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9 Attorneys for Plaintiff
10 SEVILLE CLASSICS, INC.

11 UNITED STATES DISTRICT COURT
12 CENTRAL DISTRICT OF CALIFORNIA

13 SEVILLE CLASSICS, INC., a
14 California corporation,

15 Plaintiff,

16 vs.

17 TARGET CORPORATION, a
18 Minnesota corporation; NEATFREAK
19 GROUP, INC., a Canada corporation;
20 NEATFREAK GROUP CORP., a
21 Delaware corporation; and DOES 1 –
22 10, inclusive,

23 Defendants.

) Case No.

) **COMPLAINT FOR:**
) **Patent Infringement**

) **REQUEST FOR JURY TRIAL**

1 Plaintiff SEVILLE CLASSICS, INC. (“SEVILLE CLASSICS”), by and
2 through its attorneys, Karish & Bjorgum, PC, files this Complaint against
3 NEATFREAK GROUP, INC., NEATFREAK GROUP CORP. (collectively,
4 “NEATFREAK”), and TARGET CORPORATION (“TARGET”) and DOES 1-10
5 (collectively “Defendants”) as follows:

6 **JURISDICTION AND VENUE**

7 1. This is an action for patent infringement arising under the acts of
8 Congress relating to patents, 35 U.S.C. § 1 *et. seq.*

9 2. Upon information and belief, Defendants have transacted business and
10 committed acts of infringement within the State of California, and the Central
11 District of California, and are subject to the personal jurisdiction of this Court.

12 3. Venue is proper in this district pursuant to 28 U.S.C. §§ 1391 and
13 1400(b).

14 4. Upon information and belief, Defendants reside in this District for the
15 purposes of venue, insofar as they are subject to the personal jurisdiction in this
16 District, have committed acts of infringement in this District, solicit business in
17 this District, and conduct other business in this District.

18
19 **THE PARTIES AND GENERAL ALLEGATIONS**

20 5. SEVILLE CLASSICS is a corporation organized under the laws of
21 California with its principal place of business located in Torrance, California.

22 6. SEVILLE CLASSICS is informed and believes and based thereon
23 alleges that Defendant TARGET is a corporation organized under the laws of the
24 State of Minnesota with its principal place of business located in Minneapolis,
25 Minnesota.

26 7. SEVILLE CLASSICS is informed and believes and based thereon
27 alleges that Defendant NEATFREAK is a corporation organized under the laws of
28 Ontario, Canada, with offices in Long Valley, New Jersey, using the corporate

1 entity NEATFREAK GROUP CORP. On information and belief, NEATFREAK
2 has warehouse space in Long Beach, California.

3 8. SEVILLE CLASSICS is informed and believes and based thereon
4 alleges that Defendant NEATFREAK GROUP CORP. is a corporation organized
5 under the laws of the State of Delaware with a principal place of business in New
6 Jersey.

7 9. SEVILLE CLASSICS is informed and believes and based thereon
8 alleges that the defendants sued herein as Does 1-10 are individuals and entities
9 who are customers or suppliers of NEATFREAK or TARGET whose names and
10 identities are currently unknown to SEVILLE CLASSICS and who are engaged in
11 the acts described below. SEVILLE CLASSICS will amend the Complaint to
12 identify these individuals or entities as soon as their identities become known.

13
14 **SEVILLE CLASSICS'S RELEVANT PATENTS**

15 10. On September 3, 2013, the United States Patent and Trademark Office
16 duly and legally issued U.S. Patent No. 8,522,987 (“the ‘987 Patent”) to Gary M.
17 Lim. Plaintiff SEVILLE CLASSICS, is the assignee and owner of all right, title
18 and interest in and to the ‘987 Patent, has the right to assert causes of action
19 arising under the ‘987 Patent and the right to any remedies for infringement
20 thereof. A true and correct copy of the ‘987 Patent is attached hereto as Exhibit A.
21 The ‘987 Patent claims “a rack for holding articles.” The elements of the rack are
22 shown and described in the ‘987 Patent.

23 11. On November 2, 2010, the United States Patent and Trademark
24 Office duly and legally issued U.S. Patent No. D626,356 (“the ‘356 Patent”) to
25 Edwin Ho. Plaintiff SEVILLE CLASSICS, is the assignee and owner of all right,
26 title and interest in and to the ‘356 Patent, has the right to assert causes of action
27 arising under the ‘356 Patent and the right to any remedies for infringement
28 thereof. A true and correct copy of the ‘356 Patent is attached hereto as Exhibit B.

1 The '356 Patent claims "a modular design for a modular utility rack" as shown in
2 the drawings in the '356 Patent.

3
4 **FIRST CLAIM FOR RELIEF**

5 **(Infringement of U.S. Pat. No. 8,522,987 – Against All Defendants)**

6 12. SEVILLE CLASSICS realleges and incorporates the allegations in
7 paragraphs 1 through 11 as if set forth fully herein.

8 13. Defendants have infringed and continue to infringe one or more
9 claims of the '987 Patent by making, using, importing, providing, offering to sell,
10 and selling (directly or through intermediaries) infringing products, in this District
11 and elsewhere in the United States. Upon information and belief, Defendants have
12 also contributed to the infringement of one or more claims of the patent-in-suit
13 and/or actively induced others to infringe one or more claims of the patents-in-suit
14 in this District and elsewhere in the United States. On information and belief, a
15 true and correct copy of photographs showing an infringing bookshelf
16 manufactured by NEATFREAK and sold by TARGET are attached hereto as
17 Exhibit C.

18 14. SEVILLE CLASSICS is entitled to recover from the Defendants the
19 damages sustained by SEVILLE CLASSICS as a result of the Defendants'
20 wrongful acts in an amount subject to proof at trial.

21 15. On information and belief, Defendants' infringement of the '987
22 Patent continued after SEVILLE CLASSICS notified Defendants of the
23 infringement and has been and is willful, wanton and deliberate, without license
24 and with full knowledge of SEVILLE CLASSICS's rights in the '987 Patent.

25 16. By the infringing activities, Defendants have damaged SEVILLE
26 CLASSICS. Unless this Court enjoins Defendants' acts of infringement,
27 SEVILLE CLASSICS will continue to suffer irreparable injury.

1 2. The Court preliminarily and permanently restrains and enjoins
2 Defendants and their officers, directors, agents, employees, licensees, successors
3 and assigns and all others acting in concert and participating with Defendants from
4 further acts of infringement, contributory infringement and inducing infringement
5 of the '987 Patent and '356 Patent;

6 3. The Court orders Defendants be required by mandatory injunction to
7 deliver to SEVILLE CLASSICS for destruction any and all devices and designs in
8 their possession, custody or control that embody inventions claimed in the '987
9 Patent and '356 Patent.

10 4. The Court orders Defendants to pay damages to compensate
11 SEVILLE CLASSICS for the infringement, including but not limited to
12 Defendants' profits from infringement of the '356 Patent;

13 5. The Court trebles the damages award to SEVILLE CLASSICS as a
14 consequence of Defendants' willful infringement;

15 6. The Court award SEVILLE CLASSICS their costs and attorney's
16 fees; and

17 7. The Court awards SEVILLE CLASSICS such other and further relief
18 as the Court deems just and proper.

19
20 Dated: December 3, 2013

KARISH & BJORGUM, PC

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24 By: 

25 A. Eric Bjorgum
26 Attorneys for Plaintiff
27 SEVILLE CLASSICS, INC.
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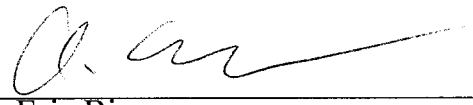
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REQUEST FOR JURY TRIAL

Pursuant to Fed.R.Civ.P. 38(b), SEVILLE CLASSICS hereby requests a trial by jury of all issues raised by the complaint which are properly triable to a jury.

Dated: December 3, 2013

KARISH & BJORGUM, PC

By: 

A. Eric Bjorgum
Attorneys for Plaintiff
SEVILLE CLASSICS, INC.