

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

YouCopia Products, Inc.,

Plaintiff,

v.

Enchante Accessories, Inc.,

Defendant.

Civil Action No. 1:24-cv-7112

Complaint for Patent and Trademark
Infringement, and Unfair Competition

Plaintiff YouCopia Products, Inc. (“YouCopia”) hereby alleges as follows against Defendant Enchante Accessories, Inc. (“Enchante”).

PARTIES

1. YouCopia is an Illinois corporation, having a principal place of business at 4410 N. Ravenswood, Suite 102, Chicago, Illinois 60640.

2. Enchante is a New York corporation, having a principal place of business at 16 East 34th Street, 16th Floor, New York, New York, 10016.

JURISDICTION AND VENUE

3. This action arises under the patent laws of the United States, including 35 U.S.C. §§ 271, 281 and 289. This action also arises under the trademark laws of the United States of America, 15 U.S.C. § 1051 et seq. Jurisdiction over the foregoing claims is conferred upon this Court by 28 U.S.C. §§ 1331 and 1338.

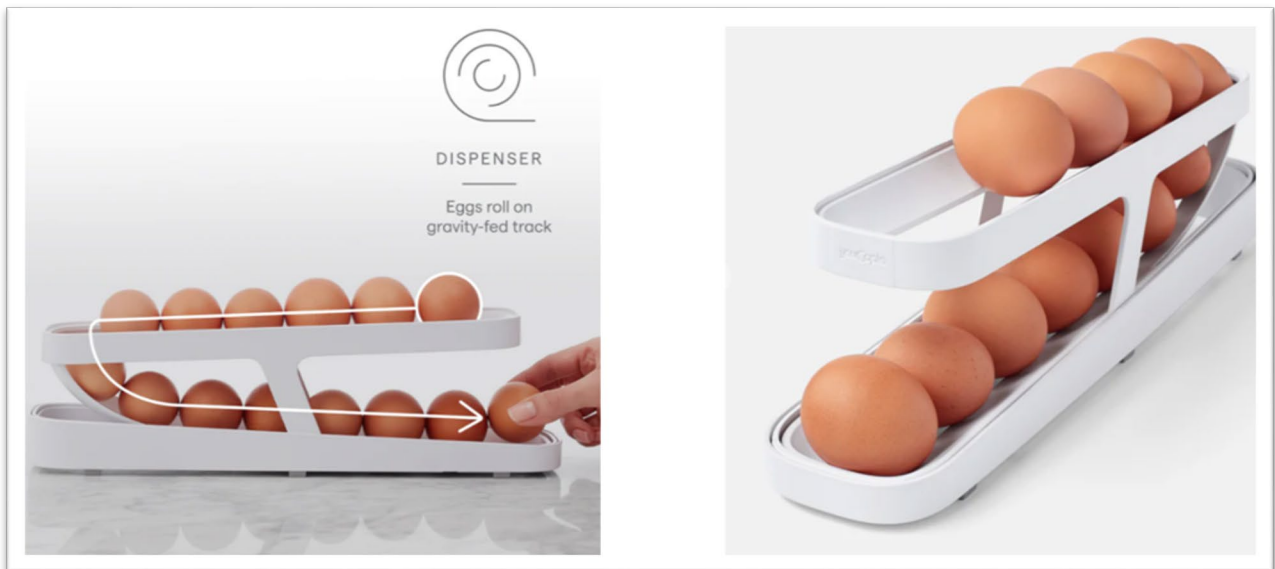
4. Enchante resides in this district and has a regular and established place of business within this district at its principal address as stated above, and therefore also has continuous and systematic contacts with this district and is subject to personal jurisdiction in this district.

5. Venue is proper in this district under 28 U.S.C. § 1391 and § 1400(b).

YOUCOPIA'S PATENTED PRODUCTS

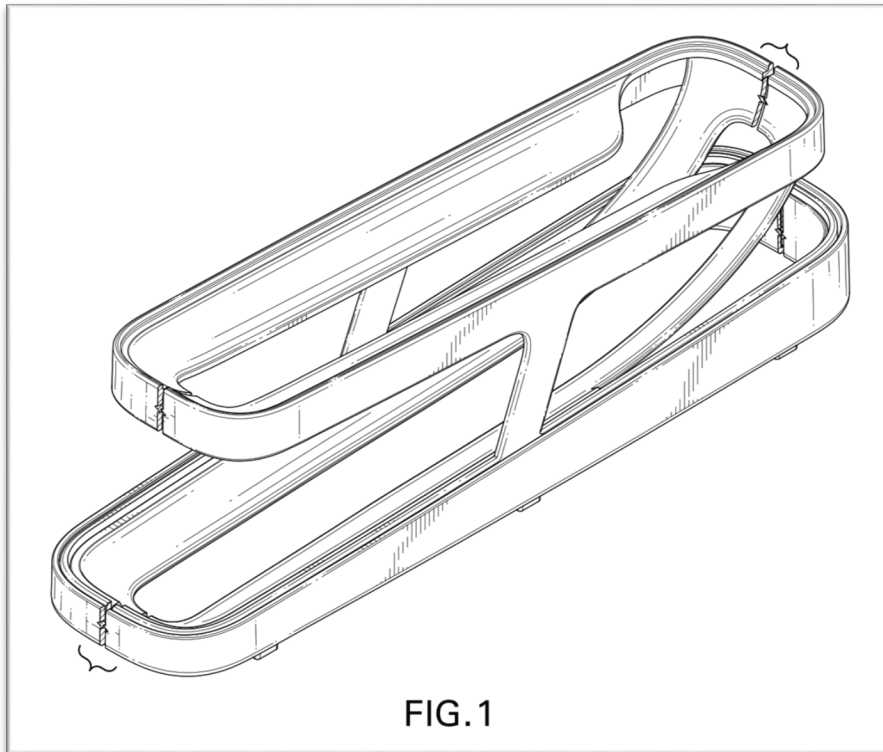
6. YouCopia is a designer and producer of a diverse line of home organization products, primarily intended for use in the kitchen. Operating from its headquarters in Chicago, Illinois, YouCopia devotes considerable effort towards designing original products for retail sale. YouCopia's innovations have resulted in the issuance of numerous patents by the U.S. Patent and Trademark Office.

7. Among YouCopia's products is its RollDown[®] egg dispenser, shown below in a perspective view at the right and a side view at the left.



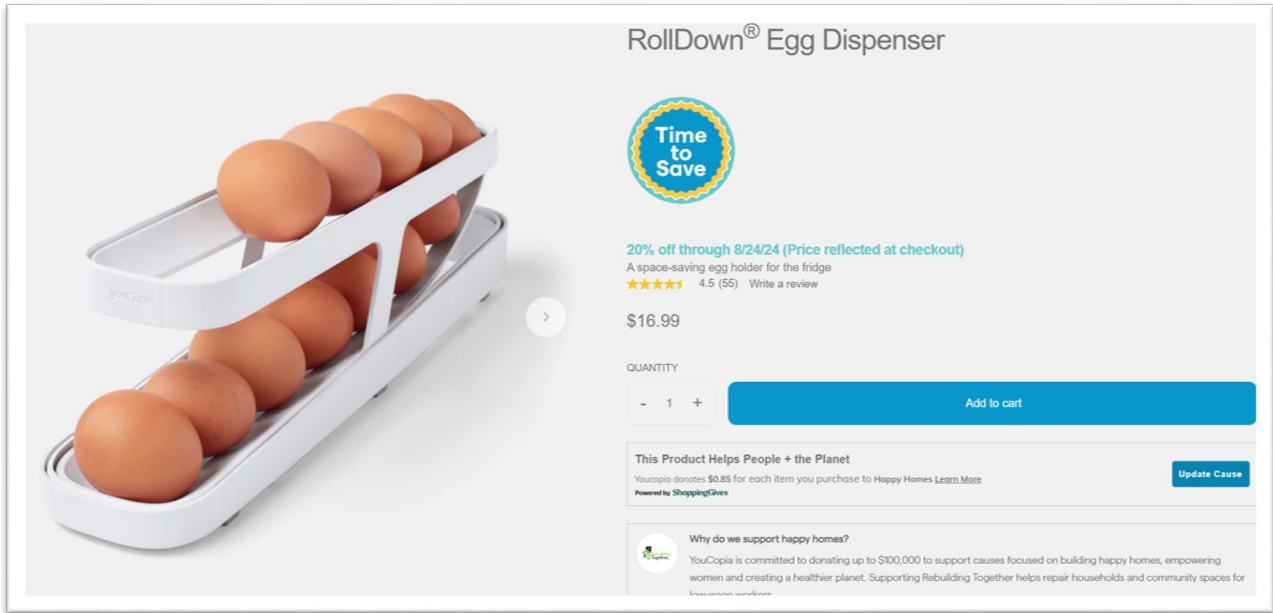
8. The YouCopia egg dispenser is intended to be used in a refrigerator, and is configured to allow a user to remove an egg from the front, which causes the remaining eggs to move forward along a gravity-fed track for continued easy removal. The image above at the left includes some explanatory description of the product, including an arrow showing the path followed by eggs as they travel from the top to the bottom.

9. The YouCopia egg dispenser is patented, specifically under U.S. patent D993,718 (the '718 patent). An exemplary image from the '718 patent is shown below, showing the patented egg dispenser in a perspective view that is similar to the orientation of the commercial YouCopia product shown above at the right. The '718 patent was granted on August 1, 2023. YouCopia is the assignee of all rights in the '718 patent.



YOUCOPIA'S TRADEMARK RIGHTS

10. YouCopia sells its egg dispenser under the RollDown brand, as shown below in a snippet of an image from the YouCopia website marketing the RollDown[®] Egg Dispenser.



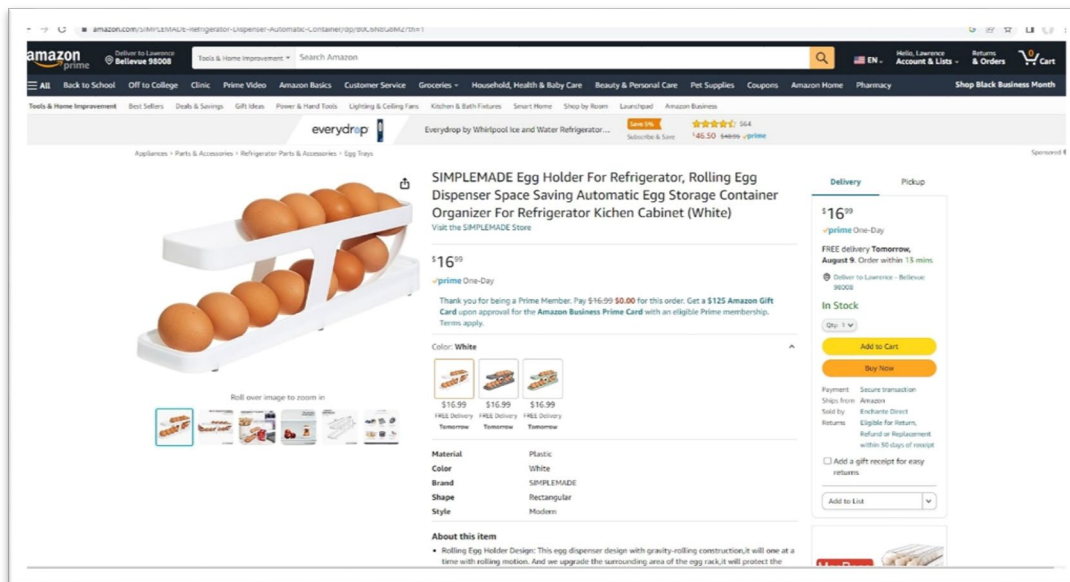
11. As indicated by the circle-R symbol used by YouCopia in the above product listing, the RollDown trademark is federally registered, specifically under federal trademark registration number 7,134,477. YouCopia is the owner of the RollDown trademark registration, which was filed on January 17, 2022 and registered on August 8, 2023 for use with goods that include “household containers and personal dispensers for organizing, dispensing, and storing household and kitchen goods.”

12. As indicated in the trademark registration, YouCopia first used the RollDown mark in commerce at least as early as July 11, 2022.

ENCHANTE’S WRONGFUL CONDUCT

13. Enchante has made, imported, offered for sale, and/or sold egg dispensers that infringe YouCopia’s patent and trademark rights.

14. An advertisement offering the Enchante egg dispenser is shown below, as it appeared on Amazon.com on August 8, 2023, which is after the ‘718 patent had granted. The Amazon page indicates that the product is available in white, gray, or green.

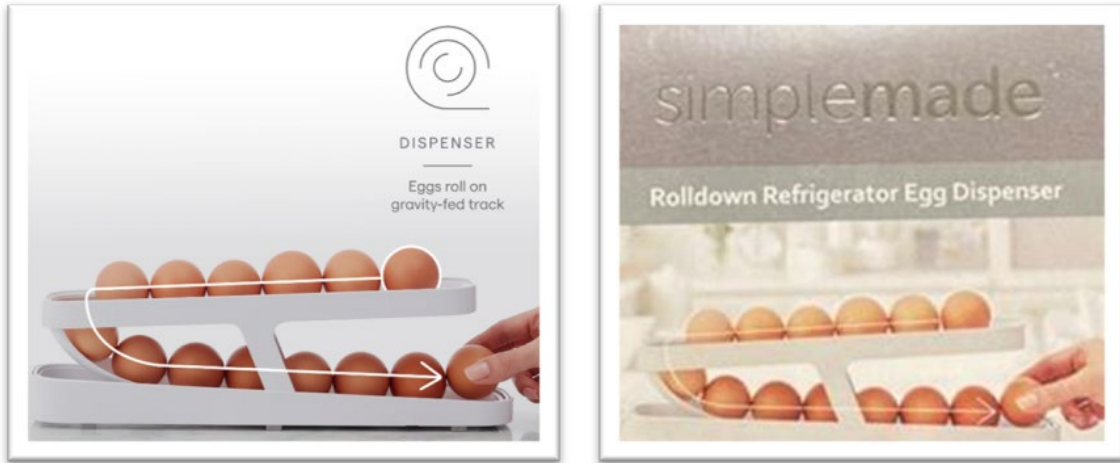


15. The Enchante egg dispenser has also been sold at other retail outlets, at least including Home Goods stores, as shown in the image below taken at a Home Goods store.



16. The packaging for the Enchante egg dispenser incorporated the image of the product with the path-of-travel arrow from the YouCopia website (and which also appears on YouCopia's product packaging). The original YouCopia image is shown below at the left; an

image that appears prominently on the front face of the packaging for the Enchante egg dispenser is shown below at the right.



17. In the course of copying YouCopia’s product image, Enchante modified the image to add a different background and to change the color of the product depicted in the image to match the color of the applicable Enchante item (white, gray, or green). Enchante knew that it was using an unauthorized copy of an image of a YouCopia product on its own product, and did so with the intention that consumers would purchase the Enchante product believing it was the YouCopia product or that it was in some way related to the YouCopia product.

18. Enchante also copied the product itself, thereby making and selling an egg dispenser that is a duplicate of the egg dispenser illustrated and claimed in the ‘718 patent (or which is at least sufficiently similar that the ordinary purchaser would believe it to be the same design). The Enchante product is so similar to the YouCopia egg dispenser in all material respects that it could only have been designed by first accessing the YouCopia product and then copying it.

19. Enchante also copied and used the RollDown branding, using the RollDown trademark on the face of the packaging. In its Amazon promotion, Enchante uses the Simplemade

brand and refers to the product as a “rolling egg dispenser.” But on the packaging Enchante retains the Simplemade branding but also prominently refers to the product as its “Rolldown Refrigerator Egg Dispenser.”

20. Enchante’s use of the YouCopia trademark, and its use of YouCopia’s product images in association with its product, is likely to cause (and likely did cause) confusion among consumers regarding the source of the Enchante product, further causing a mistaken belief among consumers that the Enchante product was the genuine YouCopia product or that it was sponsored by, affiliated with, or approved by YouCopia. Enchante marketed its product in this manner knowingly, intending to cause such consumer confusion.

21. YouCopia provided notice of infringement to Enchante on June 27, 2023, explaining that the application that eventually resulted in the ‘718 patent would be granted imminently. YouCopia sent a follow up notice (through counsel) on August 1, 2023, attaching a copy of the patent and expressly asserting that the Enchante egg dispensers infringed the ‘718 patent.

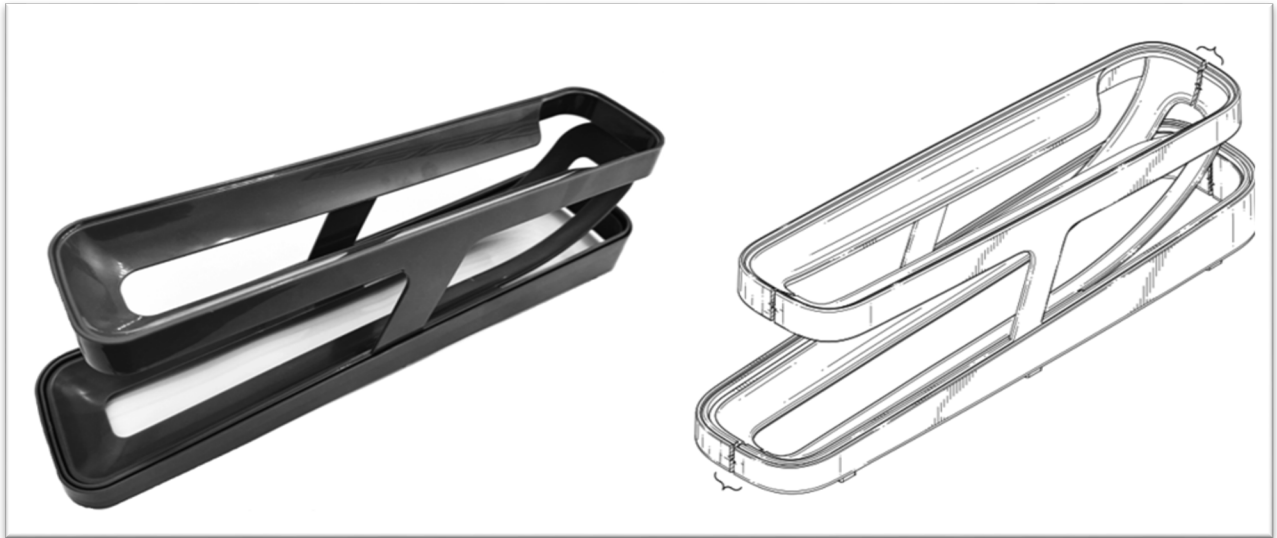
22. After the above notices, YouCopia sought to settle this dispute informally, but made no meaningful progress.

23. Despite its awareness that it had copied YouCopia’s patent, trademark, trade dress, and photographic images, and further despite YouCopia’s clear assertion of infringement, Enchante continued to sell its egg dispensers after the grant of the ‘718 patent and after the notice of infringement.

COUNT I: INFRINGEMENT OF PATENT NO. D993,718

24. YouCopia repeats the allegations above.

25. The egg dispensers made, used, offered for sale, sold, and imported by Enchante infringe YouCopia’s ‘718 patent. An exemplary image of an Enchante egg dispenser is shown below at the left, next to a corresponding view from the ‘718 patent. The Enchante egg dispenser below is in gray; the green and white versions are the same in all material respects.



26. Enchante has not been granted any license or other authority from YouCopia to make, import, use, offer for sale, or sell its egg dispensers.

27. The activities by Enchante with regard to its egg dispenser products constitute infringement of the ‘718 patent pursuant to 35 U.S.C. § 271 *et seq.*

28. As a direct result of the infringing activity by Enchante, YouCopia has suffered, and will continue to suffer, damages in an amount to be established at trial. In addition, YouCopia has suffered, and continues to suffer, irreparable harm for which there is no adequate remedy at law.

29. The infringement by Enchante was with knowledge of the YouCopia patent, and with knowledge that Enchante infringed the patent. Enchante’s infringing actions continued after

the grant of the patent despite that knowledge. Enchante's infringement has been in willful disregard of YouCopia's patent rights.

COUNT II: TRADEMARK INFRINGEMENT

30. YouCopia repeats the allegations above.

31. The RollDown trademark is federally registered and owned by YouCopia.

32. Enchante has imported and sold egg dispensers under the RollDown trademark, in U.S. commerce.

33. Enchante's use of the RollDown mark in connection with its egg dispensers is, or has been, likely to cause confusion, or mistake, or to deceive consumers as to the source of the goods.

34. Enchante (or those working in concert or association with Enchante) had access to the YouCopia product before designing and selling the Enchante egg dispensers, including YouCopia's prior use of the RollDown mark. Enchante thus knew about YouCopia's use of the mark, and adopted it with the intention of causing consumer confusion or mistake.

35. The Enchante egg dispensers offered for sale and sold under the RollDown trademark have been sold in violation of 15 U.S.C. § 1114.

36. YouCopia has been injured by Enchante's acts, including by unlawful profits earned by Enchante and/or lost sales suffered by YouCopia. YouCopia has suffered, and continues to suffer, irreparable harm for which there is no adequate remedy at law.

COUNT III: FALSE DESIGNATION OF ORIGIN AND UNFAIR COMPETITION

37. YouCopia repeats the allegations above.

38. In its marketing materials, and on its packaging, YouCopia incorporated an image of its product loaded with eggs and having a white overlay that begins with an encircled egg at the

highest location on the track, then progresses down the track and concludes with an arrowhead over the penultimate egg. A user's hand is shown grasping the closest egg and removing it from the dispenser.

39. Enchante's egg dispenser packaging prominently included the same image of the YouCopia egg dispenser, including the same white overlay and arrowhead.

40. The image on the Enchante package is not merely depicted in a manner that is similar to the image on the YouCopia product. Rather, the image on the Enchante package is the same image of the same YouCopia product with the same arrow created by YouCopia. Enchante modified the image originally created by YouCopia, to alter the color of the product depicted in the image to match the applicable Enchante product.

41. The image of the YouCopia product, with the white overlay and arrowhead, was adopted and used in the Enchante product with the intended purpose of causing an association between the Enchante egg dispenser and the YouCopia egg dispenser.

42. Enchante willfully engaged in false designation of origin and unfair competition by knowingly and willfully creating an affiliation or connection between the Enchante egg dispensers and the YouCopia egg dispensers in order to confuse and mislead the public as to the source of the related products and services, in violation of 15 U.S.C. § 1125.

43. YouCopia has been injured by Enchante's acts, including by unlawful profits earned by Enchante and/or lost sales suffered by YouCopia. YouCopia has suffered, and continues to suffer, irreparable harm for which there is no adequate remedy at law.

REQUEST FOR RELIEF

YouCopia requests the following alternative and cumulative relief:

1. That Enchante be preliminarily and permanently enjoined and restrained from directly or indirectly making, using, importing, exporting, offering for sale, or selling the accused egg dispensers or colorable imitations thereof;
2. That Enchante pay damages adequate to compensate YouCopia for the patent infringement, including its profits earned for such sales, and in no event less than a reasonable royalty for the use of the invention;
3. That the damages award be trebled pursuant to 35 U.S.C. § 284;
4. That YouCopia be granted its reasonable attorneys' fees pursuant to 35 U.S.C. § 285 or other applicable laws;
5. That Enchante be preliminarily and permanently enjoined from all further use of the RollDown mark, or any other confusingly similar marks, and all other images or other packaging content likely to cause confusion as to the source of the goods;
6. That Enchante be ordered to deliver up for destruction all products which infringe the '718 patent, and all printed material which infringes the RollDown trademark or which otherwise constitutes false designation of origin.
7. That Enchante file with this Court and serve on YouCopia a report in writing under oath setting forth in detail the manner and form in which it complied with the terms of the ordered relief.
8. That Enchante be awarded damages sufficient to compensate YouCopia for all injury sustained as a result of the trademark infringement and unfair competition, including all losses suffered by YouCopia and all profits earned by Enchante for such acts, pursuant to 15 U.S.C. §§ 1114, 1117, 1125 or other applicable law.
9. That YouCopia be awarded exemplary damages for any of the foregoing under any applicable law.
10. That YouCopia be awarded prejudgment interest and costs; and
11. Such other and further relief as the Court may deem just and proper.

DEMAND FOR TRIAL BY JURY

Plaintiff, YouCopia hereby demands a jury trial on all issues so triable by jury in this case.

Dated: September 19, 2024

ROYER COOPER COHEN BRAUNFELD LLC

By: /s/ Barry L. Cohen

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*Pro Hac Vice Application
will be submitted