorful Cake Pop Up Card:**
<https://www.poplifecards.com/collections/birthday/products/happy-birthday-colorful-cake-pop-up-card>
- **Poplife You're Fire Pop Up Card For All Occasions:**
<https://www.poplifecards.com/collections/birthday/products/poplife-youre-fire-pop-up-card-for-all-occasions>
- **You Are Awesome Pop Up Card:**
<https://www.poplifecards.com/collections/birthday/products/you-are-awesome-pop-up-card>
- **Funny I Love You To Death Pop Up Card:**
<https://www.poplifecards.com/collections/birthday/products/funny-i-love-you-to-death-pop-up-card>

- **Naughty Light Of My Life Pop Up Card:**
<https://www.poplifecards.com/collections/birthday/products/naughty-light-of-my-life-pop-up-card>
- **Champagne Cheers Pop Up Card:**
<https://www.poplifecards.com/collections/birthday/products/champagne-cheers-pop-up-card>
- **Drum Kit Pop Up Card:**
<https://www.poplifecards.com/collections/birthday/products/drum-kit-pop-up-card>
- **Cheeky Peach Pop Up Card:**
<https://www.poplifecards.com/collections/birthday/products/cheeky-peach-pop-up-card>
- **Love You To The Moon And Back Pop Up Card:**
<https://www.poplifecards.com/collections/birthday/products/love-you-to-the-moon-and-back-pop-up-card>
- **Naughty Taco Pop Up Card:**
<https://www.poplifecards.com/collections/birthday/products/naughty-taco-pop-up-card>
- **When Sh#% Hits The Fan Pop Up Card:**
<https://www.poplifecards.com/collections/birthday/products/when-sh-hits-the-fan-pop-up-card>
- **Yellow Bug Pop Up Card:**
<https://www.poplifecards.com/collections/birthday/products/yellow-bug-pop-up-card>
- **Greenhouse Garden Pop Up Card:**
<https://www.poplifecards.com/collections/birthday/products/greenhouse-garden-pop-up-card>
- **Funny Puppy Pop Up Card Givepop 1 Donated To The Humane Society:**
<https://www.poplifecards.com/collections/birthday/products/funny-puppy-pop-up-card-givepop-1-donated-to-the-humane-society>
- **Luxe Flower Box Pop Up Card:**
<https://www.poplifecards.com/collections/birthday/products/luxe-flower-box-pop-up-card>
- **White Lily Bouquet Pop Up Card:**
<https://www.poplifecards.com/collections/birthday/products/white-lily-bouquet-pop-up-card>
- **Blue Dragonfly And Lotus Pop Up Card:**
<https://www.poplifecards.com/collections/birthday/products/blue-dragonfly-and-lotus-pop-up-card>
- **Naughty Octopus Pop Up Card:**
<https://www.poplifecards.com/collections/birthday/products/naughty-octopus-pop-up-card>

- **Mountain Skier Pop Up Card:**
<https://www.poplifecards.com/collections/birthday/products/mountain-skier-pop-up-card>
- **Health Hero Pop Up Card:**
<https://www.poplifecards.com/collections/birthday/products/health-hero-pop-up-card>
- **Typewriter Happy Birthday Message Pop Up Card:**
<https://www.poplifecards.com/collections/birthday/products/typewriter-happy-birthday-message-pop-up-card>
- **Humpback Whale And Baby Pop Up Card:**
<https://www.poplifecards.com/collections/birthday/products/humpback-whale-and-baby-pop-up-card>
- **Cats Playing On Couch Pop Up Card:**
<https://www.poplifecards.com/collections/birthday/products/cats-playing-on-couch-pop-up-card>
- **Healthcare Heart Pop Up Card:**
<https://www.poplifecards.com/collections/birthday/products/healthcare-heart-pop-up-card>
- **Coffee Love Pop Up Card:**
<https://www.poplifecards.com/collections/birthday/products/coffee-love-pop-up-card>
- **Eagle Bird Pop Up Card:**
<https://www.poplifecards.com/collections/birthday/products/eagle-bird-pop-up-card>
- **Christmas Wreath Pop Up Card:**
<https://www.poplifecards.com/collections/birthday/products/christmas-wreath-pop-up-card>
- **French Lavender Pop Up Card:**
<https://www.poplifecards.com/collections/birthday/products/french-lavender-pop-up-card>
- **Bulldozer Pop Up Card:**
<https://www.poplifecards.com/collections/birthday/products/bulldozer-pop-up-card>
- **Purple Morning Glory Pop Up Card:**
<https://www.poplifecards.com/collections/birthday/products/purple-morning-glory-pop-up-card>
- **Golden Gate Bridge Pop Up Card:**
<https://www.poplifecards.com/collections/birthday/products/golden-gate-bridge-pop-up-card>

84. There are no non-infringing uses for the Accused Products.

85. Defendant knows from its correspondence with counsel for Lovepop about the '033 Patent and its infringement of the same, and that anyone who uses, sells, offers for sale, makes, or imports the Accused Products also infringe the '033 Patent.

86. Defendant also infringes the '033 Patent by inducing others to directly infringe those patents. For example, Defendant actively encourages others to use and sell its Accused Products, which can only be used in an infringing manner by its customers.

87. Defendant's customers directly infringe the '033 Patent, and Defendant knows of the direct infringement, knows that there are no substantial non-infringing uses, and knows its products are especially made to infringe. Therefore, Defendant contributorily infringes the '033 Patent.

88. Lovepop is being irreparably harmed by the Defendant's continued infringement and, unless it and its agents, employees, representatives, affiliates and all others acting in concert with it are enjoined from infringing the '033 Patent, Lovepop will continue to be irreparably harmed.

89. Lovepop has no adequate remedy at law.

90. Lovepop has a substantial likelihood of success on the merits. If an injunction is not granted, it would likely suffer irreparable injury. Lovepop's threatened injury from the continued sale of the Accused Products outweighs any harm to Defendant under an injunction. An injunction would not be adverse to the public interest. Therefore, Lovepop seeks an injunction permanently restraining Defendant and its respective agents, employees, representatives, affiliates and all others acting in concert with it, from making, using, selling, offering for sale, importing, or marketing the Accused Products.

91. The Defendant's continued infringement of the '033 Patent is causing Lovepop injury, and Lovepop is entitled to recover damages in an amount to be proven at trial. Among other remedies, Lovepop is entitled to the profits made by Defendant.

92. Defendant's infringement constitutes willful infringement of the '033 Patent and entitles Lovepop to treble damages and attorneys' fees, costs incurred in this action, and prejudgment interest under 35 U.S.C. §§ 284 and 285.

93. Any future use, sale, offer for sale, importation, or manufacture of infringing Accused Products will demonstrate objectively reckless conduct with respect to Lovepop's patent rights.

THIRD CLAIM FOR RELIEF

Patent Infringement – The '021 Patent

94. Lovepop repeats the allegations in the preceding paragraphs as though fully set forth herein.

95. Lovepop is the rightful owner of the '021 Patent.

96. By making, using, offering for sale, selling, and/or importing the Accused Products, Defendant has infringed at least claim 1 of the '021 Patent.

97. For example, the following limitations are found in the Corgi Puppy Pop Up Card: <https://www.poplifecards.com/products/corgi-puppy-pop-up-card>, which constitutes a representative Defendant's card:

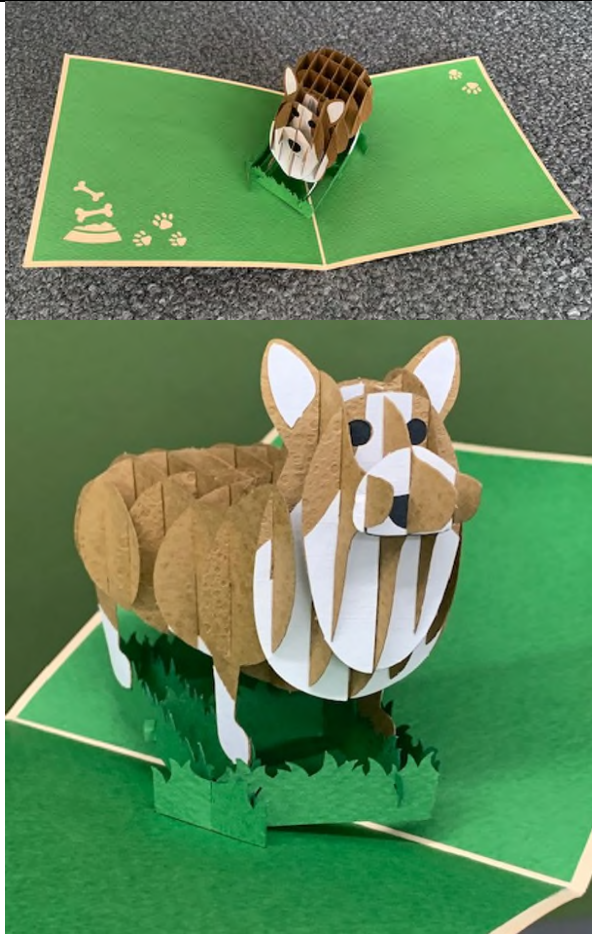
1. A pop-up card, comprising



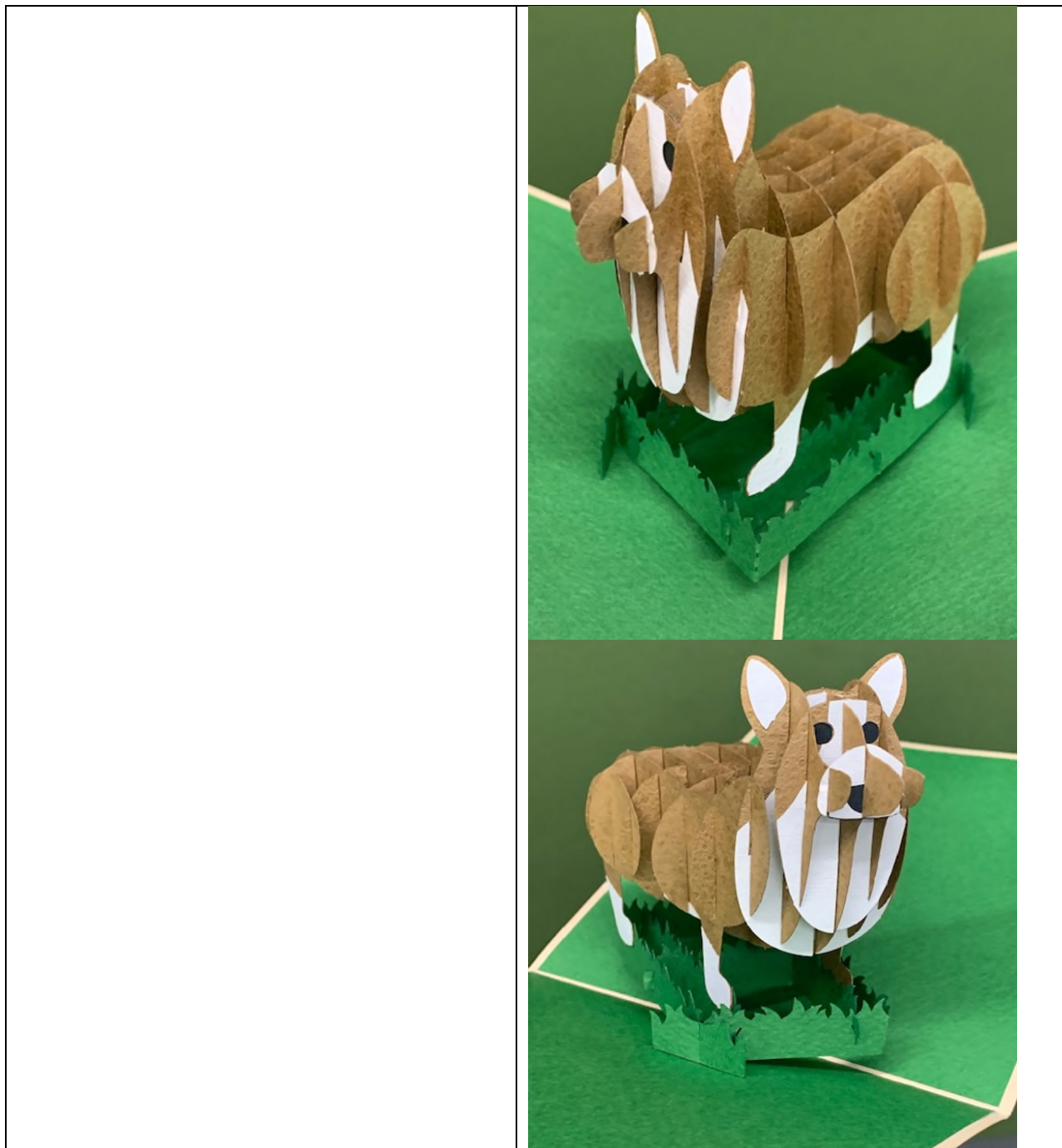
a card foldable along a crease line defining a first section and a second section;



a first tab of the first set of slice-form elements securing the self-erecting pop-up display structure to the card at the first section;



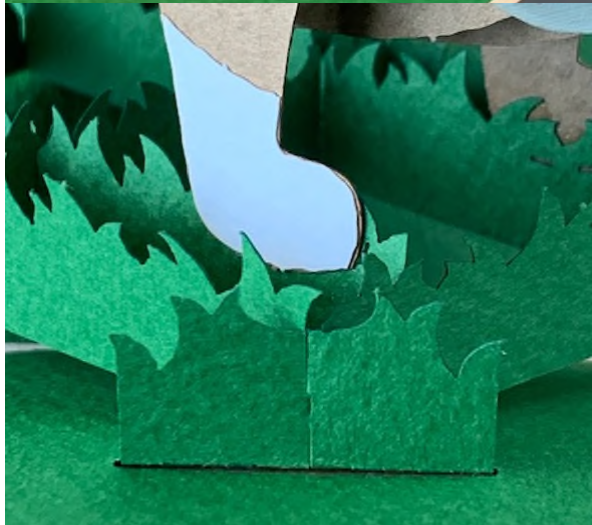
a second tab of the first set of slice-form elements securing the self-erecting pop-up display structure to the card at the second section;



a third tab of the second set of slice-form elements securing the self-erecting pop-up display structure to the card at the first section; and



a fourth tab of the second set of slice-form elements securing the self-erecting pop-up display structure to the card at the second section, the self-erecting pop-up display structure being in a collapsed state when the card is in a folded position and in an erected state when the card is in an opened position.





98. Figure 3C of the '021 Patent is depicted on the left and a zoomed-in example of an Accused Product is depicted on the right.

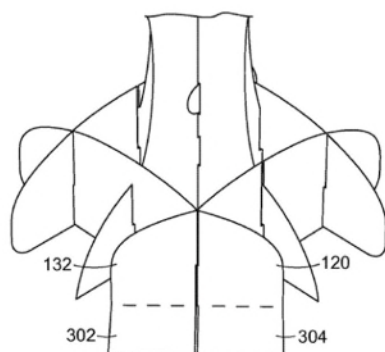


FIG. 3C



99. Other cards that infringe the '021 Patent include, but are not limited to, the following:

- **Stork and Baby Pop Up Card:**
<https://www.poplifecards.com/products/stork-and-baby-pop-up-greeting-card>
- **Bumblebee and Flower Pop Up Card:**
<https://www.poplifecards.com/products/bumblebee-and-flower-pop-up-card>
- **Purple Morning Glory Pop Up Card:**
<https://www.poplifecards.com/products/purple-morning-glory-pop-up-card>
- **Tree House Pop Up Card:** <https://www.poplifecards.com/products/tree-house-pop-up-card>
- **London Tower Pop Up Card:**
<https://www.poplifecards.com/products/london-tower-bridge-pop-up-card>
- **Dia de los Muertos Pop Up Card:**
<https://www.poplifecards.com/products/dia-de-los-muertos-pop-up-card>
- **Bluebird of Happiness Pop Up Card:**
<https://www.poplifecards.com/collections/get-well/products/bluebird-of-happiness-pop-up-card>,
- **When Sh#% Hits The Fan Pop Up Card:**
<https://www.poplifecards.com/products/when-sh-hits-the-fan-pop-up-card>
- **Love You to the MOON Pop Up Card:**
<https://www.poplifecards.com/products/love-you-to-the-moon-pop-up-card>
- **Cheeky Peach Pop Up Card:** <https://www.poplifecards.com/products/funny-peach-pop-up-card>
- **Wishing You Peace & Joy Pop Up Card:**
<https://www.poplifecards.com/products/peace-joy-pop-up-card>
- **Red Roses Pop Up Card:** <https://www.poplifecards.com/products/red-roses-pop-up-card>
- **Pink Roses Pop Up Card:** <https://www.poplifecards.com/products/pink-roses-pop-up-card>
- **Fire Engine Pop Up Card:** <https://www.poplifecards.com/products/fire-engine-pop-up-card>
- **Funny Wino Pop Up Card:** <https://www.poplifecards.com/collections/new-releases/products/funny-wino-pop-up-card>
- **Nativity Scene Pop Up Card:** <https://www.poplifecards.com/collections/new-releases/products/nativity-scene-pop-up-card>
- **Love Explosion Pop Up Card:**
<https://www.poplifecards.com/collections/birthday/products/love-explosion-pop-up-card>
- **Yellow Bug Pop Up Card:**
<https://www.poplifecards.com/collections/birthday/products/yellow-bug-pop-up-card>

- **Autumn Cornucopia Pop Up Card:**
<https://www.poplifecards.com/collections/new-releases/products/autumn-cornucopia-pop-up-card>
- **Copy of Congratulations It's a Boy Pop Up Card:**
<https://www.poplifecards.com/collections/new-releases/products/copy-of-congratulations-its-a-boy-pop-up-card>
- **Congratulations Its A Girl Pop Up Card:**
<https://www.poplifecards.com/collections/new-releases/products/congratulations-its-a-girl-pop-up-card>
- **Happy Valentines Sign Pop Up Card:**
<https://www.poplifecards.com/collections/new-releases/products/happy-valentines-sign-pop-up-card>
- **Beautiful Day Butterfly And Colorful Flowers Pop Up Card:**
<https://www.poplifecards.com/collections/new-releases/products/beautiful-day-butterfly-and-colorful-flowers-pop-up-card>
- **Toucan Birds Pop Up Card:** <https://www.poplifecards.com/collections/new-releases/products/toucan-birds-pop-up-card>
- **Colorful Marguerite Daisy Flowers Pop Up Card:**
<https://www.poplifecards.com/collections/new-releases/products/colorful-marguerite-daisy-flowers-pop-up-card>
- **Spooky Halloween Pumpkin Pop Up Card:**
<https://www.poplifecards.com/collections/new-releases/products/spooky-halloween-pumpkin-pop-up-card>
- **Halloween Cauldron Pop Up Card:**
<https://www.poplifecards.com/collections/new-releases/products/halloween-cauldron-pop-up-card>
- **Evil Bat Halloween Pop Up Card:**
<https://www.poplifecards.com/collections/new-releases/products/evil-bat-halloween-pop-up-card>
- **Statue Of Liberty Pop Up Card:**
<https://www.poplifecards.com/collections/new-releases/products/statue-of-liberty-pop-up-card>
- **Daisy Flowers Pop Up Card:** <https://www.poplifecards.com/collections/new-releases/products/daisy-flowers-pop-up-card>
- **Love You To Infinity Pop Up Card:**
<https://www.poplifecards.com/collections/new-releases/products/love-you-to-infinity-pop-up-card>
- **Funny Wino Pop Up Card:** <https://www.poplifecards.com/collections/new-releases/products/funny-wino-pop-up-card>
- **Dads Financial Burden Pop Up Card:**
<https://www.poplifecards.com/collections/new-releases/products/dads-financial-burden-pop-up-card>

- **Moms Financial Burden Pop Up Card:**
<https://www.poplifecards.com/collections/new-releases/products/moms-financial-burden-pop-up-card>
- **Daisy Flowers Pop Up Card:** <https://www.poplifecards.com/collections/new-releases/products/daisy-flowers-pop-up-card>
- **Best Mom Ever Pop Up Card:**
<https://www.poplifecards.com/collections/new-releases/products/best-mom-ever-pop-up-card>
- **40th Birthday Pop Up Card:** <https://www.poplifecards.com/collections/new-releases/products/40th-birthday-pop-up-card>
- **16th Birthday Pop Up Card:** <https://www.poplifecards.com/collections/new-releases/products/16th-birthday-birthday-pop-up-card>
- **18th Birthday Pop Up Card:** <https://www.poplifecards.com/collections/new-releases/products/18th-birthday-pop-up-card>
- **Butterflies On Flowers Pop Up Card:**
<https://www.poplifecards.com/collections/new-releases/products/butterflies-on-flowers-pop-up-card>
- **Dragonflies Pop Up Card:** <https://www.poplifecards.com/collections/new-releases/products/dragonflies-pop-up-card>
- **Wildflower Meadow Hummingbird Pop Up Card:**
<https://www.poplifecards.com/collections/new-releases/products/wildflower-meadow-hummingbird-pop-up-card>
- **Classic Automobile Pop Up Card:**
<https://www.poplifecards.com/collections/new-releases/products/classic-automobile-pop-up-card>
- **Nativity Scene Pop Up Card:** <https://www.poplifecards.com/collections/new-releases/products/nativity-scene-pop-up-card>
- **Autumn Turkey Pop Up Card:**
<https://www.poplifecards.com/collections/new-releases/products/autumn-turkey-pop-up-card>
- **Parrot Love Birds Pop Up Card:**
<https://www.poplifecards.com/collections/new-releases/products/parrot-love-birds-pop-up-card>
- **Love Bug Car Pop Up Card:** <https://www.poplifecards.com/collections/new-releases/products/love-bug-car-pop-up-card>
- **Sending Love Pop Up Card:** <https://www.poplifecards.com/collections/new-releases/products/sending-love-pop-up-card>
- **Sailboat Pop Up Card:** <https://www.poplifecards.com/collections/new-releases/products/sailboat-pop-up-card>
- **60th Birthday Pop Up Card:**
<https://www.poplifecards.com/collections/birthday/products/60th-birthday-pop-up-card>

- **Happy Birthday Pop Up Card:**
<https://www.poplifecards.com/collections/birthday/products/happy-birthday-pop-up-card>
- **Happy Birthday Hot Air Balloons Pop Up Card:**
<https://www.poplifecards.com/collections/birthday/products/happy-birthday-hot-air-balloons-pop-up-card>
- **Flying Elephant And Balloons Pop Up Card:**
<https://www.poplifecards.com/collections/birthday/products/flying-elephant-and-balloons-pop-up-card>
- **Love Explosion Pop Up Card:**
<https://www.poplifecards.com/collections/birthday/products/love-explosion-pop-up-card>
- **Naughty Pickle Pop Up Card:**
<https://www.poplifecards.com/collections/birthday/products/naughty-pickle-pop-up-card>
- **Cheesy Pop Up Card:**
<https://www.poplifecards.com/collections/birthday/products/cheesy-pop-up-card>
- **Happy Birthday Colorful Cake Pop Up Card:**
<https://www.poplifecards.com/collections/birthday/products/happy-birthday-colorful-cake-pop-up-card>
- **Poplife You're Fire Pop Up Card For All Occasions:**
<https://www.poplifecards.com/collections/birthday/products/poplife-youre-fire-pop-up-card-for-all-occasions>
- **You Are Awesome Pop Up Card:**
<https://www.poplifecards.com/collections/birthday/products/you-are-awesome-pop-up-card>
- **Funny I Love You To Death Pop Up Card:**
<https://www.poplifecards.com/collections/birthday/products/funny-i-love-you-to-death-pop-up-card>
- **Naughty Light Of My Life Pop Up Card:**
<https://www.poplifecards.com/collections/birthday/products/naughty-light-of-my-life-pop-up-card>
- **Champagne Cheers Pop Up Card:**
<https://www.poplifecards.com/collections/birthday/products/champagne-cheers-pop-up-card>
- **Drum Kit Pop Up Card:**
<https://www.poplifecards.com/collections/birthday/products/drum-kit-pop-up-card>
- **Cheeky Peach Pop Up Card:**
<https://www.poplifecards.com/collections/birthday/products/cheeky-peach-pop-up-card>

- **Love You To The Moon And Back Pop Up Card:**
<https://www.poplifecards.com/collections/birthday/products/love-you-to-the-moon-and-back-pop-up-card>
- **Naughty Taco Pop Up Card:**
<https://www.poplifecards.com/collections/birthday/products/naughty-taco-pop-up-card>
- **When Sh#% Hits The Fan Pop Up Card:**
<https://www.poplifecards.com/collections/birthday/products/when-sh-hits-the-fan-pop-up-card>
- **Yellow Bug Pop Up Card:**
<https://www.poplifecards.com/collections/birthday/products/yellow-bug-pop-up-card>
- **Greenhouse Garden Pop Up Card:**
<https://www.poplifecards.com/collections/birthday/products/greenhouse-garden-pop-up-card>
- **Funny Puppy Pop Up Card Givepop 1 Donated To The Humane Society:**
<https://www.poplifecards.com/collections/birthday/products/funny-puppy-pop-up-card-givepop-1-donated-to-the-humane-society>
- **Luxe Flower Box Pop Up Card:**
<https://www.poplifecards.com/collections/birthday/products/luxe-flower-box-pop-up-card>
- **White Lily Bouquet Pop Up Card:**
<https://www.poplifecards.com/collections/birthday/products/white-lily-bouquet-pop-up-card>
- **Blue Dragonfly And Lotus Pop Up Card:**
<https://www.poplifecards.com/collections/birthday/products/blue-dragonfly-and-lotus-pop-up-card>
- **Naughty Octopus Pop Up Card:**
<https://www.poplifecards.com/collections/birthday/products/naughty-octopus-pop-up-card>
- **Mountain Skier Pop Up Card:**
<https://www.poplifecards.com/collections/birthday/products/mountain-skier-pop-up-card>
- **Health Hero Pop Up Card:**
<https://www.poplifecards.com/collections/birthday/products/health-hero-pop-up-card>
- **Typewriter Happy Birthday Message Pop Up Card:**
<https://www.poplifecards.com/collections/birthday/products/typewriter-happy-birthday-message-pop-up-card>
- **Humpback Whale And Baby Pop Up Card:**
<https://www.poplifecards.com/collections/birthday/products/humpback-whale-and-baby-pop-up-card>

- **Cats Playing On Couch Pop Up Card:**
<https://www.poplifecards.com/collections/birthday/products/cats-playing-on-couch-pop-up-card>
- **Healthcare Heart Pop Up Card:**
<https://www.poplifecards.com/collections/birthday/products/healthcare-heart-pop-up-card>
- **Coffee Love Pop Up Card:**
<https://www.poplifecards.com/collections/birthday/products/coffee-love-pop-up-card>
- **Eagle Bird Pop Up Card:**
<https://www.poplifecards.com/collections/birthday/products/eagle-bird-pop-up-card>
- **Christmas Wreath Pop Up Card:**
<https://www.poplifecards.com/collections/birthday/products/christmas-wreath-pop-up-card>
- **French Lavender Pop Up Card:**
<https://www.poplifecards.com/collections/birthday/products/french-lavender-pop-up-card>
- **Bulldozer Pop Up Card:**
<https://www.poplifecards.com/collections/birthday/products/bulldozer-pop-up-card>
- **Purple Morning Glory Pop Up Card:**
<https://www.poplifecards.com/collections/birthday/products/purple-morning-glory-pop-up-card>
- **Golden Gate Bridge Pop Up Card:**
<https://www.poplifecards.com/collections/birthday/products/golden-gate-bridge-pop-up-card>

100. There are no non-infringing uses for the Accused Products.

101. Defendant knows from its correspondence with counsel for Lovepop about the '021 Patent and its infringement of the same, and that anyone who uses, sells, offers for sale, makes, or imports the Accused Products also infringe the '021 Patent.

102. Defendant also infringes the '021 Patent by inducing others to directly infringe those patents. For example, Defendant actively encourages others to use and sell its Accused Products, which can only be used in an infringing manner by its customers.

103. Defendant's customers directly infringe the '021 Patent, and Defendant knows of the direct infringement, knows that there are no substantial non-infringing uses, and knows its products are especially made to infringe. Therefore, Defendant contributorily infringes the '021 Patent.

104. Lovepop is being irreparably harmed by the Defendant's continued infringement and, unless it and its agents, employees, representatives, affiliates and all others acting in concert with it are enjoined from infringing each the '021 Patent, Lovepop will continue to be irreparably harmed.

105. Lovepop has no adequate remedy at law.

106. Lovepop has a substantial likelihood of success on the merits. If an injunction is not granted, it would likely suffer irreparable injury. Lovepop's threatened injury from the continued sale of the Accused Products outweighs any harm to Defendant under an injunction. An injunction would not be adverse to the public interest. Therefore, Lovepop seeks an injunction permanently restraining Defendant and its respective agents, employees, representatives, affiliates and all others acting in concert with it, from making, using, selling, offering for sale, importing, or marketing the Accused Products

107. The Defendant's continued infringement of the '021 Patent is causing Lovepop injury, and Lovepop is entitled to recover damages in an amount to be proven at trial. Among other remedies, Lovepop is entitled to the profits made by Defendant.

108. Defendant's infringement constitutes willful infringement of the '021 Patent and entitles Lovepop to treble damages and attorneys' fees, costs incurred in this action, and prejudgment interest under 35 U.S.C. §§ 284 and 285.

109. Any future use, sale, offer for sale, importation, or manufacture of infringing Accused Products will demonstrate objectively reckless conduct with respect to Lovepop’s patent rights.

FOURTH CLAIM FOR RELIEF

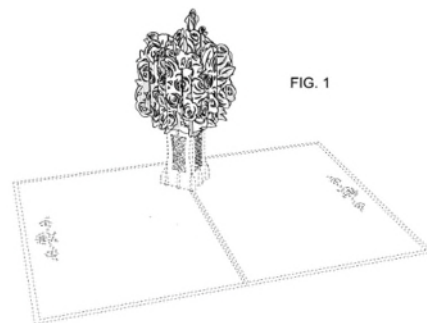
Patent Infringement – The ‘448 Patent

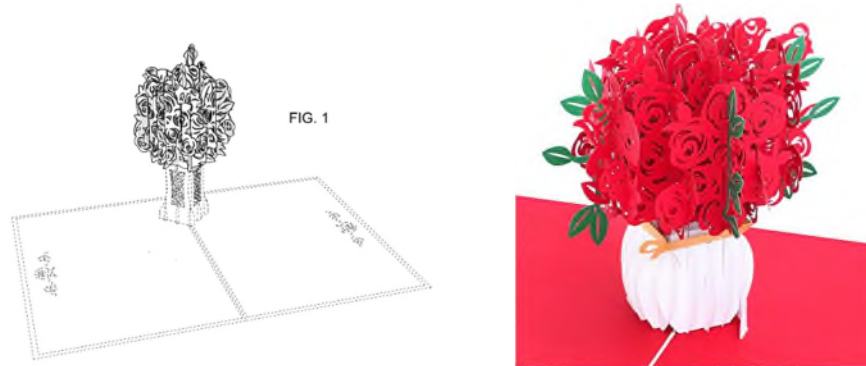
110. Lovepop repeats the allegations in the preceding paragraphs as though fully set forth herein.

111. Lovepop is the rightful owner of the Lovepop Patents.

112. By making, using, offering for sale, selling, and/or importing certain Accused Products, Defendant has infringed the ‘448 Patent.

113. The Accused Products incorporates all of the features of the claimed design of the ‘448 Patent. Lovepop’s claimed design of the ‘448 Patent is depicted on the left below, and the Defendant’s infringing card (“Infringing Design”) is depicted on the right.





114. Lovepop is being irreparably harmed by the Defendant’s continued infringement the ‘448 Patent and, unless it and its agents, employees, representatives, affiliates and all others acting in concert with it are enjoined from infringing the ‘448 Patent, Lovepop will continue to be irreparably harmed.

115. There are no non-infringing uses for the Infringing Design.

116. Defendant knows from its correspondence with counsel for Lovepop about the ‘448 Patent and its infringement of the same, and that anyone who uses, sells, offers for sale, makes, or imports the Infringing Design also infringes the ‘448 Patent.

117. Defendant also infringes the ‘448 Patent by inducing others to directly infringe those patents. For example, Defendant actively encourages others to use and sell its Infringing Design, which can only be used in an infringing manner by its customers.

118. Defendant’s customers directly infringe the ‘448 Patent, and Defendant knows of the direct infringement, knows that there are no substantial non-infringing uses, and knows its products are especially made to infringe. Therefore, Defendant contributorily infringes the ‘448 Patent.

119. Lovepop has no adequate remedy at law.

120. Lovepop has a substantial likelihood of success on the merits. If an injunction is not granted, it would likely suffer irreparable injury. Lovepop's threatened injury from the continued sale of the Infringing Design outweighs any harm to Defendant under an injunction. An injunction would not be adverse to the public interest. Therefore, Lovepop seeks an injunction permanently restraining Defendant and its respective agents, employees, representatives, affiliates and all others acting in concert with it, from making, using, selling, offering for sale, importing, or marketing the Infringing Design.

121. The Defendant's continued infringement of the Lovepop Patents is causing Lovepop injury, and Lovepop is entitled to recover damages in an amount to be proven at trial. Among other remedies, Lovepop is entitled to lost profits.

122. Defendant's infringement constitutes willful infringement of the '448 Patent and entitles Lovepop to treble damages and attorneys' fees, costs incurred in this action, and prejudgment interest under 35 U.S.C. §§ 284 and 285.

123. Any future use, sale, offer for sale, importation, or manufacture of infringing Accused Products will demonstrate objectively reckless conduct with respect to Lovepop's patent rights.

FIFTH CLAIM FOR RELIEF

Copyright Infringement

124. Lovepop repeats the allegations in the preceding paragraphs as though fully set forth herein.

125. Lovepop is, and at all relevant times has been, the owner of the Santa Train Copyright and is entitled to bring an action for copyright infringement pursuant to 17 U.S.C. § 101 et. seq.

126. Lovepop is entitled to the exclusive rights granted by the Copyright Act, 17 U.S.C. § 106 for the Santa Train Copyright.

127. Defendant has willfully infringed the Santa Train Copyright by copying, creating derivative works therefrom, manufacturing, and selling copies and derivative works which were unlawfully copied from the Lovepop Cards, and were sold and are being sold without the authority, permission, or consent of Lovepop.

128. Defendant infringes the Santa Train Copyright by copying that copyrighted design and by making, reproducing, and selling the following design entitled Steam Engine Train Pop Up card, which constitutes a copy of the copyright design:



129. Additional photographs below depict a card protected by the Santa Train Copyright on the left, and the Defendant's infringing card on the right.



130. Lovepop is, and at all relevant times has been, the owner of the Happy Birthday Copyright and is entitled to bring an action for copyright infringement pursuant to 17 U.S.C. § 101 et. seq.

131. Lovepop is entitled to the exclusive rights granted by the Copyright Act, 17 U.S.C. § 106 for the Happy Birthday Copyright.

132. Defendant has willfully infringed the Happy Birthday Copyright by copying, creating derivative works therefrom, manufacturing, and selling copies and derivative works which were unlawfully copied from the Lovepop Cards, and were sold and are being sold without the authority, permission, or consent of Lovepop.

133. Defendant infringes the Happy Birthday Copyright by copying that copyrighted design and by making, reproducing, and selling the following design entitled Happy Birthday! Pop Up Card, which constitutes a copy of the copyright design:



134. Additional photographs below depict a card protected by the Happy Birthday Copyright on the left, and the Defendant's infringing card on the right.



135. Lovepop is, and at all relevant times has been, the owner of the Cornucopia Copyright and is entitled to bring an action for copyright infringement pursuant to 17 U.S.C. § 101 et. seq.

136. Lovepop is entitled to the exclusive rights granted by the Copyright Act, 17 U.S.C. § 106 for the Cornucopia Copyright.

137. Defendant has willfully infringed the Cornucopia Copyright by copying, creating derivative works therefrom, manufacturing, and selling copies and derivative works which were unlawfully copied from the Lovepop Cards, and were sold and are being sold without the authority, permission, or consent of Lovepop.

138. Defendant infringes the Cornucopia Copyright by copying that copyrighted design and by making, reproducing, and selling the following design entitled Autumn Cornucopia Pop Up Card, which constitutes a copy of the copyright design:



139. Additional photographs below depict a card protected by the Cornucopia Copyright on the left, and the Defendant's infringing card on the right.



140. As a result of Defendant’s infringement of the Lovepop Copyrights, Lovepop has suffered and will continue to suffer substantial damages, and Defendant has caused and will continue to cause Lovepop to suffer irreparable harm for which there is no adequate remedy at law.

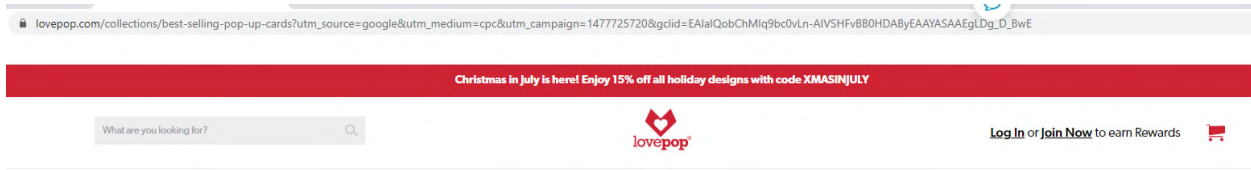
SIXTH CLAIM FOR RELIEF

Trademark Infringement

141. Lovepop repeats the allegations in the preceding paragraphs as though fully set forth herein.

142. Defendant’s unauthorized use of the Infringing Marks, which are confusingly similar to the LOVEPOP Marks, is likely to cause confusion, deception, and mistake by creating the false and misleading impression that Defendant’s goods and services are offered by Lovepop or are otherwise associated with, or connected to, Lovepop.

143. An example of the infringing use of the LOVEPOP Marks are depicted below, with the genuine Lovepop website depicted above, and the Defendant’s website with the Infringing Marks depicted below:



144. Examples of Defendant's use of the Infringing Marks on a card is depicted below, with the Accused Product on the left and the genuine LOVEPOP Marks on a Lovepop card on the right:



145. Customers are likely to be misled into believing that Defendant is providing goods and services that are provided by or otherwise associated with Lovepop.

146. As such, Lovepop is informed, believes, and thereupon alleges that Defendant intentionally, knowingly, and in bad faith, used a mark confusingly similar to the LOVEPOP Marks.

147. Lovepop is the sole owner of all right, title, and interest in and to the LOVEPOP Marks and therefore has standing to initiate and maintain an action for trademark infringement pursuant to 15 U.S.C. § 1114(1)(a).

148. As a result of Defendant's infringement, Lovepop has suffered and will continue to suffer substantial damages, and Defendant has caused and will continue to cause Lovepop to suffer irreparable harm for which there is no adequate remedy at law.

149. Defendant had either actual notice or constructive notice of the LOVEPOP Marks pursuant to 15 U.S.C. § 1072 prior to the adoption, use, and sale of the infringing goods.

150. The similarity in the overall commercial impression between the LOVEPOP Marks and Defendant's adopted branding and Infringing Marks is unmistakable.

151. The goods and services offered by Defendant are covered by the LOVEPOP Marks and are marketed and sold to the same consumers in the same channels of trade.

152. Lovepop has suffered and continues to suffer damages as a result of Defendant's actions, in an amount to be proven at trial.

JURY DEMAND

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

PRAYER FOR RELIEF

WHEREFORE, Lovepop requests that this Court enter judgment in its favor and against the Defendant on all claims as follows:

- A. Finding, declaring and adjudging that the Defendant has infringed the '658 Patent;
- B. Finding, declaring and adjudging that the Defendant has infringed the '033 Patent;
- C. Finding, declaring and adjudging that the Defendant has infringed the '021 Patent;
- D. Finding, declaring and adjudging that the Defendant has infringed the '448 Patent;
- E. Finding, declaring, and adjudging that the Defendant has infringed the Lovepop

Copyrights;

F. Finding, declaring, and adjudging that the Defendant has infringed the LOVEPOP Marks;

G. Awarding Lovepop damages against Defendant in an amount adequate to compensate Lovepop for the patent infringement that has occurred, but in no event less than a reasonable royalty as permitted by 35 U.S.C. §§ 284 and 289;

H. Awarding Lovepop damages in an amount adequate to compensate it for the copyright infringement that has occurred;

I. Awarding Lovepop damages in an amount adequate to compensate Lovepop for the trademark infringement that has occurred;

J. Enjoining Defendant, and its officers, directors, members, managers, agents, employees, shareholders and/or affiliates, and all others acting in concert with Defendant, from any further making, using, selling, offering for sale, importing, or marketing the Accused Products or any other product that infringes the '658 Patent, the '033 Patent, the '021 Patent, the '448 Patent, the Lovepop Copyrights, or the LOVEPOP Marks;

K. Finding the Defendant' infringement to be willful pursuant to 35 U.S.C. § 284 and 15 U.S.C. § 1117 and awarding any enhanced and/or heightened damages;

- L. Awarding Lovepop its attorneys' fees and costs;
- M. Awarding Lovepop pre-judgment interest and post-judgment interest as allowed by law; and
- N. Granting such other and further relief as this Court may deem just and proper.

DATED this 30th day of April 2024.

s/ Michael P. Dulin

Michael P. Dulin

Clement A. Asante

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