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*Attorneys for Plaintiff
Sport Dimension Inc.*

IN THE UNITED STATES DISTRICT COURT

DISTRICT OF UTAH

Sport Dimension Inc., a California
Corporation,

Plaintiff,

vs.

Drip Floats LLC, a Utah limited liability
company, and Niccoli Designs, LLC d/b/a
Kortni Jeane, a Utah limited liability
company,

Defendant.

**PLAINTIFF SPORT DIMENSION,
INC.'S COMPLAINT FOR PATENT
INFRINGEMENT**

Civil No. 2:24-cv-00912

DEMAND FOR JURY TRIAL

Plaintiff Sport Dimension Inc. (“Plaintiff” or “Sport Dimension”), by and through its undersigned counsel, hereby brings the following Complaint for Patent Infringement against Defendants Drip Floats LLC (“Drip Floats”) and Niccoli Designs, LLC d/b/a Kortni Jeane (“Kortni Jeane”) (together, “Defendants”) and alleges as follows:

THE PARTIES

1. Sport Dimension is a corporation organized under the laws of the state of California, with a principal place of business at 1 Civic Plaza Drive, Suite 600, Carson, CA 90745.
2. Upon information and belief, Drip Floats LLC is a limited liability company organized under the laws of the state of Utah, with a principal place of business at 1020 South 250 East, Provo, Utah 84606.
3. Upon information and belief, Kortni Jeane is a limited liability company organized under the laws of the state of Utah, with a principal place of business at 1020 South 250 East, Provo, Utah, 84606.
4. Upon information and belief, Defendants Kortni Jeane and Drip Floats are both owned and/or operated, in whole or in part, by Kortni Niccoli, an individual.
5. At all relevant times, Kortni Jean and Drip Floats are and have been the alter egos of one another because there is unity of interest and ownership between them, such that their separate personalities have ceased to exist. The failure to disregard the corporate form would result in a fraud or injustice on Sport Dimension.

JURISDICTION AND VENUE

6. This is an action for patent infringement brought under the Patent Act, 35 U.S.C. § 1, *et seq.* This Court has original and exclusive jurisdiction over actions relating to patents pursuant to 28 U.S.C. §§ 1331, 1338 (a).

7. This Court has jurisdiction over Defendants because, upon information and belief, Defendants reside in the state of Utah, having a shared place of business in this judicial district, regularly conduct business in this judicial district, derive revenues from goods sold in this judicial district, and sell the goods accused of infringement in this judicial district.

8. Venue is proper in this district pursuant to 28 U.S.C. §1391(b)-(d) because Defendants have committed the acts of infringement alleged in this Complaint in this judicial district and because Defendants are incorporated in Utah and maintain their principal place of business in this district.

BACKGROUND

9. Sport Dimension is a sports equipment and apparel company that has been operating in Southern California for more than 25 years.

10. Sport Dimension is in the business of developing, manufacturing, selling, and distributing innovative water sports related equipment, including wet suits, personal floatation devices (“PFDs”), body boards, sea scooters, masks and fins, among other products. Sport Dimension sells its products under the Body Glove brand, as well as other well-known brands.

11. Among Sport Dimension’s most popular products are its best-selling Paddle Pals® PFDs, a line of specially designed safety flotation vests for children learning to swim. The

Paddle Pals® PFD features a life vest design with shoulder straps, attached arm floats, and an adjustable safety-buckle back strap providing support for the child’s body and neck.

12. Sport Dimension has sold its inventive Paddle Pals® PFDs throughout the United States and around the world since 2014.

13. Sport Dimension is also the owner of U.S. Patent No. D744,603 (the “’603 Patent”) titled “Personal Flotation Device” covering the ornamental design of a personal floatation device embodied by the Paddle Pals® product. The ’603 Patent is valid and enforceable and issued on December 1, 2015. A true and correct copy of the ’603 patent is attached as **Exhibit A**.

14. Sport Dimension marks its Paddle Pals® product and its product packaging with U.S. Patent No. D744,603 pursuant to 35 U.S.C. §287 as shown below.



15. Defendants are Utah-based retailers in the business of manufacturing, distributing, and/or selling PFDs for children and adults throughout the United States. Defendants sell their

PFD products primarily online via the websites <https://www.kortnijeane.com/> and <https://dripfloats.com/>.

16. Defendants Kortni Jeane and Drip Floats are both owned and/or operated by an individual named Kortni Niccoli and share the same principal place of business at 1020 South 250 East, Provo, Utah, 84606.

17. Defendants’ PFDs infringe the ’603 Patent and incorporate the subject matter claimed by the ’603 Patent.

18. In fact, Defendants’ website <https://dripfloats.com/> acknowledges the overlap between its PFDs and the patented Paddle Pals® PFD. Defendants describe their PFD products as “learn to swim vests” with “shoulder straps, adjustable back strap, and a security buckle” – features of the subject matter claimed by the ’603 Patent.

19. A review of Defendants’ websites <https://www.kortnijeane.com/> and <https://dripfloats.com/> reveal at least the following PFD products which infringe the ’603 Patent:

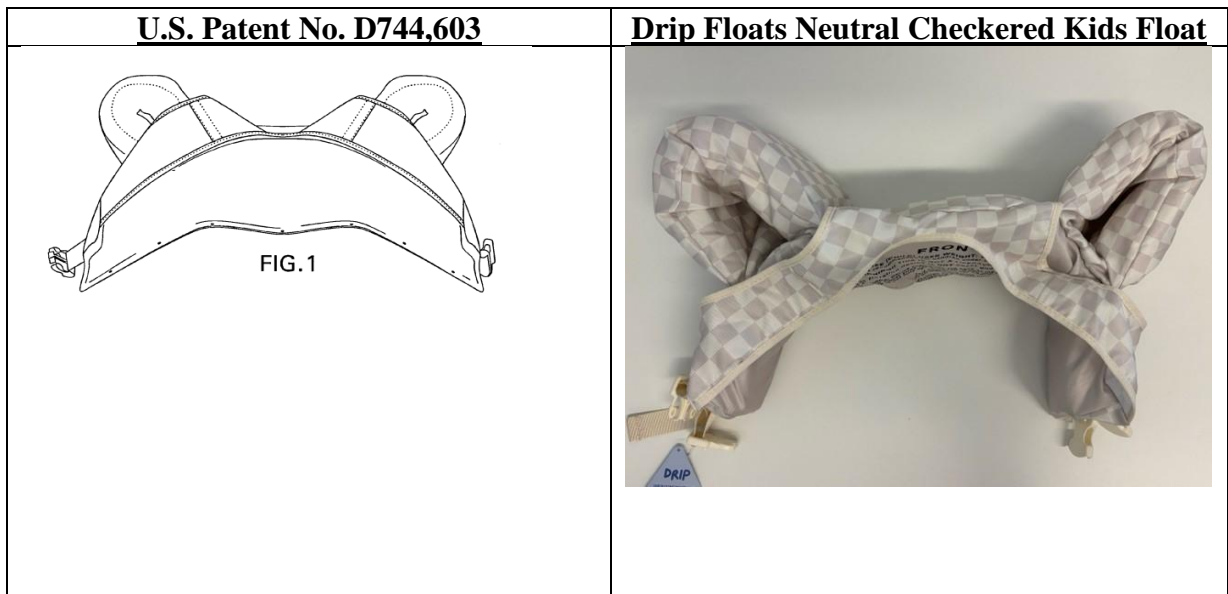
<u>Drip Float’s Infringing Products</u>	<u>Kortni Jeane’s Infringing Products</u>
All Smiles (Blue) Kids Float	Adult Splasher Racing Checker
Flower Power (Coral) Kids Float	Splasher Hot Shot
Flower Power (Neutral) Kids Float	Splasher Pink Gingham
Flower Power (Purple) Kids Float	Splasher Brown Ditsy Floral
Green Checkered Kids Float	Splasher Big Blooms
Lemon Lime Kids Float	Splasher Racing Checker
Yellow Stripe Kids Float	Splasher Blue Checkered

Magenta Kids Float	Splasher Cream
Neutral Checkered Kids Float	Splasher Midnight Teal
Pink Checkered Kids Float	Splasher Bubblegum
Sky Blue Kids Float	Splasher Light Blue Stripe
Western Kids Float	

(collectively the “Infringing PFDs”)

20. Upon information and belief, the Infringing PFDs sold by Kortni Jeane and Drip Floats are manufactured by the same manufacturer.

21. In the eyes of the ordinary observer, Defendants’ Infringing PFDs are substantially similar to the patented design of the ’603 Patent. Indeed, a simple side-by-side visual comparison of Defendants’ PFDs, purchased on the <https://dripfloats.com/> and <https://www.kortnijeane.com/> websites, and the figures contained in the ’603 Patent confirms that the products are substantially similar:



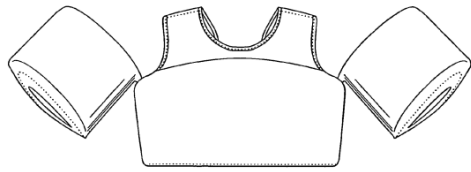


FIG.2

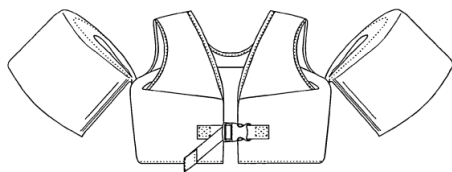


FIG.3

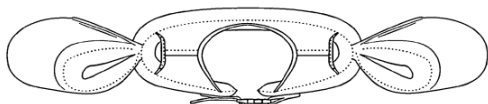
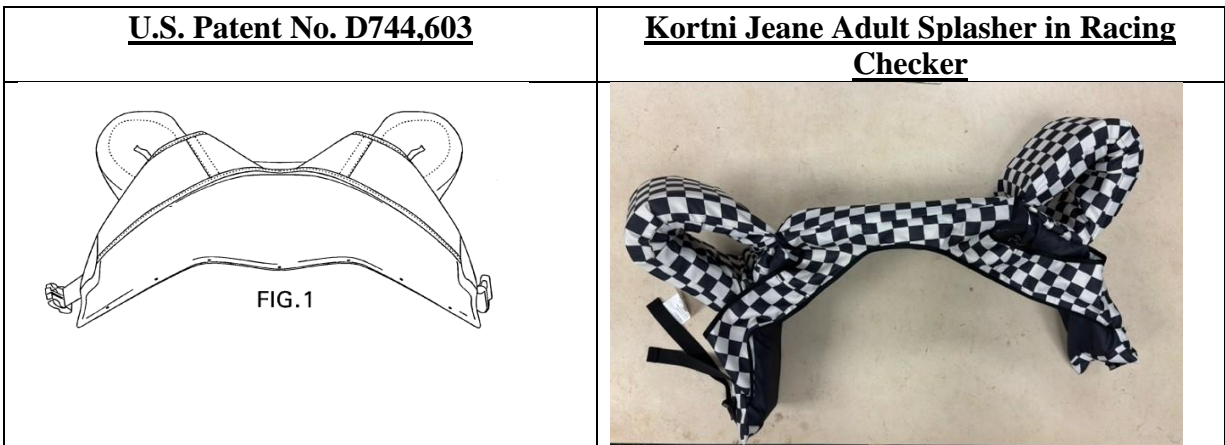
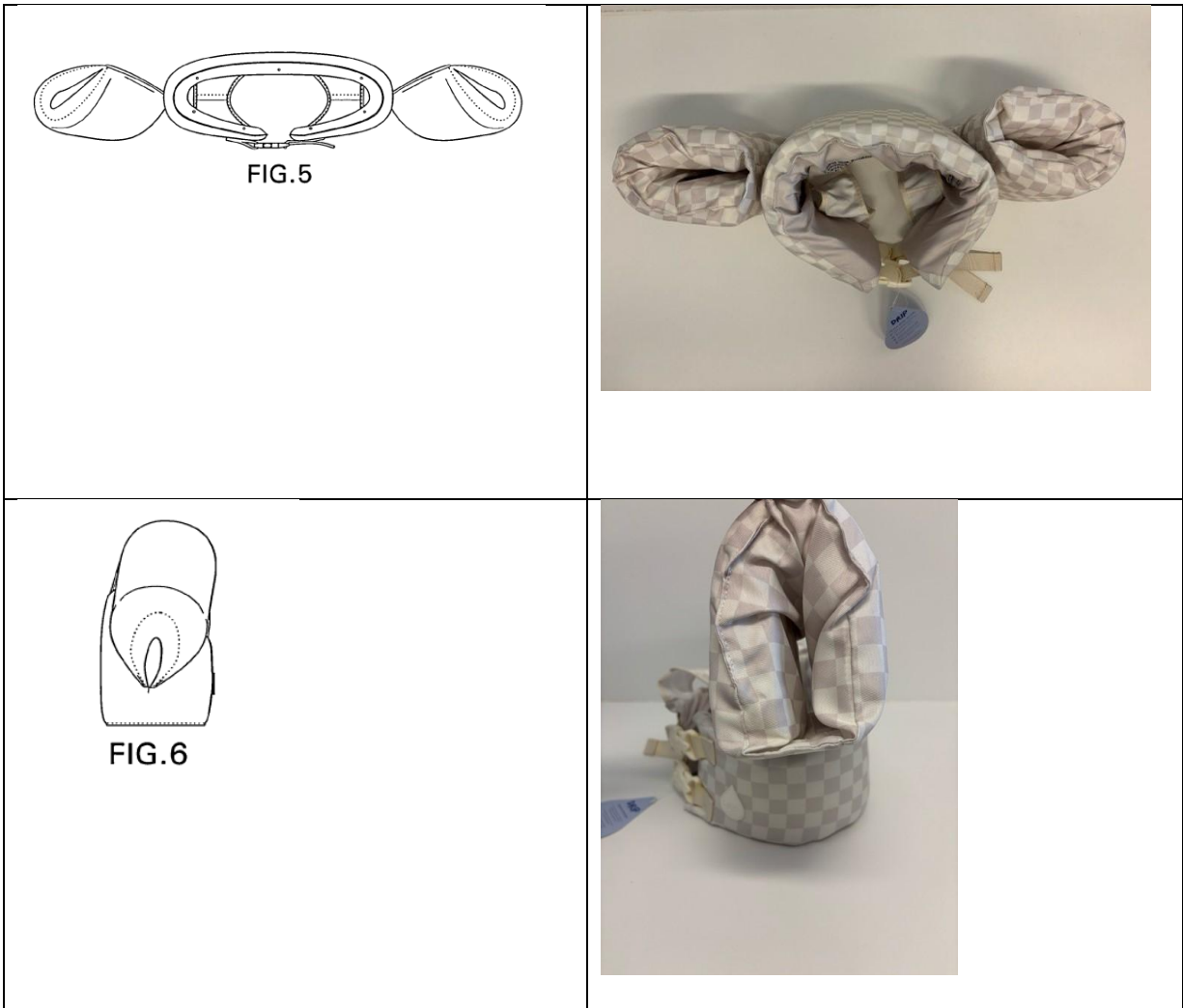


FIG.4





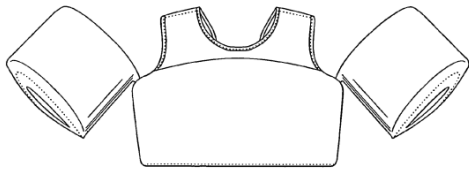


FIG.2

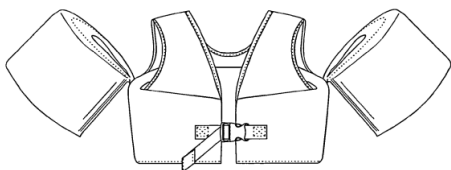


FIG.3

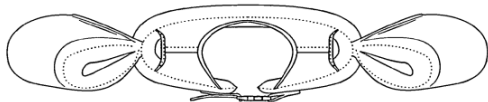
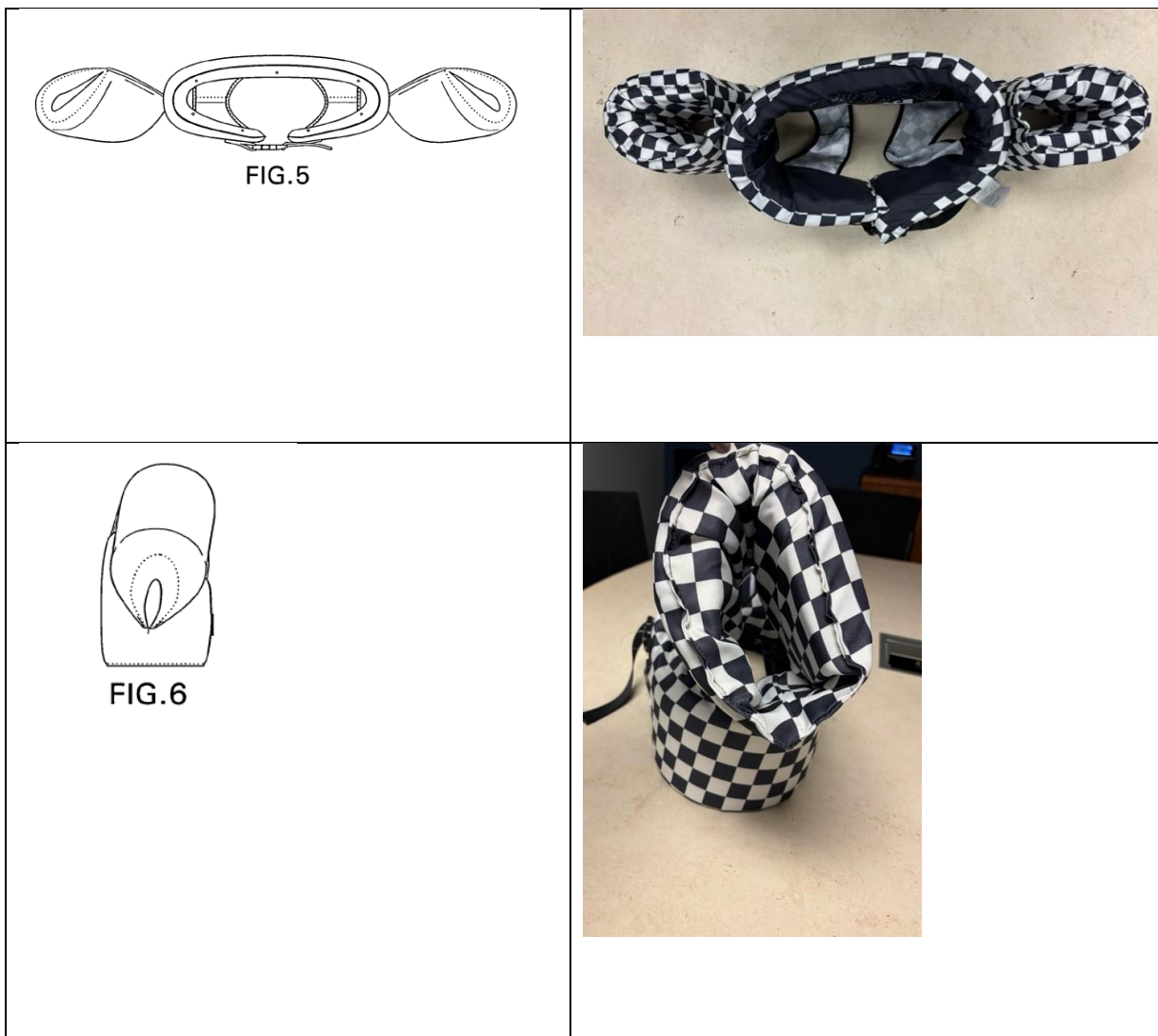


FIG.4





22. After becoming aware of the Infringing PFDs, Sport Dimension sent a cease-and-desist letter on October 16, 2024 to Drip Floats asking that they cease and desist all manufacturing, distribution, marketing, sale, and offers for sale of their Infringing PFDs. Sport Dimension sent a separate cease-and-desist letter on October 16, 2024 to Kortni Jeane.

23. On October 29, 2024, Sport Dimension received a letter in response from Terrence J. Edwards of TechLaw Ventures advising that he represented both Kortni Jeane and Drip Floats and asking for additional information.

24. The parties continued to correspond between November 15, 2024 and November 25, 2024 regarding Sport Dimension's claims of patent infringement. On November 25, 2024, Defendants sent a final letter to Sport Dimension stating that "it is our position that there is no infringement of Sport Dimension's U.S. Design Patent No. D744,603."

25. As of the date of the filing of this complaint Defendants continue to sell the Infringing PFDs despite their actual knowledge of the '603 patent.

FIRST CAUSE OF ACTION

Federal Patent Infringement – 35 U.S.C. §271(a)

26. Sport Dimension is the owner of the '603 Patent covering the ornamental design of a personal floatation device. The '603 Patent is valid and enforceable.

27. Defendants have been and are currently infringing the '603 Patent in this judicial district and throughout the United States by importing, making, manufacturing, using, distributing, selling and/or offering for sale its Infringing PFDs.

28. The Infringing PFDs incorporate and/or use the subject matter claimed by the '603 Patent, and embody the invention claimed in the '603 Patent either literally or under the doctrine of equivalents in violation of 35 U.S.C. §271(a).

29. The Infringing PFDs and the patented design embodied in the '603 Patent are substantial similar to the ordinary observer.

30. As a result of Defendants' infringing conduct, Sport Dimension has suffered damages in an amount to be proven at trial, including Defendants' total profits, pursuant to 35 U.S.C. §289.

31. Defendants had both constructive and actual knowledge of the '603 patent, entitling Sport Dimension to past damages.

32. Defendants' infringing conduct has and will continue to cause irreparable injury to Sport Dimension unless restrained or enjoined. The monetary amount of compensation that would afford adequate relief to Sport Dimension for Defendants' past and continuing infringement is difficult to ascertain. Sport Dimension therefore has no adequate remedy at law to compensate for the injuries sustained as a result of Defendants' infringement.

33. Given Defendants constructive and actual knowledge, Defendants' infringement of the '603 Patent is willful, wanton, deliberate, done without a license or permission and with full knowledge of the '603 Patent. This case is therefore exceptional under the Patent Act and Sport Dimension is entitled to attorneys' fees and enhanced damages pursuant to 35 U.S.C. §284 and §285.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff Sport Dimension Inc. requests that this Court enter:

1. Judgment against all Defendants on all claims alleged herein;
2. An Order finding that, by the acts alleged herein, Defendants have directly infringed the '603 Patent in violation of 35 U.S.C. §271;
3. An Order finding that Defendants have willfully infringed the '603 Patent;

4. An Order preliminarily and permanently enjoining Defendants, its officers, directors, agents, servants, affiliates, employees, subsidiaries, divisions, parents, employees, assigns, representatives, and all others acting in concert with any of them, from infringing the '603 Patent;

5. An Order directing Defendants to deliver to Sport Dimension for destruction or other disposition all Infringing PFDs in their possession;

6. An Order directing Defendants to file with the Court, and serve upon Sport Dimension's attorneys, within thirty (30) days after entry of the order of injunction, a report setting forth the manner and form in which Defendants have complied with the injunction;

7. An Order awarding Sport Dimension damages in an amount to be proven at trial, including Defendants' total profits, pursuant to 35 U.S.C. §289;

8. An Order awarding Sport Dimension enhanced damages for Defendants' wanton and willful infringement, pursuant to 35 U.S.C. §284;

9. An Order awarding Sport Dimension all of its costs, including attorneys' fees, pursuant to 35 U.S.C. §285;

10. An Order awarding Sport Dimension pre-judgment and post-judgment interest;
and

11. An Order awarding Sport Dimension all other relief that the Court may deem just and proper.

JURY DEMAND

Pursuant to Federal Rule of Civil Procedure 38, Sport Dimension hereby demands a trial by jury.

DATED this 9th day of December 2024.

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