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8 **UNITED STATES DISTRICT COURT**
9 **SOUTHERN DISTRICT OF CALIFORNIA**

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11 **JEZIGN LICENSING, LLC**, a New
12 York company,

13 Plaintiff,

14 v.

15 **BEBE STORES, INC.**, a California
corporation, and **ZIGI USA LLC**, a
16 Florida limited liability company,

17 Defendants.

Case No. '20CV1064 WQHAGS

**COMPLAINT FOR PATENT
INFRINGEMENT**

DEMAND FOR JURY TRIAL

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20 For its Complaint, Jezign Licensing, LLC (“Jezign”) alleges as follows:

21 **Nature of This Action**

22 1. This is a design patent infringement action brought by Jezign against
23 Bebe Stores, Inc. (“Bebe”) and Zigi USA LLC (“Zigi”) based on Defendants’
24 ongoing willful infringement of U.S. Design Patent No. D554,848 (“the ‘848
25 patent”).
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1 2. Attached hereto as Exhibit A is a true and correct copy of the ‘848
2 patent, which was issued November 15, 2004, is entitled “Illuminated shoe lower,”
3 and is owned by Jezign.

4 **Jurisdiction and Venue**

5 3. Jezign is a New York company with a principal place of business in
6 Bethesda, Maryland.

7 4. Defendant bebe is a California corporation with principal places of
8 business in Costa Mesa and Brisbane, California.

9 5. Defendant Zigi is a Florida limited liability company with its principal
10 place of business in Miami, Florida.

11 6. This Court has subject matter jurisdiction over this action pursuant to
12 28 U.S.C. § 1338.

13 7. This Court has personal jurisdiction over Defendants because Bebe is
14 registered and headquartered in California, and each Defendant regularly conducts
15 business and has incurred the liability complained of herein in California.

16 8. Venue is proper in this District pursuant to 28 U.S.C. §§ 1391(b)(1)-(2)
17 and 1400.

18 **Factual Background**

19 9. Jezign is an innovative footwear company started by Jez Marston, the
20 named inventor of the patent-in-suit. Since at least 2000, Jezign has been perfecting
21 the design and technology of its unique illuminated footwear. Jezign’s shoes and
22 patent differ from previous patents and shoes as a result of the design and placement
23 of the illumination system, whereas other patents and shoes have a different design
24 and placement of their lights.

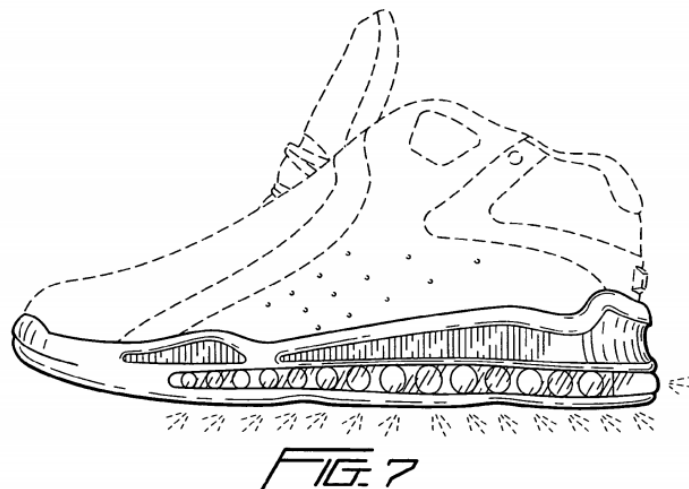
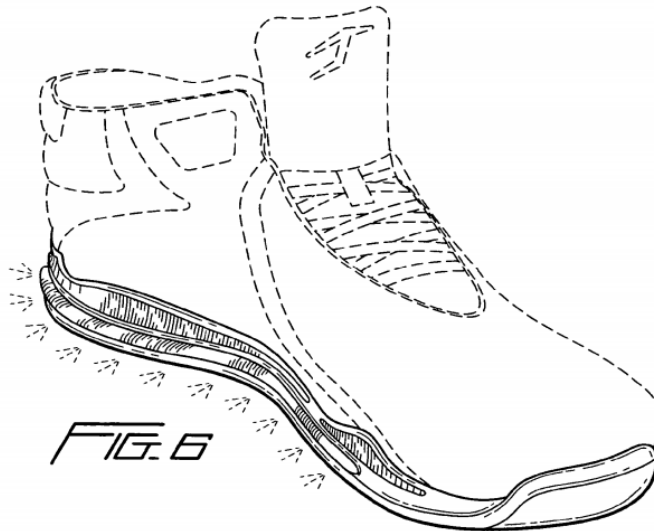
25 10. Upon information and belief, bebe is a women’s retail store that sells
26 women’s shoes and apparel.
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1 11. Upon information and belief, Zigi is a shoe wholesaler that
2 manufactures and sells women's shoes.

3 **Infringement of U.S. Design Patent No D554,848**

4 12. Jezign lawfully owns U.S. Design Patent No. D554,848 and holds all
5 rights, title, and interest in the patent. The patent-in-suit is valid, enforceable, and
6 currently in full force and effect.

7 13. The claimed design of the patent-in-suit is shown in Figures 1-9 of the
8 patent. Representative images are below:



1 14. Bebe offers products including the Sport Krysten and Sport Keene
2 shoes, produced by Zigi, for sale via online retailers (“the Infringing Products”).
3 Images of Bebe’s Sport Krysten and Sport Keene shoes are shown below:
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12 15. In the eye of the ordinary observer familiar with the relevant prior art,
13 giving such attention as a purchaser usually gives, the claimed design of the patent-
14 in-suit and the design of Bebe’s Sport Krysten and Sport Keene shoes are
15 substantially the same, such that the ordinary observer would be deceived into
16 believing that the design of the Sport Krysten and Sport Keene shoes is the design
17 claimed in the patent-in-suit.

18 16. Defendants have directly infringed, and continue to directly infringe,
19 the patent-in-suit by making, using, offering to sell, selling and/or importing shoes,
20 including Sport Krysten and Sport Keene shoes, having substantially the same
21 ornamental design as the design claimed in the patent-in-suit, in violation of 35
22 U.S.C. §§ 271(a) and 289.

23 17. Defendants have had actual knowledge of the patent-in-suit since at
24 least the date on which Defendants received service of the complaint in this action.

25 18. Upon information and belief, Defendants have sold and continue to
26 sell, offer to sell, distribute and market shoes that infringe the patent-in-suit to end
27 consumers and/or resellers with the intent that these parties will use, market, offer to
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1 sell and/or sell the products in the United States in a manner that infringes the
2 patent-in-suit.

3 19. Upon information and belief, Defendants knew or should have known
4 that the use, marketing, offering to sell, and selling of the infringing products by
5 bebe or its resellers and/or customers would directly infringe on the patent-in-suit.

6 20. Defendants' direct and induced infringement of the patent-in-suit has
7 caused and will continue to cause damage to Jezign.

8 21. Defendants' direct and induced infringement has also caused and will
9 continue to cause irreparable harm to Jezign unless and until such infringing conduct
10 is enjoined pursuant to 35 U.S.C. § 283 and/or the equitable powers of this Court.

11 22. Upon information and belief, Defendants' acts of infringement have
12 been undertaken with knowledge of the patent-in-suit. Such acts constitute willful
13 infringement and make this case exceptional pursuant to 35 U.S.C. §§ 284 and 285,
14 and entitle Jezign to enhanced damages and reasonable attorney fees.

15 **Prayer for Relief**

16 Plaintiff prays for judgment as follows:

17 A. An Order preliminarily and permanently enjoining and restraining
18 Defendants from manufacturing, distributing, licensing, using, copying,
19 reproducing, displaying, adapting, offering for sale, and/or selling any product
20 (including, but not limited to, the Infringing Products) that infringes the patent-in-
21 suit;

22 B. An Order directing an accounting to determine Defendants' profits
23 resulting from their unlawful activities;

24 C. An Order awarding Jezign compensation for any and all damages,
25 injury or harm pursuant to 35 U.S.C. §§ 284 and 289;

26 D. An Order directing Defendants to pay full restitution and/or
27 disgorgement of all profits, including any lost profits, and benefits that may have
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been obtained by Defendants as a result of its wrongful conduct pursuant to 35 U.S.C. §§ 284 and 289;

E. An Order awarding Jezign treble damages resulting from Defendants’ willful and intentional conduct pursuant to 35 U.S.C. §§ 284 and 289;

F. An Order awarding Jezign punitive and exemplary damages;

G. An Order awarding Jezign its reasonable costs and attorneys’ fees, and a Declaration that this case is “exceptional” within the meaning of 35 U.S.C. § 285; and

H. Such further relief as this Court deems just and proper.

JURY TRIAL DEMAND

Pursuant to Fed. R. Civ. P. 38(b)(1) and (c), Plaintiff hereby demands a jury trial on all the issues in this action so triable of right by a jury.

Respectfully submitted,

Dated: June 10, 2020

SML Avvocati P.C.

By: /s/ Stephen M. Lobbin
Attorneys for Plaintiff