

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

CONTEGO SPA DESIGNS, INC.,

*Plaintiff,*

v.

VONCII LLC

*Defendant.*

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Civil Action No. \_\_\_\_\_

DEMAND FOR JURY TRIAL

**PLAINTIFF CONTEGO SPA DESIGNS, INC.’S ORIGINAL COMPLAINT**

Plaintiff Contego Spa Designs, Inc. (hereafter “Plaintiff”), for its Complaint against Defendant Voncii LLC, doing business as “Voncii Nail Bar” (hereafter “Voncii”), alleges as set forth herein.

**JURISDICTION AND VENUE**

1. This action arises under the United States patent laws (Title 35 of the United States Code) for the infringement of United States Patent No. 11,083,668 (hereafter "the ‘668 Patent”). This Court has original jurisdiction over all causes of action herein pursuant to 28 U.S.C. §§ 1331 and 1338.

2. This Court has personal jurisdiction over Voncii because Voncii has directly or through intermediaries, conducted business in this State and District, as further alleged herein and in association with alleged infringing activity, and, otherwise, purposefully availed itself of the benefits of doing business and maintaining minimum contacts with this District.

3. Venue is proper in this District with respect to Voncii, pursuant to 28 U.S.C. § 1400(b), because Voncii resides in this District.

4. Venue is also proper in this District with respect to Voncii pursuant to 35 U.S.C. § 1400(b), because Voncii has committed acts of patent infringement in this District and has a regular and established place of business in this District.

### **PARTIES**

5. Plaintiff is a California corporation with a regular and established place of business at 12856 Brookhurst Street, Garden Grove, California 92840.

6. Plaintiff is in the business of designing, manufacturing, importing, and selling salon spa chairs and related furniture, equipment, accessories, parts, and supplies, and has been for over ten years.

7. Voncii is a Missouri limited liability company doing business as “Voncii Nail Bar” with a regular and established place of business in this District at 1307 Hwy K, O’Fallon, Missouri 63366.

### **GENERAL ALLEGATIONS**

8. Upon information and belief, Voncii owns and controls the website content at <https://voncii.com/> (hereafter “Voncii Website”).

9. On August 10, 2021, the ‘668 Patent, titled “FLEXIBLE LINER WITH INNER AND OUTER LAYERS FOR USE WITH A LIQUID-RECEIVING BASIN” was issued to Plaintiff, naming Lan Van Ta and Jeff Ta, as co-inventors.

10. Attached hereto as Exhibit 1 is a true and correct copy of the ‘668 Patent.

11. The ‘668 Patent is presumed valid pursuant to 35 U.S.C. § 282.

12. On March 31, 2020, Lan Van Ta and Jeff Ta executed an assignment to Plaintiff of the full and exclusive rights, title, and interest in and to the invention described and claimed in

the application that matured into the '668 Patent, including the right to sue for past royalties and past infringement (hereafter "Assignment").

13. The Assignment was recorded at the United States Patent and Trademark Office on June 21, 2021 at Reel/Frame 056599/0403. A Corrective Assignment was also recorded at the United States Patent and Trademark Office on May 18, 2023 at Reel/Frame 063693/0359, to correct a typographical error in the Patent Assignment Cover Sheet of the June 21, 2021 recordation.

14. Plaintiff is currently the owner of the full and exclusive rights, title, and interest in and to the '668 Patent, including the right to sue for past royalties and past infringement.

15. The '668 Patent generally describes a flexible liner for use with a liquid-receiving basin, such as a basin for a pedicure spa chair. The flexible liner described in the '668 Patent comprises a first body of flexible plastic having an inner face and an opposing outer face. The first body of flexible plastic has a base and a wall extending from the base configured to form a receptacle to be placed in a basin for containing a liquid such that the outer face of the first body of flexible plastic rests against an inside surface of the basin. The first body of flexible plastic is configured to delimit an interior volume of the receptacle for containing liquid in the basin and isolating the liquid from the basin. A second body of flexible plastic is joined to the inner face of the base of the first body of flexible plastic. The second body of flexible plastic forms an air conduit along the base. The second body of flexible plastic has a plurality of openings therethrough which provide a fluid pathway from the air conduit to the interior volume of the receptacle. A flexible tube has a first end attached to the second body of flexible plastic such that the first end is in fluid communication with the air conduit, and a free end configured to be coupled to a source of pressurized air. In use, the flexible liner is inserted into a basin, such as a pedicure

spa basin, and the flexible tube is connected to an air source. The air source forces air through the conduit and out of through the openings which creates streams of bubbles in the liquid (e.g., water) held with the flexible liner inserted into the basin. In a foot basin of a spa chair, this provides a fluid massage to a user's feet inserted into the basin. The flexible liner isolates the liquid in the basin (e.g., a soaking solution) from the basin thereby avoiding contamination between users and/or reducing the need for sanitizing the basin.

16. The '668 Patent describes that such flexible liners may be used in salon spa chairs having a foot basin which are typically used for cosmetic procedures such as pedicures.

17. Plaintiff has marked its own products covered by the '668 Patent in accordance with 35 U.S.C. § 287.

18. Plaintiff has been and continues to be damaged by the acts of infringement of the '668 Patent alleged herein, in an amount to be proven at trial.

19. Plaintiff has been and continues to be irreparably harmed by the acts of infringement of the '668 Patent alleged herein.

20. Upon information and belief, the acts of infringement of the '668 Patent alleged herein have been willful, because such infringement has been and is deliberate and intentional.

**FIRST CAUSE OF ACTION AGAINST VONCII**  
**Direct Infringement of U.S. Patent No. 11,083,668**

21. Plaintiff incorporates herein each of the foregoing allegations, and the allegations which follow.

22. In violation of 35 U.S.C. § 271(a), Voncii has, without authority from Plaintiff, used in the United States, and imported into the United States, within this District, and continues

to use in, and import into, the United States within this District, products (hereafter “Accused Products”) that include each and every limitation of at least one claim of the ‘668 Patent.

23. The use and continued use of Accused Products by Voncii infringes at least Claims 1-10 and 12-19 of the ‘668 Patent (hereafter “Currently Asserted Claims”).

24. The Accused Products include but are not limited to flexible liners purchased and used by Voncii. On information and belief, Voncii purchases and imports the Accused Products from DoShower company located in China.

25. Attached hereto as Exhibit 2 are annotated photographs of an Accused Product (turned inside out to better show the elements of the flexible liner) used by Voncii at its Voncii Nail Bar. The Accused Product shown in Exhibit 2 was obtained at the Voncii Nail Bar.

26. The Accused Products shown in Exhibit 2 include a first body of flexible plastic having an inner face and an opposing outer face. The first body of flexible plastic has a base and a wall extending from the base configured to form a receptacle to be placed in a basin for containing a liquid such that the outer face of the first body of flexible plastic rests against an inside surface of the basin. The first body of flexible plastic is configured to delimit an interior volume of the receptacle for containing liquid in the basin and isolating the liquid from the basin. A second body of flexible plastic is joined to the inner face of the base of the first body of flexible plastic. The second body of flexible plastic forms an air conduit along the base. The second body of flexible plastic has a plurality of openings therethrough which provide a fluid pathway from the air conduit to the interior volume of the receptacle. A flexible tube has a first end attached to the second body of flexible plastic such that the first end is in fluid communication with the air conduit, and a free end configured to be coupled to a source of pressurized air.

27. Attached hereto as Exhibit 3 are annotated photographs showing an Accused Product being used by Voncii at the Voncii Nail Bar. As shown in Exhibit 3, Voncii inserts the Accused Products into the basin of the salon spa chairs installed at Voncii Nail Bar to provide pedicures and/or other nail salon services to its customers. The photographs in Exhibit 3 show an Accused Product being used by being inserted into a basin of the salon spa chair and being filled with water. The customer's feet are then inserted into the Accused Product in the basin.

28. Exhibits 2-3 show that Voncii has used, and continues to use, the Accused Products for providing pedicures and/or other nail salon services to its customers.

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WHEREFORE, Plaintiff respectfully requests judgment as follows:

A. Pursuant to 35 U.S.C. § 283, the Court enjoin Voncii, its subsidiaries, divisions, agents, servants, and employees, and those persons in concert or active participation with any of them, from further acts of infringement of the '668 Patent.

B. Pursuant to 35 U.S.C. § 284, Plaintiff be awarded damages, interest, and costs, including treble damages.

C. Pursuant to 35 U.S.C. § 285, the case be declared exceptional, and Plaintiff be awarded reasonable attorney fees.

D. Plaintiff be awarded pre-judgment and post-judgment interest according to law.

E. Plaintiff be awarded such other relief as this Court deems appropriate.

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Dated: August 21, 2024

Respectfully Submitted,

LASHER HOLZAPFEL SPERRY & EBBERSON

/s/ Aaron E. Schwartz

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**ATTORNEYS FOR PLAINTIFF**

**CONTEGO SPA DESIGNS, INC.**

**JURY DEMAND**

Pursuant to F.R.Civ.P. Rule 38(b), Plaintiff Contego Spa Designs, Inc., demands a jury trial on all issues triable to a jury.

Dated: August 21, 2024

Respectfully Submitted,

LASHER HOLZAPFEL SPERRY & EBBERSON

*/s/ Aaron E. Schwartz* \_\_\_\_\_

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