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 15
 16 UNITED STATES DISTRICT COURT
 17 CENTRAL DISTRICT OF CALIFORNIA

18 SPANX, LLC

19 Plaintiff

20 v.

21 HONEYLOVE SCULPTWEAR, INC.

22
 23 Defendants.
 24

Case No.: 2:24-cv-11222

COMPLAINT

DEMAND FOR JURY TRIAL

1 established place of business, including its Los Angeles headquarters, within this
2 District. Additionally, because Honeylove maintains sufficient contacts with this
3 District, venue is proper within this District.

4 **FACTUAL BACKGROUND**

5 **A. Spanx Reinvented Women’s Shapewear in 2000 and Has Been Leading**
6 **Women’s Shapewear Ever Since**

7 7. Spanx is the manufacturer of an iconic shapewear brand and is one of the
8 leading designers and retailers of women’s shaping undergarments in the world. Spanx
9 products are recognized for their category-defining innovation and function.

10 8. In 2000, founder and inventor Sara Blakely invested her life savings to
11 research and develop products that would help women look and feel their best. At the
12 time, shapewear did not exist as a product category. Over the years, Blakely continued
13 to play a key role in the company’s innovations, as Spanx brought forth new products
14 that transformed the shapewear industry from corsets and control-top pantyhose to
15 undetectable undergarments with targeted compression that have become staples for A-
16 list celebrities at red carpet events and everyday wear for women in general. Spanx has
17 made significant investments in research and development and, to date, has received
18 more than 50 patents to protect its innovative ideas.

19 9. Since the company’s founding in 2000, Spanx has been dedicated to
20 creating innovative shapewear and clothing products that are designed to help women
21 look and feel their best. Spanx is recognized for revolutionizing shapewear and defining
22 the category by helping women feel great about themselves and their potential.

23 10. Spanx’s shapewear products incorporate features that create a smoother
24 look, while also providing support and shape to women’s bodies. Many of Spanx’s
25 products include features that compress body regions to help women achieve a svelte,
26 shapelier appearance.

1 11. Since its founding, Spanx has invented numerous shapewear garments and
2 methods for making the same, as well as designs for shapewear garments, which
3 incorporate a portion shaped like an X that cover and compress the wearer’s tummy.

4 12. Spanx applied for and received several utility and design patents, covering
5 garments, methods for making such garments, and designs for such garments.

6 13. These patents include three utility patents, U.S. Patent Nos. 9,179,713 (the
7 “713 Patent”) (Ex. A), 9,930,916 (the “916 Patent”) (Ex. B), and 10,455,866 (the
8 “866 Patent”) (Ex. C) (collectively, the “Utility Patents”).

9 14. These patents include three design patents, U.S. Patent Nos. D707,920 (the
10 “D920 Patent”) (Ex. D), D796,780 (the “D780 Patent”) (Ex. E), and D796,784 (the
11 “D784 Patent”) (Ex. F) (collectively, the “Design Patents”, and together with the Utility
12 Patents, the “Asserted Patents”).

13 15. Spanx products that practice the Asserted Patents include new products
14 released in 2024, including Satin-X High-Waisted Mid-Thigh Short, Satin-X Mid-
15 Thigh Short, Satin-X Open-Bust Cami, Satin-X Open-Bust Mid-Thigh Bodysuit, and
16 Skinny Britches Mid-Thigh Short.

17 **B. Honeylove Was Founded in 2018 and Has Been Infringing Spanx’s**
18 **Patents Ever Since**

19 16. Nearly two decades after Spanx’s launch, electronic dance music vocalist,
20 Betsie Larkin, sought to benefit from the popularity of Spanx innovative products, but
21 instead of designing and developing her own products, with no prior experience in the
22 garment industry, Larkin founded Honeylove to imitate Spanx products and pass them
23 off as her own creations.

24 17. Upon information and belief, Honeylove was founded in 2018. Since that
25 time, Honeylove has made, used, offered for sale, sold, and imported into the United
26 States products that practice claims of the Asserted Patents.

1 18. Honeylove’s products that infringe claims of the Asserted Patents include
2 at least the following: SuperPower Mid-Waist Short, SuperPower Short, SuperPower
3 Girl Short, SuperPower Brief, SuperPower Thong, Mid-Thigh Bodysuit, Low-Back
4 Bodysuit, Cami Bodysuit, Cami Thong Bodysuit, Open-Bust Mid-Thigh Bodysuit,
5 CrossOver Brief, LiftWear Cami, LiftWear Tank, LiftWear Tank Bodysuit,
6 ShadowSculpt High-Waist Brief, ShadowSculpt High-Waist Short, Silhouette Brief,
7 Silhouette Thong, Silhouette Cami, and Silhouette High-Waist Short (collectively, the
8 “Infringing Products”).

9 19. Honeylove did not spend the time and expense and years of research and
10 development to create original products.

11 20. Honeylove has sold, and continues to sell and offer to sell, the Infringing
12 Products through its website, www.honeylove.com, and in retail and department
13 stores.

14 21. Upon information and belief, Honeylove has sold, and continues to sell
15 and offer to sell, the Infringing Products through its website directly to consumers in
16 this District and throughout the United States.

17 22. Honeylove has infringed, and continues to infringe, the Asserted Patents
18 by making, using, selling, and/or offering to sell the Infringing Products in this
19 District or elsewhere in the United States, and/or importing the Infringing Products
20 into this District or elsewhere in the United States, without the consent or
21 authorization of Spanx, during the term of each of the Asserted Patents.

22 23. In April 2019, Spanx sent a cease-and-desist letter to Honeylove
23 demanding it cease certain advertising practices and putting Honeylove on notice of a
24 number of Spanx’s utility and design patents, which included all of the Asserted
25 Patents except the ’866 Patent. Attached hereto as Exhibit G is a true and correct copy
26 of the cease-and-desist letter.
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1 32. The '713 Patent's term is unexpired and the patent is enforceable.

2 33. Spanx owns all rights, title, and interest in and to the '713 Patent,
3 including the sole and exclusive rights to enforce the '713 Patent against infringers
4 recover all damages for infringement of the '713 Patent.

5 34. Claim 1 of the '713 Patent recites:

6 1. A flocked shapewear garment for an abdominal area, the
7 garment comprising:

8 at least one fabric panel,

9 an elastomeric coating on at least a portion of the

10 fabric panel, the portion being sized and shaped

11 to at least partially cover the abdominal area,

12 and

13 flocked fibers embedded in the elastomeric coating,

14 wherein the elastomeric coating and flocked fibers

15 have four arms extending laterally over the

16 fabric panel until proximal adjacent hips to

17 provide compression to the abdominal area.

18 35. Honeylove directly infringes the '713 Patent by making, using, selling,
19 offering for sale, and/or importing into the United States the Infringing Products. For
20 example, Honeylove's products, including the Silhouette Brief, Silhouette Cami,
21 Silhouette High-Waist Short, and Silhouette Thong, meet every limitation of at least
22 claim 1 of the '713 Patent, either literally or under the doctrine of equivalents, as is
23 shown in greater detail in Exhibits H-K to this Complaint.

24 36. Honeylove has committed acts of patent infringement during the
25 unexpired term of the '713 Patent.

1 37. Honeylove has known about the '713 Patent since at least April 2019,
2 when it received Spanx's cease and desist letter that informed Honeylove of the
3 existence of the '713 Patent.

4 38. Upon information and belief, Honeylove knew or was willfully blind to
5 the fact that the importation of, sale of, and offers to sell its products infringed the
6 '713 Patent.

7 39. Honeylove actively induced, and is actively inducing, infringement of the
8 '713 Patent by encouraging retailers and department stores to offer for sale and to sell
9 the Infringing Products.

10 40. Spanx has suffered, and continues to suffer, economic harm as a result of
11 Honeylove's infringing activities in an amount to be proven at trial.

12 41. Honeylove's activities have caused and will continue to cause Spanx
13 irreparable injury unless this Court preliminarily and permanently enjoins Honeylove
14 from infringing the '713 Patent. Upon information and belief, Spanx has lost
15 customers, business opportunities, and goodwill, and will continue to suffer these
16 harms absent an injunction.

17 **SECOND CLAIM FOR RELIEF**

18 **(Infringement of the '916 Patent)**

19 42. Spanx realleges and incorporates by reference the allegations of
20 paragraphs 1–41 of this Complaint.

21 43. On April 3, 2018, the United States Patent and Trademark Office duly
22 issued the '916 Patent, which is entitled "Flocked Shapewear Garments."

23 44. The '916 Patent's term is unexpired and the patent is enforceable.

24 45. Claim 1 of the '916 Patent recites:

25 1. A method of making a compression region for a lower
26 body shapewear garment, the method comprising:
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1 providing a first fabric panel comprising an abdominal
2 region, the abdominal region configured to
3 extend over the abdominal area of a wearer
4 wearing the garment,
5 applying an elastomeric coating to the abdominal
6 region of the garment, wherein the elastomeric
7 coating is at least partially defined by a superior
8 edge and an inferior edge and comprises a
9 central portion positioned between the superior
10 and inferior edges, and wherein the superior
11 edge and the inferior edge diverge from each
12 other extending laterally away from the central
13 portion, and
14 applying flocked fibers to the elastomeric coating to
15 form the compression region.

16 46. Honeylove directly infringes the '916 Patent by making, using, selling,
17 offering to sell, and/or importing into the United States the Infringing Products, which
18 are made by the process claimed in at least claim 1 of the '916 Patent. For example,
19 upon information and belief, Honeylove's products, including the Silhouette Brief,
20 Silhouette Cami, Silhouette High-Waist Short, and Silhouette Thong, are made in a
21 way that meets every limitation of at least claim 1 of the '916 Patent, either literally or
22 under the doctrine of equivalents, as is shown in greater detail in Exhibits L-O to this
23 Complaint.

24 47. Honeylove has committed acts of patent infringement during the
25 unexpired term of the '916 Patent.

1 48. Honeylove has known about the '916 Patent since at least April 2019,
2 when it received Spanx's cease and desist letter that informed Honeylove of the
3 existence of the '916 Patent.

4 49. Upon information and belief, Honeylove knew or was willfully blind to
5 the fact that the Infringing Products were made by a patented process and that the
6 importation of, sale of, and offers to sell its products infringed the '916 Patent.

7 50. Honeylove actively induced, and is actively inducing, infringement of the
8 '916 Patent by encouraging retailers and department stores to offer for sale and to sell
9 the Infringing Products.

10 51. Spanx has suffered, and continues to suffer, economic harm as a result of
11 Honeylove's infringing activities in an amount to be proven at trial.

12 52. Honeylove's activities have caused and will continue to cause Spanx
13 irreparable injury unless this Court preliminarily and permanently enjoins Honeylove
14 from infringing the '916 Patent. Upon information and belief, Spanx has lost
15 customers, business opportunities, and goodwill, and will continue to suffer these
16 harms absent an injunction.

17 **THIRD CLAIM FOR RELIEF**

18 **(INFRINGEMENT OF THE '866 PATENT)**

19 53. Spanx realleges and incorporates by reference the allegations of
20 paragraphs 1–52 of this Complaint.

21 54. On October 29, 2019, the United States Patent and Trademark Office
22 duly issued the '866 Patent, which is entitled "Flocked Shapewear Garments."

23 55. The '866 Patent's term is unexpired and the patent is enforceable.

24 56. Spanx owns all rights, title, and interest in and to the '866 Patent,
25 including the sole and exclusive rights to enforce the '866 Patent against infringers
26 recover all damages for infringement of the '866 Patent.

1 57. The '866 Patent is generally directed to a shapewear garment with a
2 tummy-covering portion with lateral portions extending away from the tummy-
3 covering portion, the tummy-covering portion and the laterally extending portions
4 providing compression to the abdominal area.

5 58. Claim 1 of the '866 Patent recites:

6 1. A shapewear garment for control of an abdominal region,
7 the garment comprising:

8 a. at least one fabric panel that extends over at least
9 the abdominal region; and

10 b. a fabric portion applied to the fabric panel, the
11 fabric portion including a tummy covering
12 portion that extends over at least a portion of
13 the abdominal region and a pair of lateral
14 portions extending laterally from lateral sides of
15 the tummy covering portion;

16 wherein:

17 at least one of the lateral portions has
18 subportions bifurcating to define
19 therebetween a portion without the fabric
20 portion; and

21 the tummy covering portion and the pair of
22 lateral portions provide compression to
23 the abdominal area.

24 59. Honeylove directly infringes at least claim 1 of the '866 Patent by
25 making, using, selling, offering for sale, and/or importing into the United States, the
26 Infringing Products, and/or importing into the United States the Infringing Products.
27 For example, Honeylove's products, including the Silhouette Brief, Silhouette Cami,
28

1 Silhouette High-Waist Short, Silhouette Thong, SuperPower Short, SuperPower Girl
2 Short, SuperPower Mid-Waist Short, SuperPower Brief, SuperPower Thong, Mid-
3 Thigh Bodysuit, Low-Back Bodysuit, Cami Bodysuit, Cami Thong Bodysuit, Open-
4 Bust Mid-Thigh Bodysuit, CrossOver Brief, LiftWear Cami, LiftWear Tank, LiftWear
5 Tank Bodysuit, ShadowSculpt High-Waist Short, and ShadowSculpt High-Waist
6 Brief meet every limitation of at least claim 1 of the '866 Patent, either literally or
7 under the doctrine of equivalents, as is shown in greater detail in Exhibits P-II to this
8 Complaint.

9 60. Honeylove has committed acts of patent infringement during the
10 unexpired term of the '866 Patent.

11 61. Honeylove actively induced, and is actively inducing, infringement of the
12 '866 Patent by encouraging retailers and department stores to offer for sale and to sell
13 the Infringing Products.

14 62. Spanx has suffered, and continues to suffer, economic harm as a result of
15 Honeylove's infringing activities in an amount to be proven at trial.

16 63. Honeylove's activities have caused and will continue to cause Spanx
17 irreparable injury unless this Court preliminarily and permanently enjoins Honeylove
18 from infringing the '866 Patent. Upon information and belief, Spanx has lost
19 customers, business opportunities, and goodwill, and will continue to suffer these
20 harms absent an injunction.

21 **FOURTH CLAIM FOR RELIEF**

22 **(Infringement of the D780 Patent)**

23 64. Spanx realleges and incorporates by reference the allegations of
24 paragraphs 1–63 of this Complaint.

25 65. On September 12, 2017, the United States Patent and Trademark Office
26 duly issued the D780 Patent, which is entitled "Garment."

27 66. The D780 Patent's term is unexpired and the patent is enforceable.
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1 67. Spanx owns all rights, title, and interest in and to the D780 Patent,
2 including the sole and exclusive rights to enforce the D780 Patent against infringers
3 recover all damages for infringement of the D780 Patent.

4 68. The D780 Patent is directed to a garment.

5 69. Honeylove directly infringes the D780 Patent by making, using, selling,
6 offering for sale, and/or importing into the United States, the Infringing Products. For
7 example, Honeylove's products, including the SuperPower Short, SuperPower Girl
8 Short, SuperPower Brief, SuperPower Thong, Mid-Thigh Bodysuit, Low-Back
9 Bodysuit, Cami Bodysuit, Cami Thong Bodysuit, Open-Bust Mid-Thigh Bodysuit,
10 LiftWear Cami, LiftWear Tank, LiftWear Tank Bodysuit, ShadowSculpt High-Waist
11 Short, and ShadowSculpt High-Waist Brief meet every limitation of at least claim 1 of
12 the D780 Patent, either literally or under the doctrine of equivalents, as is shown in
13 greater detail in Exhibits UU-HHH to this Complaint.

14 70. Honeylove has committed acts of patent infringement during the
15 unexpired term of the D780 Patent.

16 71. Honeylove has known about the D780 Patent since at least April 2019,
17 when it received Spanx's cease and desist letter that informed Honeylove of the
18 existence of the D780 Patent.

19 72. Upon information and belief, Honeylove knew or was willfully blind to
20 the fact that the importation of, sale of, and offers to sell its products infringed the
21 D780 Patent.

22 73. Honeylove actively induced, and is actively inducing, infringement of the
23 D780 Patent by encouraging retailers and department stores to offer for sale and to sell
24 the Infringing Products.

25 74. Spanx has suffered, and continues to suffer, economic harm as a result of
26 Honeylove's infringing activities in an amount to be proven at trial.

1 75. Honeylove’s activities have caused and will continue to cause Spanx
2 irreparable injury unless this Court preliminarily and permanently enjoins Honeylove
3 from infringing the D780 Patent. Upon information and belief, Spanx has lost
4 customers, business opportunities, and goodwill, and will continue to suffer these
5 harms absent an injunction.

6 **FIFTH CLAIM FOR RELIEF**

7 **(Infringement of the D920 Patent)**

8 76. Spanx realleges and incorporates by reference the allegations of
9 paragraphs 1–75 of this Complaint.

10 77. On July 1, 2014, the United States Patent and Trademark Office duly
11 issued the D920 Patent, which is entitled “Garment.”

12 78. The D920 Patent’s term is unexpired and the patent is enforceable.

13 79. Spanx owns all rights, title, and interest in and to the D920 Patent,
14 including the sole and exclusive rights to enforce the D920 Patent against infringers
15 recover all damages for infringement of the D920 Patent.

16 80. The D920 Patent is directed to a garment.

17 81. Honeylove directly infringes the D920 Patent by making, using, selling,
18 and/or offering for sale the Infringing Products. For example, Honeylove’s products,
19 including the SuperPower Short, SuperPower Mid-Waist Short, SuperPower Brief,
20 SuperPower Girl Short, SuperPower Thong, Cami Bodysuit, Cami Thong Bodysuit,
21 LiftWear Cami, LiftWear Tank, ShadowSculpt High-Waist Short, and ShadowSculpt
22 High-Waist Brief meet every limitation of at least claim 1 of the D920 Patent, either
23 literally or under the doctrine of equivalents, as is shown in greater detail in Exhibits
24 JJ-TT to this Complaint.

25 82. Honeylove’s Infringing Products’ design so closely resembles the
26 inventive design claimed in the D920 patent that an ordinary observer, familiar with
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1 the designs of the prior art, would be deceived into believing that Honeylove’s
2 Infringing Products is the same as the patented design of the D920 Patent.

3 83. Honeylove has committed acts of patent infringement during the
4 unexpired term of the D920 Patent.

5 84. Honeylove has known about the D920 Patent since at least April 2019,
6 when it received Spanx’s cease and desist letter that informed Honeylove of the
7 existence of the D920 Patent.

8 85. Upon information and belief, Honeylove knew or was willfully blind to
9 the fact that the importation of, sale of, and offers to sell its products infringed the
10 D920 Patent.

11 86. Honeylove actively induced, and is actively inducing, infringement of the
12 D920 Patent by encouraging retailers and department stores to offer for sale and to sell
13 the Infringing Products.

14 87. Spanx has suffered, and continues to suffer, economic harm as a result of
15 Honeylove’s infringing activities in an amount to be proven at trial.

16 88. Honeylove’s activities have caused and will continue to cause Spanx
17 irreparable injury unless this Court preliminarily and permanently enjoins Honeylove
18 from infringing the D920 Patent. Upon information and belief, Spanx has lost
19 customers, business opportunities, and goodwill, and will continue to suffer these
20 harms absent an injunction.

21 **SIXTH CLAIM FOR RELIEF**

22 **(Infringement of the D784 Patent)**

23 89. Spanx realleges and incorporates by reference the allegations of
24 paragraphs 1–88 of this Complaint.

25 90. On September 12, 2017, the United States Patent and Trademark Office
26 duly issued the D784 Patent, which is entitled “Lower Body Garment.”

27 91. The D784 Patent’s term is unexpired and the patent is enforceable.
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1 92. Spanx owns all rights, title, and interest in and to the D784 Patent,
2 including the sole and exclusive rights to enforce the D784 Patent against infringers
3 recover all damages for infringement of the D784 Patent.

4 93. The D784 Patent is directed to a lower body garment.

5 94. Honeylove directly infringes the D784 Patent by making, using, selling,
6 offering for sale, and/or importing into the United States the Infringing Products. For
7 example, Honeylove's products, including the SuperPower Short, SuperPower Mid-
8 Waist Short, SuperPower Brief, SuperPower Girl Short, SuperPower Thong, Cami
9 Bodysuit, Cami Thong Bodysuit, LiftWear Cami, LiftWear Tank, ShadowSculpt High-
10 Waist Short, and ShadowSculpt High-Waist Brief meet every limitation of at least
11 claim 1 of the D784 Patent, either literally or under the doctrine of equivalents, as is
12 shown in greater detail in Exhibits III-SSS to this Complaint.

13 95. Honeylove's Infringing Products' design so closely resembles the
14 inventive design claimed in the D784 patent that an ordinary observer, familiar with
15 the designs of the prior art, would be deceived into believing that Honeylove's
16 Infringing Products is the same as the patented design of the D784 Patent.

17 96. Honeylove has committed acts of patent infringement during the
18 unexpired term of the D784 Patent.

19 97. Honeylove has known about the D784 Patent since at least April 2019,
20 when it received Spanx's cease and desist letter that informed Honeylove of the
21 existence of the D784 Patent.

22 98. Upon information and belief, Honeylove knew or was willfully blind to
23 the fact that the importation of, sale of, and offers to sell its products infringed the
24 D784 Patent.

25 99. Honeylove actively induced, and is actively inducing, infringement of the
26 D784 Patent by encouraging retailers and department stores to offer for sale and to sell
27 the Infringing Products.
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1 100. Spanx has suffered, and continues to suffer, economic harm as a result of
2 Honeylove's infringing activities in an amount to be proven at trial.

3 101. Honeylove's activities have caused and will continue to cause Spanx
4 irreparable injury unless this Court preliminarily and permanently enjoins Honeylove
5 from infringing the D784 Patent. Upon information and belief, Spanx has lost
6 customers, business opportunities, and goodwill, and will continue to suffer these
7 harms absent an injunction.

8 **JURY TRIAL DEMAND**

9 102. Pursuant to Federal Rule of Civil Procedure 38(b), Spanx hereby requests
10 a trial by jury of all issues so triable.

11 **PRAYER FOR RELIEF**

12 WHEREFORE, Plaintiff Spanx, LLC respectfully requests the following relief:

13 A. The entry judgment in favor of Spanx and against Honeylove;

14 B. A finding that Honeylove has infringed claims of the following patents,
15 under 35 U.S.C. §§ 271(a), (b), and/or (g): U.S. Patent Nos. 9,179,713; 9,930,916;
16 10,455,866; D707,920; D796,780; and D796,784;

17 C. An award of damages sufficient to compensate Spanx for Honeylove's
18 infringement under 35 U.S.C. § 284, together with prejudgment interest and post-
19 judgment interest, and costs;

20 D. A finding that Honeylove's infringement is and has been willful, and that
21 Spanx's award of damages be trebled as permitted under 35 U.S.C. § 284;

22 E. A finding that the case is exceptional under 35 U.S.C. § 285 and that
23 Spanx be awarded its reasonable attorney fees;

24 F. A preliminary and permanent injunction prohibiting Honeylove, its
25 officers, agents, and employees, and other persons in active concert or participation
26 with Honeylove, as well as its parents, subsidiaries, divisions, successors, and assigns,
27 from (1) making, using, selling, offering for sale, and/or importing its Silhouette Brief,
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1 Silhouette Cami, Silhouette High-Waist Short, Silhouette Thong, SuperPower Short,
2 SuperPower Girl Short, SuperPower Mid-Waist Short, SuperPower Brief, SuperPower
3 Thong, Mid-Thigh Bodysuit, Low-Back Bodysuit, Cami Bodysuit, Cami Thong
4 Bodysuit, Open-Bust Mid-Thigh Bodysuit, CrossOver Brief, LiftWear Cami, LiftWear
5 Tank, LiftWear Tank Bodysuit, ShadowSculpt High-Waist Short, and ShadowSculpt
6 High-Waist Brief, and (2) any further infringement of Spanx Patents;

- 7 G. An award of reasonable costs and attorneys' fees;
8 H. Prejudgment and post-judgment interest on the foregoing; and
9 I. Such other relief as the Court or a jury may deem just and proper.

10
11
12 Dated: December 30, 2024

Respectfully Submitted,
SCALE LLP

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