

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

BLU DOT DESIGN &  
MANUFACTURING, INC.,

Plaintiff,

v.

IDEA NUOVA, INC.

Defendant.

No. 14 civ. 7448

**COMPLAINT**

**Jury Trial Demanded**

Plaintiff, Blu Dot Design & Manufacturing, Inc. (“Blu Dot”) for its Complaint against Idea Nuova, Inc. (“Idea Nuova”) states and alleges as follows:

**PARTIES**

1. Plaintiff Blu Dot is a Minnesota corporation with a principal place of business located at 1323 Tyler Street Northeast, Minneapolis, Minnesota 55413.

2. Upon information and belief, Defendant Idea Nuova is a corporation organized and existing under the laws of the State of New York and has a principal place of business at 302 5<sup>th</sup> Avenue, New York, New York 10001.

**JURISDICTION AND VENUE**

3. This is an action for patent infringement in violation of the patent laws of the United States, 35 U.S.C. § 271 *et seq.*

4. This Court has jurisdiction over this Complaint pursuant to 28 U.S.C. §§ 1331 and 1338(a) because this action involves claims arising under the patent laws of the United States.

5. This Court has personal jurisdiction over Idea Nuova because, among other things, upon information and belief, it is organized in New York State, it retains its principal

place of business in this District, it conducts a substantial portion of its business in this District, and it has directly committed acts of patent infringement against the asserted patent, referenced below, in this District.

6. Venue is proper under 28 U.S.C. §§ 1391(b) and 1400(b) because Idea Nuova has committed acts of patent infringement in this District and because Idea Nuova is subject to personal jurisdiction in this District.

### **FACTS**

7. For over 17 years, Blu Dot has been designing, manufacturing, and selling a wide range of quality contemporary furniture for the home and office.

8. In 2012, Blu Dot created and launched a line of chairs, called “Bunjo” chairs, that have unique and ornamental bungee cord designs. Blu Dot’s innovative designs for bungee chairs are protected by various intellectual property rights including design patents issued by the United States Patent and Trademark Office.

9. On or about August 19, 2014, the United States Patent and Trademark Office issued United States Design Patent No. D711,151 (“the ‘D151 patent’”), entitled “Bungee Chair,” claiming an ornamental design for a bungee chair. Blu Dot is the owner by assignment of all right, title, and interest in the ‘D151 patent. A true and correct copy of the ‘D151 patent is attached as Exhibit A to this Complaint and is incorporated herein.

10. Based on information and belief, Defendant Idea Nuova has made, used, sold, offered for sale and/or imported into the United States chairs covered by the ‘D151 patent (“Infringing Chairs”). The Infringing Chairs include, but are not limited to the “Marvel Spider-Man Flex Chair” and “Marvel Avengers Flex Chair,” which are, in turn, sold by retailers

nationwide. True and correct copies of example images of Infringing Chairs are attached as Exhibit B.

**COUNT I**  
**Infringement of U.S. Patent No. D711,151**

11. Paragraphs 1–10 are incorporated into this count by reference.
12. Defendant Idea Nuova has infringed and continues to infringe the ‘D151 patent by making, using, selling, offering to sell, and/or importing in the United States one or more of the Infringing Chairs identified in this Complaint, which embody the ‘D151 patent.
13. By reason of Defendant Idea Nuova’s infringement, Blu Dot has suffered, and unless Defendant Idea Nuova’s conduct is permanently enjoined, will continue to suffer, actual damages and irreparable harm, as to which it has no adequate remedy at law.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff Blu Dot respectfully prays that this Court:

- a. Enter judgment that Defendant Idea Nuova has infringed the ‘D151 patent;
- b. Preliminarily and permanently enjoin and restrain Defendant Idea Nuova, together with any and all parent or affiliated companies or corporations, and all officers, directors, agents, servants, employees, distributors, attorneys and all others acting in privity or through them, from further infringement of the ‘D151 patent;
- c. Award Blu Dot damages under 35 U.S.C. § 284 in an amount to be determined at trial;
- d. Award Blu Dot under 35 U.S.C. § 289 in an amount to be determined at trial;
- e. Award Blu Dot its reasonable attorneys’ fees pursuant to 35 U.S.C. § 285 in the event this is found to be an exceptional case; and


f. Award such other and further relief that the Court may deem just and equitable.

**DEMAND FOR JURY TRIAL**

Pursuant to Rule 38 of the Federal Rules of Civil Procedure, Plaintiff demands a trial by jury of all issues so triable.

Dated: September 12, 2014  
New York, New York

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**EXHIBIT A**



US00D711151S

(12) **United States Design Patent**  
**Christakos**

(10) Patent No.: **US D711,151 S**  
(45) Date of Patent: **\*\* Aug. 19, 2014**

(54) **BUNGEE CHAIR**

(71) Applicant: **Blu Dot Design & Manufacturing, Inc.**,  
Minneapolis, MN (US)

(72) Inventor: **John N. Christakos**, Minneapolis, MN  
(US)

(73) Assignee: **Blu Dot Design & Manufacturing, Inc.**,  
Minneapolis, MN (US)

(\*\*) Term: **14 Years**

(21) Appl. No.: **29/481,068**

(22) Filed: **Jan. 31, 2014**

(51) **LOC (10) CL** ..... **06-01**

(52) **U.S. Cl.**  
USPC ..... **D6/368**

(58) **Field of Classification Search**

USPC ..... D6/334-336, 344, 348-349, 363,  
D6/366-376, 379, 716, 716.1-716.4;  
5/102; 119/28.5; 273/396, 407;  
297/16.1, 16.2, 31, 34, 45-47, 50, 56,  
297/180.14, 271.6, 314, 411.41, 440.11,  
297/440.24, 448.1, 451.11, 451.4, 452.12,  
297/452.13; 473/197, 431, 446, 456

See application file for complete search history.

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(Continued)

**OTHER PUBLICATIONS**

Advertisement from Target, "Woven Techniques Hard Goods", Interior Design Capsule, made publicly available by at least Feb. 27, 2012.

Primary Examiner — Ricky Pham

(74) Attorney, Agent, or Firm — Fredrikson & Byron, P.A.

(57) **CLAIM**

I claim the ornamental design for a bungee chair, as shown and described.

**DESCRIPTION**

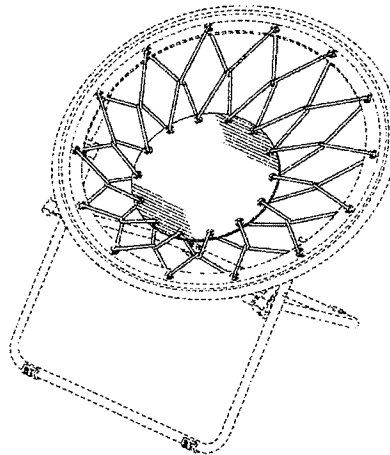
FIG. 1 is a perspective of our new design for a bungee chair;  
FIG. 2 is front view thereof;  
FIG. 3 is a rear view thereof;  
FIG. 4 is a right side view thereof;  
FIG. 5 is a left side view thereof;  
FIG. 6 is a top view thereof; and,  
FIG. 7 is a bottom view thereof.  
The broken lines shown in the drawings are for illustrative purposes only and form no part of the claimed design.

**1 Claim, 7 Drawing Sheets**

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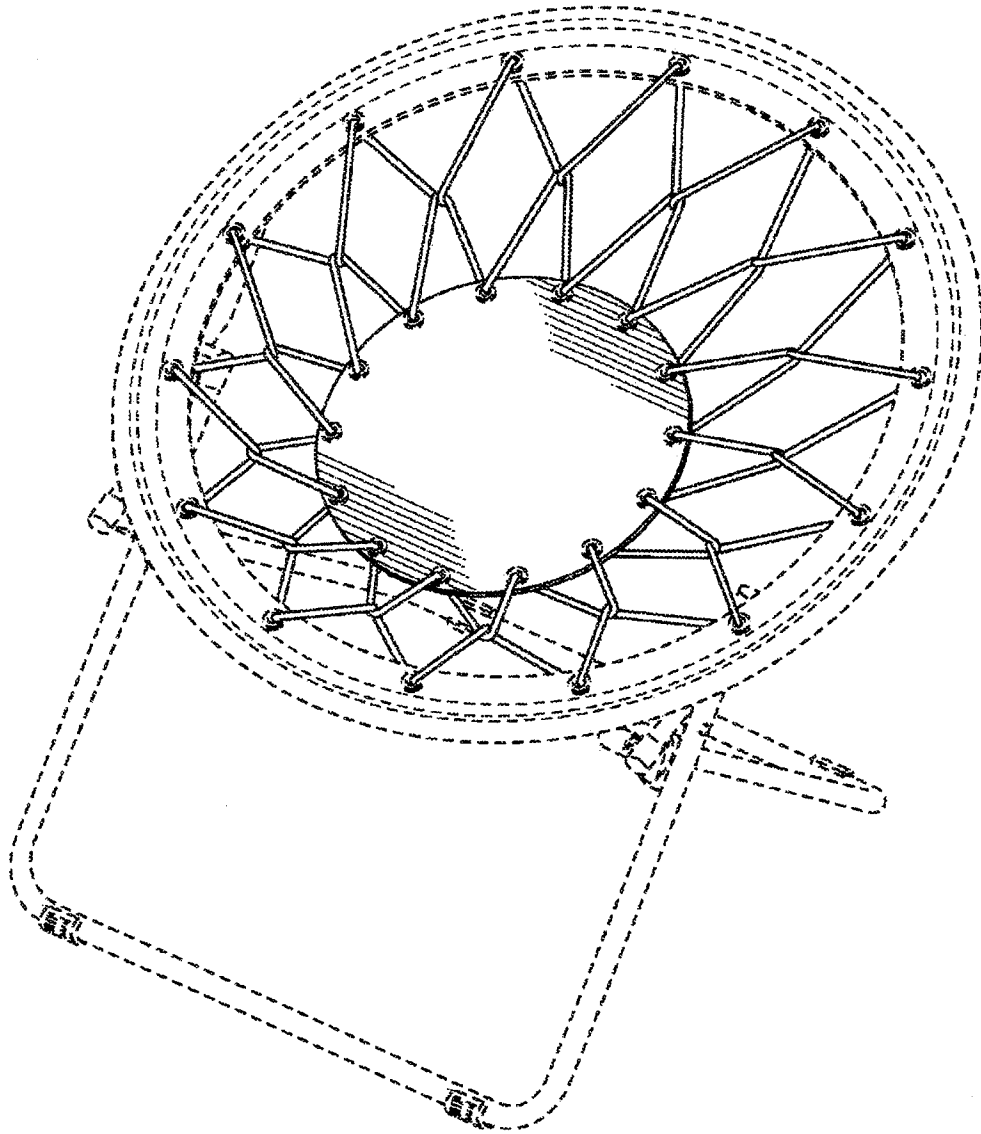
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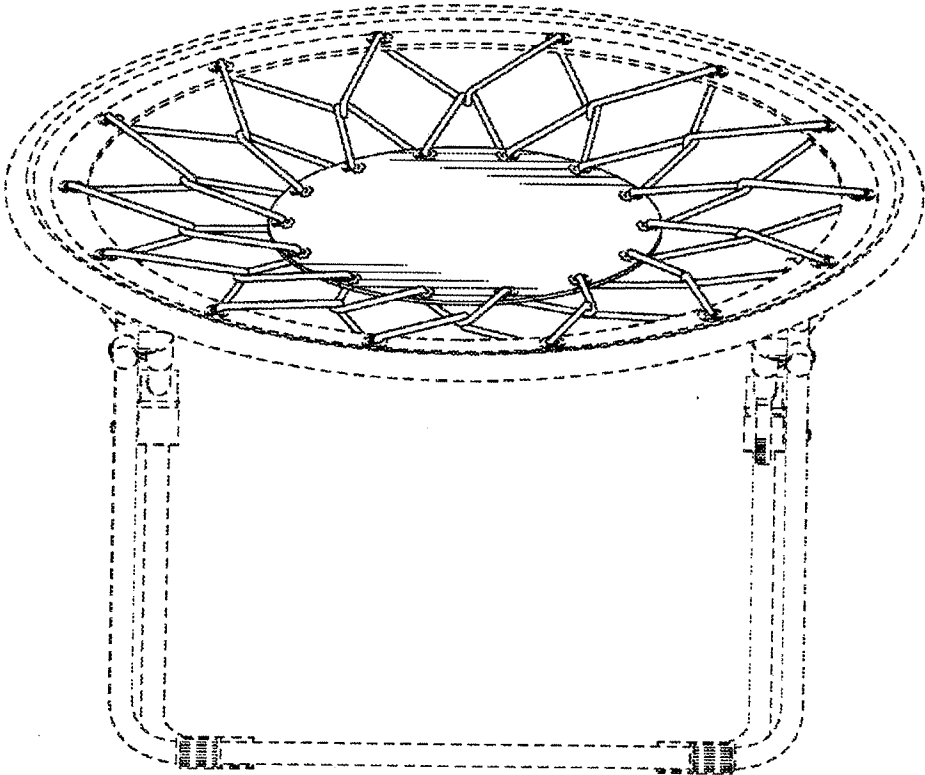
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**Fig. 1**

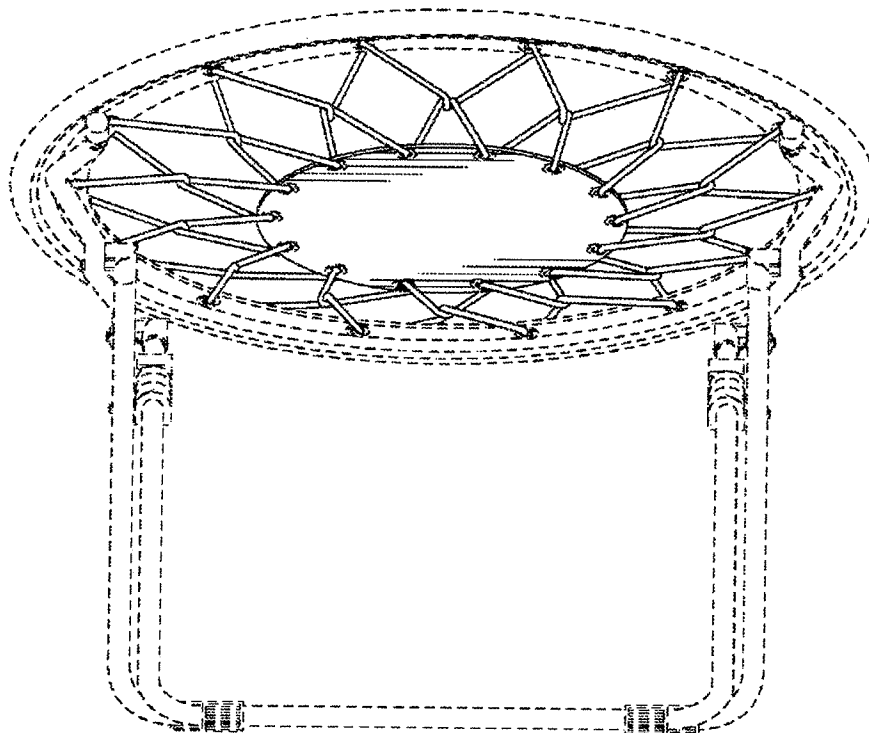




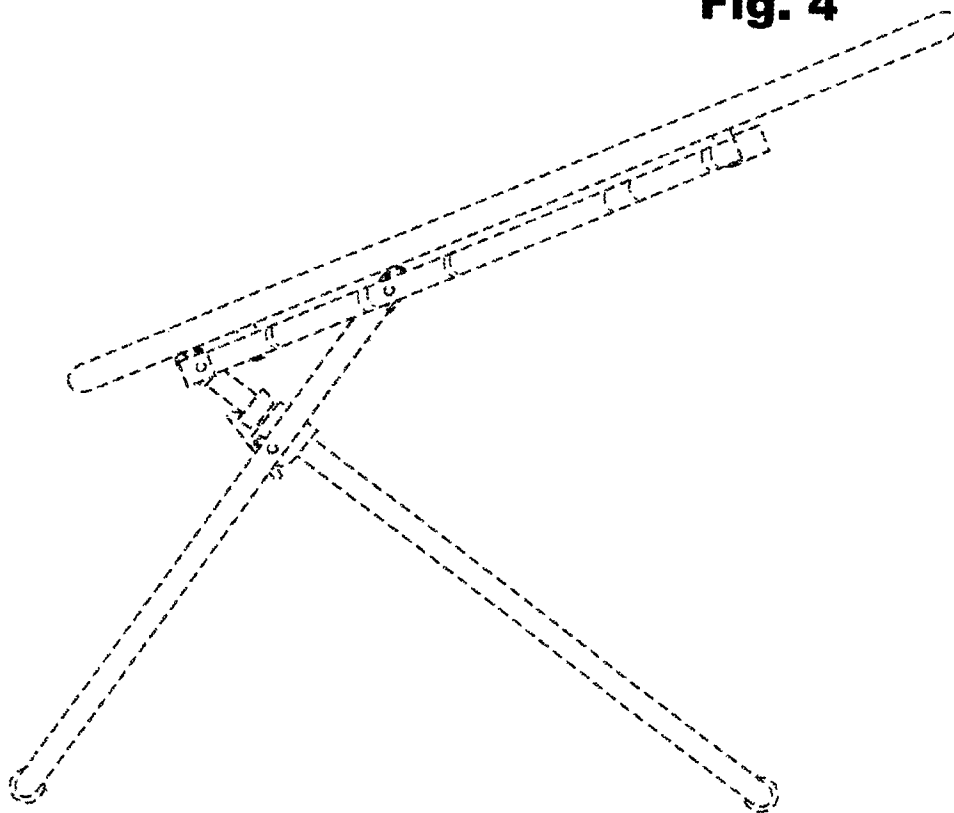
**Fig. 2**



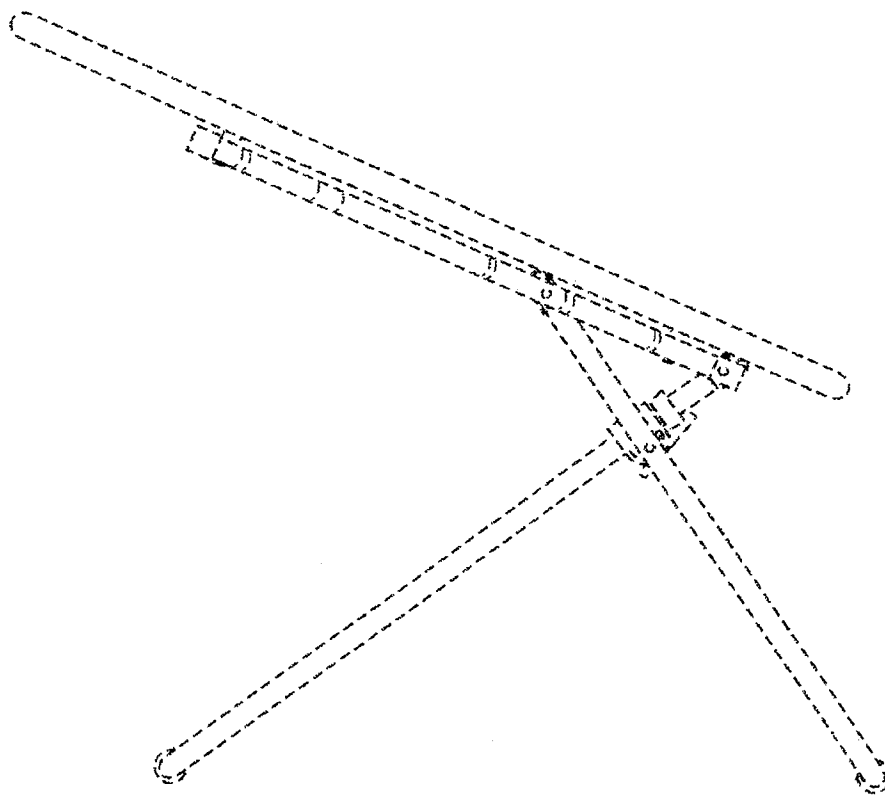
**Fig. 3**



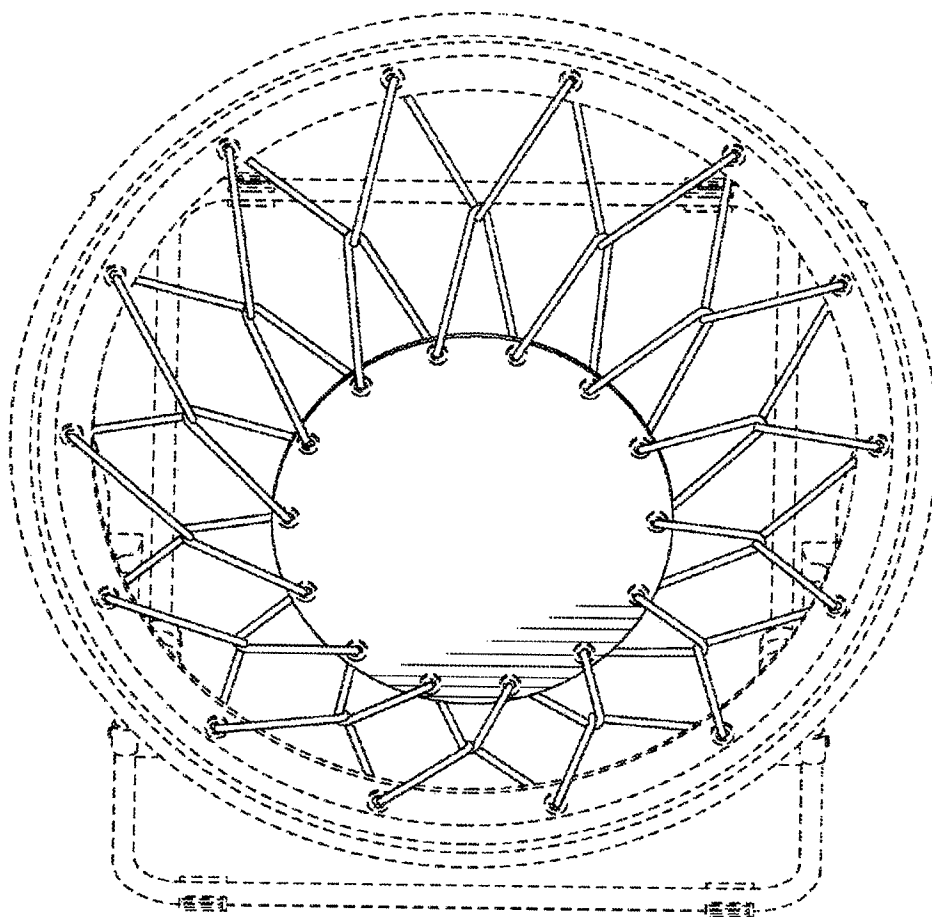
**Fig. 4**



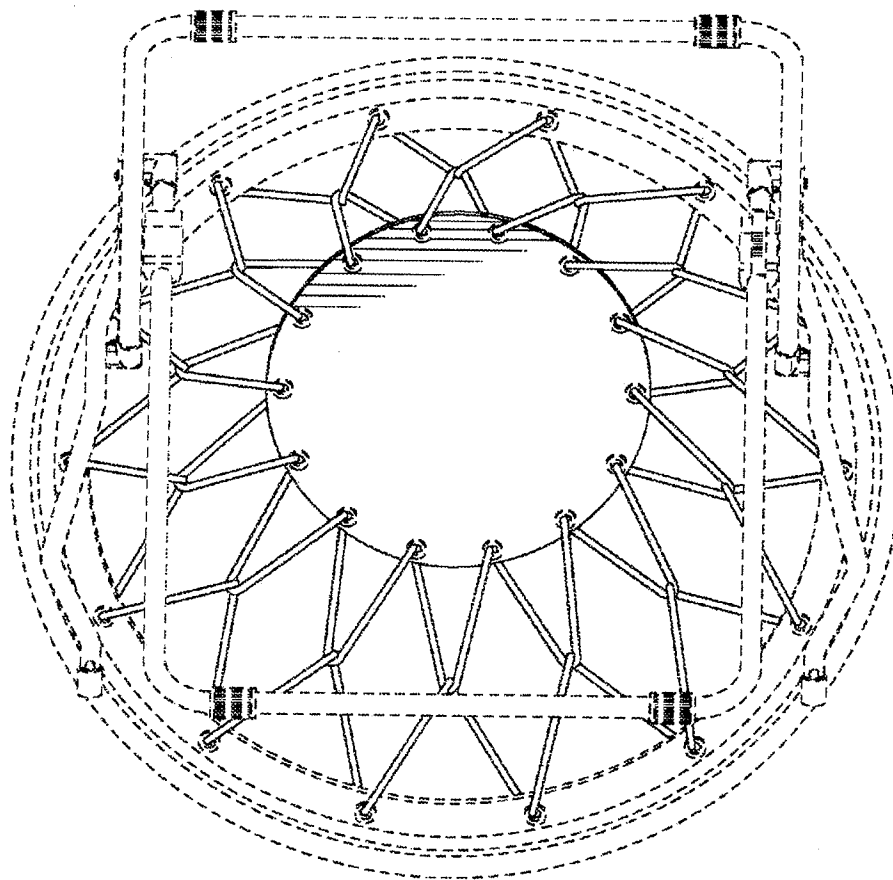
**Fig. 5**



**Fig. 6**



**Fig. 7**



## EXHIBIT B

