

1 KYLE LUDWIG HARRIS LLP
2 JOHN S. KYLE (199196) (jkyle@klhipbiz.com)
3 2445 Fifth Ave., Suite 200
4 San Diego, CA 92101
5 Telephone: (619) 600-0086
6 Facsimile: (619) 592-8789

7 Attorneys for Plaintiff MAGTRIM DESIGNS, LLC

8
9 UNITED STATES DISTRICT COURT
10 SOUTHERN DISTRICT OF CALIFORNIA

11 MAGTRIM DESIGNS LLC, a Florida
12 Limited Liability Company,

13 Plaintiff,

14 v.

15 LIGHT AND LIVING, LLC., a
16 California Limited Liability Company;
17 LIGHT AND LIVING, an unknown
18 Netherlands Business Entity

19 Defendants.

Case No. **'14CV0595 LAB RBB**

**COMPLAINT FOR PATENT
INFRINGEMENT**

DEMAND FOR JURY TRIAL

20 Plaintiff MagTrim Designs, LLC (“MagTrim”) for its complaint alleges the
21 following against Defendants Light and Living LLC and Light and Living
22 Netherlands (collectively “Light and Living”):

23 **THE PARTIES**

24 1. MagTrim is a Limited Liability Company organized and existing under the
25 laws of the State of Florida with its principle place of business at 3830 South
26 Highway A1A, Suite 4-128 Melbourne Beach, FL 32951. MagTrim is registered
27 to business in California and is doing business in California. MagTrim has done
28 business and continues to do business in this District.

2. MagTrim is informed and believes that Light and Living LLC is a

1 California Limited Liability Company with its principal place of business at 300
2 N. Graves Ave. Unit B, Oxnard, CA 93030. Light and Living LLC is registered to
3 do business in the State of California and, in fact, is doing business in the State of
4 California and in this District. MagTrim is informed and believes that Light and
5 Living LLC is the U.S. Division of Defendant, Light and Living an unknown
6 Netherlands Business Entity. MagTrim is informed and believes that the
7 Netherlands Light and Living entity has its principal place of business at
8 Blauwwater13, 5951 DB Belfeld, The Netherlands. MagTrim is informed and
9 believes that the Netherlands Light and Living entity has done and is doing
10 business in California and in this District. Light and Living committed specific
11 acts of patent infringement as alleged below in this District.

12 **JURISDICTION AND VENUE**

13 3. This action arises under the patent laws of the United States, 35 U.S.C. § 1 *et*
14 *seq.*

15 4. This Court has jurisdiction over this action pursuant to 28 U.S.C. §§ 1331
16 and 1338(a).

17 5. This Court has personal jurisdiction over Light and Living in that Light and
18 Living is registered to do business in California and, in fact, is conducting business
19 in California and in this District. Moreover, MagTrim is informed and believes and
20 on that basis alleges that Light and Living has committed specific acts of patent
21 infringement as alleged below in this District.

22 6. Venue is proper in this District under 28 U.S.C. §§ 1391 and 1400(b).

23 **GENERAL ALLEGATIONS**

24 7. In 2003, Colleen Nielsen conceived of magnetic adornments, such as
25 crystals, that decorators could attach to chandeliers and other fixtures in homes.
26 Using these magnetic adornments, decorators can embellish any iron-based home
27 fixture with decorative adornments without the need to drill holes or use wire
28 attachments.

1 8. Also in 2003, Ms. Nielsen designed and built examples of such magnetic
2 adornments.

3 9. Also in 2003, Ms. Nielsen filed a provisional patent application with the
4 United States Patent and Trademark Office (“USPTO”). In 2004, Ms. Nielsen filed
5 her first utility patent application with the USPTO.

6 10. The USPTO issued two patents to Ms. Nielsen, U.S. Patent No. 7,214,014
7 (the “’014 Patent”) and U.S. Patent No. 7,806,568 (the “’568 Patent”). True and
8 correct copies of the ’014 Patent and the ’568 Patent are attached to this Complaint
9 as Exhibits 1 and 2, respectively.

10 11. Ultimately, Ms. Nielsen assigned the ’014 and ’568 Patents to MagTrim.

11 12. Light and Living makes, has made, imports into the United States, and sells
12 magnetically attachable crystal accents for use on its custom line of metal
13 chandeliers and lamp shades. Light and Living makes, has made, imports into the
14 United States, offers to sell, and sells these articles as “Crystal Decorations” for use
15 with chandeliers and other fixtures that Light and Living also sells.

16 13. MagTrim is informed and believes and on that basis alleges that the Light
17 and Living’s magnetically attachable crystal accents for use on its custom line of
18 metal chandeliers and lamp shades infringes the ’014 Patent and/or the ’568 Patent.

19 14. In addition, MagTrim is informed and believes that Light and Living has
20 used the Light and Living magnetically attachable crystal accents for use on its
21 custom line of metal chandeliers and lamp shades within this District.

22 **FIRST CLAIM FOR RELIEF**

23 Infringement of the ’014 Patent

24 (Against Light and Living)

25 15. MagTrim repeats and realleges the allegations of paragraphs 1 through 14
26 above as if fully set forth below.

27 16. MagTrim is the Assignee of the ’014 Patent.

28 17. MagTrim has the right to sue for infringement of the ’014 Patent.

1 18.Light and Living has infringed and continues to infringe the '014 Patent,
2 either literally or under the doctrine of equivalents, by making, having made, using,
3 importing into the United States, offering to sell, and selling magnetically
4 attachable crystal accents for use on its custom line of metal chandeliers and lamp
5 shades.

6 19.In addition, Light and Living has been and continues to contribute to the
7 infringement of or to induce the infringement of the '014 Patent by making, having
8 made, using, importing into the United States, offering to sell, and selling
9 magnetically attachable crystal accents for use on its custom line of metal
10 chandeliers and lamp shades.

11 20.Since 2009, MagTrim has marked its products with its patent numbers.
12 Accordingly, Light and Living had constructive notice of the '014 Patent. Light
13 and Living's direct infringement, contributory infringement and/or inducement of
14 infringement of the '014 Patent has taken place and is taking place with actual or
15 legal knowledge of the '014 Patent and has been and is intentional, deliberate and
16 willful.

17 21.As a result of Light and Living's direct infringement, contributory
18 infringement and/or inducement of infringement of the '014 Patent, MagTrim has
19 been and will continue to be damaged unless and until Light and Living is enjoined
20 by this Court.

21 22.MagTrim has suffered and continues to suffer damages, irreparable harm,
22 and impairment of its patent rights as a direct result of Light and Living's
23 infringement.

24 23.MagTrim is entitled to recover from Light and Living damages as a result of
25 Light and Living's infringement in an amount to be proven at trial, but no less than
26 a reasonable royalty.

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SECOND CLAIM FOR RELIEF

Infringement of the '568 Patent

(Against Light and Living)

24. MagTrim repeats and realleges the allegations of paragraphs 1 through 23 above as if fully set forth below.

25. MagTrim is the Assignee of the '568 Patent.

26. MagTrim has the right to sue for infringement of the '568 Patent.

27. Light and Living has infringed and continues to infringe the '568 Patent, either literally or under the doctrine of equivalents, by making, having made, using, importing into the United States, offering to sell, and selling magnetically attachable crystal accents for use on its custom line of metal chandeliers and lamp shades.

28. In addition, Light and Living has been and continues to contribute to the infringement of or to induce the infringement of the '568 Patent by making, having made, using, importing into the United States, offering to sell, and selling magnetically attachable crystal accents for use on its custom line of metal chandeliers and lamp shades.

29. Since 2009, MagTrim has marked its products with its patent numbers. Accordingly, Light and Living had constructive notice of the '568 Patent from the date it issued in 2010. Light and Living's direct infringement, contributory infringement and/or inducement of infringement of the '568 Patent has taken place and is taking place with actual or legal knowledge of the '568 Patent and has been and is intentional, deliberate and willful.

30. As a result of Light and Living's direct infringement, contributory infringement and/or inducement of infringement of the '568 Patent, MagTrim has been and will continue to be damaged unless and until Light and Living is enjoined by this Court.

1 31. MagTrim has suffered and continues to suffer damages, irreparable harm,
2 and impairment of its patent rights as a direct result of Light and Living's
3 infringement.

4 32. MagTrim is entitled to recover from Light and Living damages as a result of
5 Light and Living's infringement in an amount to be proven at trial, but no less than
6 a reasonable royalty.

7 **PRAYER FOR RELIEF**

8 WHEREFORE, MagTrim prays:

9 1. For a judgment holding Light and Living liable for infringement of the '014
10 Patent;

11 2. For a judgment holding Light and Living liable for infringement of the '568
12 Patent;

13 3. For permanent injunctive relief enjoining, Light and Living, its officers,
14 agents, servants, employees and attorneys, and all other persons in acts of concert
15 or participation with it, from further infringement of the '014 Patent and/or the '568
16 Patent;

17 4. For an award of damages in an amount adequate to compensate MagTrim for
18 Light and Living's infringement, and for a trebling of such damages in view of the
19 willful and deliberate nature of the infringement pursuant to 35 U.S.C. § 284;

20 5. For an award of costs and expenses incurred in this action, including
21 reasonable attorney's fees under 35 U.S.C. § 285;

22 6. For an award of prejudgment interest on the amount of damages found; and

23 7. For such other and further relief as the Court may find equitable, just and
24 proper.

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1 **DEMAND FOR A JURY TRIAL**

2 MagTrim demands a jury trial on all issues so triable.

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4 Dated: March 14, 2014

KYLE LUDWIG HARRIS LLP
JOHN S. KYLE

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Attorneys for MAGTRIM DESIGNS,
LLC

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