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11
12 **UNITED STATES DISTRICT COURT**
13 **FOR THE CENTRAL DISTRICT OF CALIFORNIA**
14

15 MUNCHKIN, INC., a Delaware
16 corporation,

17 Plaintiff,

18 v.

19
20 SKIP HOP, INC., a New York
corporation.

21 Defendants.
22
23

Case No.

**COMPLAINT FOR PATENT
INFRINGEMENT**

DEMAND FOR JURY TRIAL

1 Plaintiff Munchkin, Inc. (“Plaintiff” or “Munchkin”) hereby alleges against
2 defendant Skip Hop, Inc. (“Defendant” or “Skip Hop”) as follows:

3 **INTRODUCTION**

4 1. This is an action for patent infringement under the Patent Act, 35
5 U.S.C. §§ 271, *et. seq.*, in that Defendants have infringed United States Patent
6 Numbers 6,857,753 and 6,913,364 (“the ‘753 Patent” and “the ‘364 Patent”
7 respectively) by making, using, selling, offering to sell, and/or importing panel
8 attachment systems, and/or by indirectly infringing the ‘753 Patent and the ‘364
9 Patent.

10 **SUBJECT MATTER JURISDICTION**

11 2. This Court has subject matter jurisdiction under 28 U.S.C. §§ 1331
12 and 1338(a), because this action arises under the Patent Act set forth at Title 35 of
13 the U.S. Code.

14 3. Venue is proper in this District under 28 U.S.C. §§ 1391(b) and (c)
15 because a substantial part of the events giving rise to this claim occurred in this
16 District and because the Defendants are subject to personal jurisdiction in this
17 district. Venue is further proper in this District under 28 U.S.C. § 1400(b)
18 because the Defendants committed acts of infringement in this District.

19 4. This Court has personal jurisdiction over the Defendants in this
20 action on the grounds that, upon information and belief: (a) the Defendants have
21 committed acts of patent infringement in the State of California; and (b) the
22 Defendants do business in the State of California directly and through authorized
23 distributors and dealers.

24 5. Jurisdiction is proper in this court because this litigation arises under
25 federal law, namely the Patent Act at 35 U.S.C. § 1, *et seq.* Thus, the Court has
26 subject matter jurisdiction over this action under 28 U.S.C. § 1331 (federal
27 question).

28

1 **PARTIES**

2 6. Munchkin is a Delaware corporation with its principal place of
3 business in Los Angeles, California, which is within the Central District of
4 California. Munchkin is, and was at all times herein mentioned, qualified to do
5 business in California.

6 7. Munchkin is informed and believes, and on that basis alleges, that
7 Defendant Skip Hop is a corporation organized under the laws of the State of
8 New York and with its principle place of business in New York.

9 **BACKGROUND**

10 8. Munchkin, Inc. was founded in 1991, and is a market-leading
11 designer, developer, manufacturer and distributor of baby care products.
12 Munchkin’s success is attributable to the company’s keen ability to transform
13 ordinary products into extraordinary ones using a unique combination of design,
14 innovation, and concern for safety.

15 9. Munchkin’s critical success has led to its position as a leading
16 company in the baby care products industry. Munchkin has won over 30 industry
17 awards, including the coveted Target® Corporation Partner Award of Excellence,
18 and has been granted over 100 Patents.

19 10. Munchkin believes that its brand image is very important, because
20 consumers want a single trustworthy source for all of their baby care needs. As a
21 result, Munchkin has reinvigorated the category with improvements like a 2-in-1
22 design on bottle brushes, as well as pioneered numerous breakthroughs like the
23 White Hot Technology® that lets moms know if the bath water or the car is too
24 hot.
25

26 11. On February 22, 2005, the ‘753 Patent was issued to Munchkin for a
27 panel attachment system directed at a viewing panel device comprising “a viewing
28 panel having a front viewing surface and rear surface; a support structure

1 connected to said viewing panel generally on said rear surface thereof . . . and a
2 tether strap extending from said support structure and terminating in a fastener that
3 attaches to the top tether anchorage point.” A true and correct copy of the ‘753
4 Patent is attached as **Exhibit A**.

5 12. The Defendants have infringed on the ‘753 Patent by making, using,
6 selling, offering to sell, and/or importing panel attachment systems that infringe on
7 at least one independent claim of the ‘753 Patent.

8 13. On July 5, 2005, the ‘364 Patent was issued to Munchkin for a panel
9 attachment system directed at a viewing panel device comprising “a viewing panel
10 having a front viewing surface and rear surface; and a support structure attached to
11 the rear surface of said viewing panel, said support structure including a bottom
12 panel . . . and a diagonal support element . . .” A true and correct copy of the ‘364
13 Patent is attached as **Exhibit B**.

14 14. The Defendants have infringed on the ‘364 Patent by making, using,
15 selling, offering to sell, and/or importing panel attachment systems that infringe on
16 at least one independent claim of the ‘364 Patent.

17 **FIRST CLAIM FOR RELIEF**

18 15. Munchkin re-alleges and incorporates herein by reference all
19 preceding paragraphs as though fully set forth herein.

20 21 16. The ‘753 Patent correctly names Michael T. Kane as the sole
22 inventor, and correctly names Blue Ridge International Products Company as the
23 Assignee. Blue Ridge International Products Company is a wholly owned
24 subsidiary of Munchkin, Inc.

25 17. All United States patents are presumed to be valid.

26 18. Skip Hop is infringing at least one claim of the ‘753 Patent in
27 violation of 35 U.S.C. § 271(a) by making, using, selling, offering to sell, and/or
28 importing its infringing viewing display devices in the United States. Examples of

1 Skip Hop’s infringing products include, but are not limited to, “Zoo Auto Mirror.”
2 A true and correct copy of a picture of the “Zoo Auto Mirror” is attached as
3 **Exhibit C.**

4 19. Skip Hop has had actual notice of Munchkin’s patent rights since at
5 least February 22, 2005 and Skip Hop’s infringement of the ‘753 Patent has been
6 and continues to be willful and deliberate.

7 20. Skip Hop’s infringement of the ‘753 Patent has caused great damage
8 to Plaintiff. The amount of these damages is not yet known, but Plaintiff has lost
9 profits and royalties as a direct result of the infringement and is entitled to
10 damages adequate to compensate it for the infringement in an amount that is in no
11 event less than a reasonable royalty under 35 U.S.C. § 284. Plaintiff may also be
12 entitled to recover prejudgment interest, costs, and treble damages under 35 U.S.C.
13 § 284. Further, this is an exceptional case under 35 U.S.C. § 285 and Plaintiff
14 should be awarded its attorneys’ fees.

15 21. As a result of Skip Hop’s infringement of the ‘753 Patent, Plaintiff
16 has suffered and continues to suffer irreparable harm and impairment of the value
17 of its patent rights, and is suffering the violation of its patent rights, all of which
18 will continue unless Skip Hop is permanently enjoined by this Court from
19 infringing the ‘753 Patent under 35 U.S.C. § 283. Plaintiff has no adequate
20 remedy at law.

21
22 **SECOND CLAIM FOR RELIEF**

23 22. Munchkin re-alleges and incorporates herein by reference all
24 preceding paragraphs as though fully set forth herein.

25 23. The ‘364 Patent correctly names Michael T. Kane as the sole
26 inventors, and correctly names Blue Ridge International Products Company as the
27 Assignee. Blue Ridge International Products Company is a wholly owned
28 subsidiary of Munchkin, Inc.

- 1 a. Finding that the Defendants infringe the ‘753 Patent;
- 2 b. Permanent injunctions against the Defendants and their parents,
- 3 subsidiaries, divisions, agents, dealers, officers, employees, successors, and
- 4 assigns, and all others acting in concert or participation with Defendants, from:
 - 5 i. making, using, selling, offering to sell, or importing the invention
 - 6 claimed in the ‘753 Patent; and
 - 7 ii. inducing infringement of the ‘753 Patent;
- 8 c. Finding the patent infringement to be willful;
- 9 d. Finding that the Defendants infringe the ‘364 Patent;
- 10 e. Permanent injunctions against the Defendants and their parents,
- 11 subsidiaries, divisions, agents, dealers, officers, employees, successors, and
- 12 assigns, and all others acting in concert or participation with Defendants, from:
 - 13 i. making, using, selling, offering to sell, or importing the invention
 - 14 claimed in the ‘364 Patent; and
 - 15 ii. inducing infringement of the ‘364 Patent;
- 16 f. Finding the patent infringement to be willful;
- 17 g. Awarding Plaintiff such damages, attorneys’ fees, costs, prejudgment
- 18 interest, and enhanced damages for patent infringement as may be shown by the
- 19 evidence;
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1 h. Finding this to be an exceptional case and awarding Plaintiff its
2 reasonable attorneys' fees under 35 U.S.C. § 285; and

3 i. Awarding Plaintiff such other and further relief as the Court may
4 deem just and proper.

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6 DATED: August 29, 2014

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8

By: /s/ John Shaeffer
John Shaeffer
Jeffrey Grant
Petty Tsay Rader
Attorneys for Plaintiff
MUNCHKIN, INC.

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DEMAND FOR JURY TRIAL

Plaintiff hereby demands jury trial of all issues that may be tried to a jury.

DATED: August 29, 2014

By: /s/ John Shaeffer
John Shaeffer
Jeffrey Grant
Petty Tsay Rader
Attorneys for Plaintiff
MUNCHKIN, INC.