

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

ANISA INTERNATIONAL, INC.,)	
)	
Plaintiff,)	Case No.: _____
)	
)	
vs.)	JURY TRIAL DEMANDED
)	
SIGMA ENTERPRISES, LLC,)	
)	
Defendant.)	
)	

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Anisa International, Inc. (“Anisa”), for its Complaint against Defendant Sigma Enterprises, LLC (“Defendant” or “Sigma”), states and alleges as follows:

NATURE OF THE ACTION

1. This is an action for infringement of United States Design Patent Nos. D978,539, entitled “Diamond-Shaped Ferrule,” and D956,430, entitled “Diamond-Shaped Brush Head,” (collectively, the “Patents-in-Suit”), arising under the patent laws of the United States, 35 U.S.C. § 1, *et seq.* This action relates to Defendant’s F72 Soft Angled Concealer Brush (the “Accused Product”).

THE PARTIES

2. Plaintiff Anisa is a corporation organized under the laws of the State of Georgia, with its principal place of business located at 225 Ottley Drive, Suite 230, Atlanta,

Georgia 30324. For more than three decades, Anisa has been an industry leader pioneering premium beauty tool innovation, design, and manufacturing.

3. Upon information and belief, Defendant is a limited liability company organized under the laws of the State of Minnesota, with its principal place of business located at 1395 Commerce Drive, Mendota Heights, Minnesota 55120.

JURISDICTION AND VENUE

4. This Court has jurisdiction over the subject matter of this action pursuant to 28 U.S.C. §§ 1331 and 1338(a), as this is an action for patent infringement arising under the patent laws of the United States, 35 U.S.C. § 1, *et seq.*

5. This Court has general and specific personal jurisdiction over Defendant, consistent with due process, because Defendant is a limited liability company organized under the laws of the State of Minnesota and Defendant's principal place of business is located in Minnesota.

6. Venue is proper in this District pursuant to 28 U.S.C. § 1400(b).

BACKGROUND

7. On February 21, 2023, the United States Patent and Trademark Office duly and legally issued U.S. Patent No. D978,539 (the "539 Patent"), entitled "Diamond-Shaped Ferrule," to Anisa after a full and fair examination of U.S. Patent Application Serial Number 29/840,418 (the "418 Application"). A copy of the '539 Patent is attached as Exhibit A.

8. The '539 Patent claims the ornamental design for a diamond-shaped ferrule, depicted in the patent as follows:

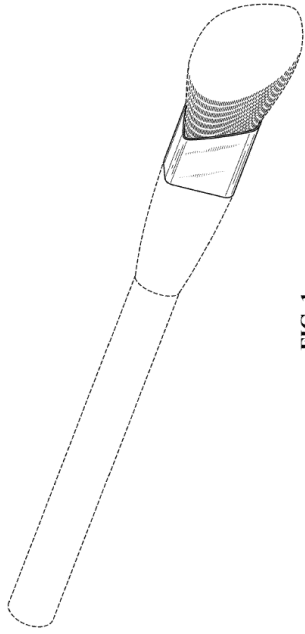


FIG. 1

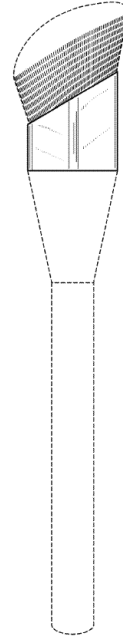


FIG. 2

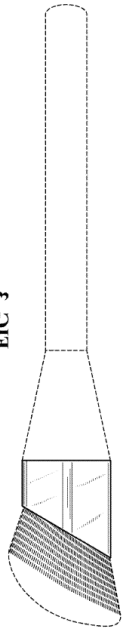


FIG. 3

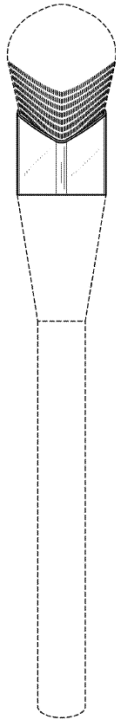


FIG. 4

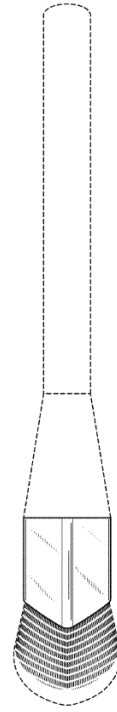


FIG. 5

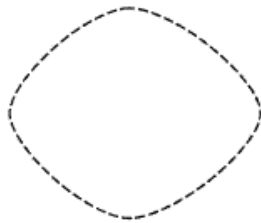


FIG. 6

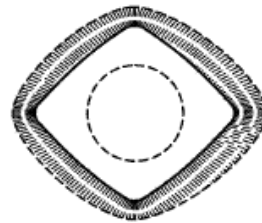


FIG. 7

9. On July 5, 2022, the United States Patent and Trademark Office duly and legally issued U.S. Patent No. D956,430 (the “430 Patent”), entitled “Diamond-Shaped Brush Head,” to Anisa after a full and fair examination of U.S. Patent Application Serial Number 29/761,475 (the “475 Application”). A copy of the ‘430 Patent is attached as Exhibit B.

10. The '430 Patent claims the ornamental design for a diamond-shaped brush head, depicted in the patent as follows:

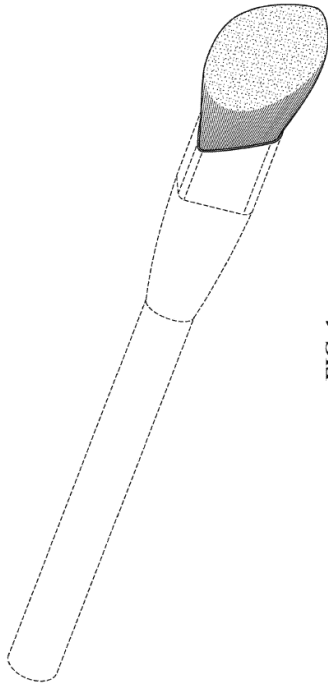


FIG. 1

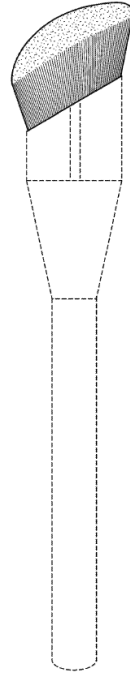


FIG. 2

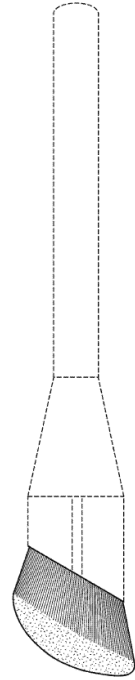


FIG. 3

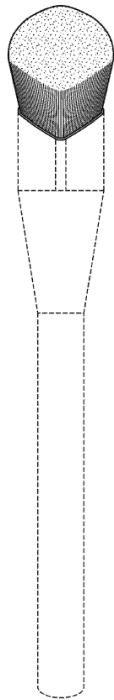


FIG. 4

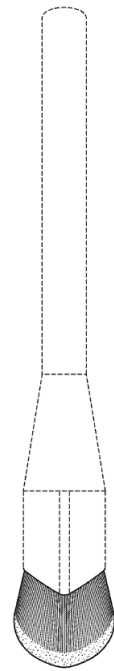


FIG. 5

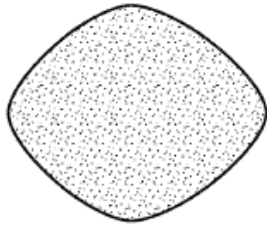


FIG. 6

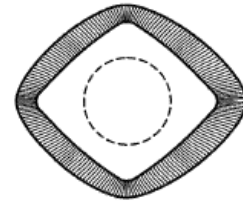


FIG. 7

11. The Patents-in-Suit are presumed valid under 35 U.S.C. § 282(a) and are enforceable.

12. Anisa is the owner of the entire right, title, and interest in the Patents-in-Suit by assignment and possesses the right to sue for and obtain equitable relief and damages for infringement of the Patents-in-Suit.

13. Anisa has complied with the marking and notice requirements of 35 U.S.C. § 287 with regard to the Patents-in-Suit.

14. On or about April 9, 2024, Defendant announced the launch of a product called the F72 Soft Angled Concealer Brush, depicted on Defendant's website as shown below:



15. Upon information and belief, Defendant designs, manufactures, imports, and sells the F72 Soft Angled Concealer Brush through hundreds of authorized retailers throughout the United States and in the State of Minnesota.

COUNT I

INFRINGEMENT OF THE '539 PATENT

16. Anisa restates and realleges the allegations of paragraphs 1-15 as if fully restated herein.

17. Defendant has infringed and continues to infringe the '539 Patent by making, using, selling, and offering for sale in the United States, and/or importing into the United States, the Accused Product, which embodies the design of the '539 Patent, without authority or license from Anisa. Additionally, Defendant has infringed and continues to infringe the '539 Patent by applying the patented design, or a colorable imitation thereof, to an article of manufacture, such as the Accused Product, for the purpose of sale and/or by selling, offering, or exposing for sale an article of manufacture, such as the Accused Product, to which the design of the '539 Patent or a colorable imitation thereof has been applied. Defendant's actions violate 35 U.S.C. §§ 271(a) and 289.

18. As illustrated below, in the eye of the ordinary observer, familiar with the prior art, giving such attention as a purchaser of the Accused Product would usually give, the design of the '539 Patent and the design of the Accused Product are substantially the same, such that the ordinary observer would be deceived into believing that the design of the Accused Product is the same as the design of the '539 Patent:

Design of the '539 Patent

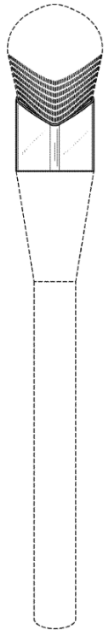


FIG. 4

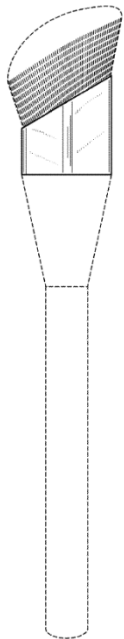


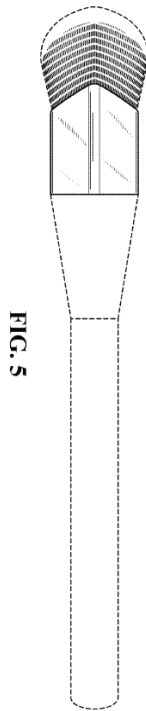
FIG. 2

Design of the F72 Soft Angled Concealer Brush



Design of the '539 Patent

Design of the F72 Soft Angled Concealer Brush



19. Upon information and belief, Defendant has profited by virtue of its infringement of the '539 Patent.

20. Anisa has suffered and is continuing to suffer damages as a direct and proximate result of Defendant's infringement of the '539 Patent, and Anisa is entitled to compensation and other monetary relief to the fullest extent allowed by law, including attorneys' fees, pursuant to 35 U.S.C. §§ 284 and 285, the precise amount to be determined at trial.

21. Anisa has suffered injury, including irreparable injury, as a result of Defendant's infringement of the '539 Patent, and Anisa is entitled to preliminary and

permanent injunctive relief restraining and enjoining Defendant from infringing the ‘539 Patent.

COUNT II

INFRINGEMENT OF THE ‘430 PATENT

22. Anisa restates and realleges the allegations of paragraphs 1-21 as if fully restated herein.

23. Defendant has infringed and continues to infringe the ‘430 Patent by making, using, selling, and offering for sale in the United States, and/or importing into the United States the Accused Product, embodying the design of the ‘430 Patent, without authority or license from Anisa. Additionally, Defendant has infringed and continues to infringe the ‘430 Patent by applying the patented design, or a colorable imitation thereof, to an article of manufacture, such as the Accused Product, for the purpose of sale and/or by selling, offering, or exposing for sale an article of manufacture, such as the Accused Product, to which the design of the ‘430 Patent or a colorable imitation thereof has been applied. Defendant's actions violate 35 U.S.C. §§ 271(a) and 289.

24. As illustrated below, in the eye of the ordinary observer, familiar with the prior art, giving such attention as a purchaser of the Accused Product would usually give, the design of the ‘430 Patent and the design of the Accused Product are substantially the same, such that the ordinary observer would be deceived into believing that the design of the Accused Product is the same as the design of the ‘430 Patent:

Design of the '430 Patent

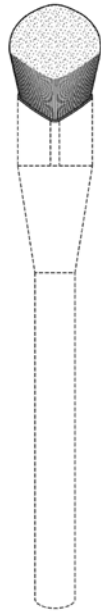


FIG. 4

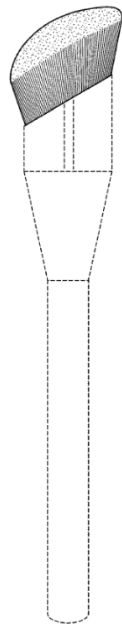


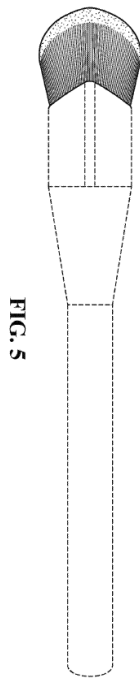
FIG. 2

Design of the F72 Soft Angled Concealer Brush



Design of the '430 Patent

Design of the F72 Soft Angled Concealer Brush



25. Upon information and belief, Defendant has profited by virtue of its infringement of the '430 Patent.

26. Anisa has suffered and is continuing to suffer damages as a direct and proximate result of Defendant's infringement of the '430 Patent, and Anisa is entitled to compensation and other monetary relief to the fullest extent allowed by law, including attorneys' fees, pursuant to 35 U.S.C. §§ 284 and 285, the precise amount to be determined at trial.

27. Anisa has suffered injury, including irreparable injury, as a result of Defendant's infringement of the '430 Patent, and Anisa is entitled to preliminary and permanent injunctive relief restraining and enjoining Defendant from infringing the '430 Patent.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff Anisa International, Inc. prays for entry of judgment against Defendant Sigma Enterprises, LLC as follows:

1. A judgment that Defendant has infringed the claimed design of the '539 Patent;

2. A judgment that Defendant has infringed the claimed design of the '430 Patent;

3. An order preliminarily and permanently restraining and enjoining Defendant, its officers, agents, attorneys and employees, and all those acting in privity or concert with Defendant, from further acts of infringing the Patents-in-Suit including, but not limited to, making, importing, promoting, offering for sale, or selling the Accused Product, until after the expiration date of the Patents-in-Suit;

4. A judgment against Defendant for Defendant's total profits for any article of manufacture to which the design of the Patents-in-Suit has been applied as a result of Defendant's infringement of the Patents-in-Suit in an amount to be determined at trial as provided under 35 U.S.C § 289 and for money damages sustained as a result of Defendant's infringement of the Patents-in-Suit in an amount to be determined at trial as provided under 35 U.S.C. § 284, whichever is greater;

5. An order for an accounting of Defendant's profits pursuant to 35 U.S.C § 289;

6. A judgment awarding Anisa its costs incurred herein, including, upon a finding of this case being “exceptional,” its attorneys’ fees pursuant to 35 U.S.C. § 285; and

7. A judgment awarding Anisa such other and further relief as the Court may deem just and proper.

JURY DEMAND

Pursuant to Rule 38 of the Federal Rules of Civil Procedure, Anisa hereby demands a jury trial as to all issues so triable.

Dated: November 6, 2024.

/s/ Alan M. Anderson
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