

1 MITCHELL + COMPANY  
2 Brian E. Mitchell (State Bar No. 190095)  
3 4 Embarcadero Center, Suite 1400  
4 San Francisco, California 94111  
5 Tel: 415-766-3514  
6 Fax: 415-402-0058  
7 Brian.Mitchell@mcolawoffices.com

8 LEE TRAN & LIANG APLC  
9 Enoch H. Liang (State Bar No. 212324)  
10 601 S. Figueroa Street, Suite 4025  
11 Los Angeles, California 90017  
12 Tel: 213-612-3737  
13 Fax: 213-612-3773  
14 Enoch.liang@ltrlawattorneys.com

15 Attorneys for Plaintiff  
16 LINDA KARECKI

17 UNITED STATES DISTRICT COURT  
18 FOR THE SOUTHERN DISTRICT OF CALIFORNIA

19 LINDA KARECKI,  
20 Plaintiff,  
21 v.  
22 REEBOK INTERNATIONAL LTD.  
23 d/b/a REEBOK,  
24 Defendant.

Case No.: '12CV1583 WQHDHB

**COMPLAINT FOR PATENT  
INFRINGEMENT**

**DEMAND FOR JURY TRIAL**

25 Plaintiff Linda Karecki ("Plaintiff") complains as follows:

26 **NATURE OF ACTION**

27 1. This action arises under the Patent Laws of the United States, 35 U.S.C.  
28 §§100, *et seq.*

1 **JURISDICTION AND VENUE**

2 2. The Court has subject matter jurisdiction of this action under 28 U.S.C.  
3 §§1331 and §1338(a) in that it arises under the United States Patent Laws.

4 3. Defendant Reebok International Ltd. (“Defendant”) is subject to this  
5 Court’s specific and general personal jurisdiction because Defendant conducts  
6 extensive business in this Judicial District, operates retail stores in this Judicial  
7 District, has committed the acts complained of in this Judicial District, and has  
8 caused injury to Plaintiff within this Judicial District by virtue of the acts of patent  
9 infringement that are described herein.

10 4. Venue is proper in this Judicial District pursuant to 28 U.S.C.  
11 §§1391(b), (c) and 1400(b). Defendants are transacting, doing and/or soliciting  
12 business and committing acts of patent infringement in this judicial district and  
13 elsewhere in the United States.

14 **THE PARTIES**

15 5. Plaintiff Linda Karecki is an individual residing in Solana Beach,  
16 California.

17 6. Upon information and belief, Defendant is a Massachusetts corporation  
18 with its principal place of business in Canton, Massachusetts.

19 **BACKGROUND**

20 7. Plaintiff Linda Karecki is an experienced athlete and independent  
21 inventor. She began a career as a national track and field competitor and Olympic  
22 hopeful at the age of 12. She developed a national reputation as a competitive  
23 athlete and a personal athletics trainer. While competing, Plaintiff also worked  
24 successfully for 10 years as a professional model, including appearing in over 15  
25 national commercials. Additionally, Plaintiff has worked as a personal trainer for  
26 many years.

27 8. On July10, 2001, U.S. Patent No. 6,258,014 (the ‘014 Patent), entitled  
28 Exercise Kit and Method of Using Same, was issued to Plaintiff for the invention of

1 a novel method and apparatus for the toning of muscles through the use of  
2 resistance. Plaintiff owned this patent throughout the period of Defendant's  
3 infringing acts and still owns this patent. A copy of the '014 Patent is attached  
4 hereto as Exhibit A.

5 9. Defendant Reebok is in the business of selling sporting gear, including  
6 its "EasyTone" apparel, which utilizes polyurethane sheets with memory ability  
7 placed in the clothing to force muscle tension through the natural extension and  
8 flexing actions of the user. Defendant's infringing "EasyTone" apparel include, but  
9 are not necessarily limited to, its "EasyTone" pants, shorts, capris, tank tops, and  
10 shirts.

11 10. In April of 2011, Plaintiff provided Reebok with actual notice of the  
12 '014' Patent. Reebok personnel corresponded with Plaintiff for several months.  
13 However, Reebok ultimately did not license the '014 Patent from Plaintiff.

14 11. Defendant has been selling and offering to sell infringing "EasyTone"  
15 apparel within the United States, and within this District, all without consent from  
16 Plaintiff.

17 **FIRST CLAIM FOR RELIEF**

18 **(Patent Infringement)**

19 12. Plaintiff incorporates by reference and realleges each of the allegations  
20 set forth above.

21 13. Defendant has infringed and is still infringing the '014 Patent by  
22 making, selling, and using "EasyTone" apparel, which embodies the patented  
23 invention.

24 14. Defendant is aware of the '014 Patent, but yet it knowingly and actively  
25 induces consumers to use its infringing "EasyTone" apparel within the United  
26 States. Defendant thus actively induces infringement of the '014 Patent in violation  
27 of 35 U.S.C. § 271(b).

28

1 15. Defendant's infringing "EasyTone" apparel is not a staple article or  
2 commodity of commerce and has no substantial non-infringing use. On information  
3 and belief, Defendant knew that its "EasyTone" apparel is specially made or  
4 especially adapted for use in an infringement of the '014 Patent. Third parties who  
5 use the infringing "EasyTone" apparel infringe one or more claims of the '014  
6 Patent. Defendant thus contributes to infringement of the '020 patent in violation of  
7 35 U.S.C. § 271(c).

8 16. Upon information and belief, Defendant's patent infringement has been  
9 committed willfully with full knowledge of the '014 Patent.

10 17. Defendant's infringing acts render this an exceptional case, and  
11 therefore Plaintiff should be awarded all costs and attorney's fees incurred in this  
12 action as permitted under 35 U.S.C. §285.

13 18. Plaintiff, as the proximate result of Defendant's patent infringement,  
14 has suffered and, if Defendant is not enjoined, will continue to suffer irreparable  
15 harm, for which it has no adequate legal remedy.

16 **PRAYER FOR RELIEF**

17 WHEREFORE, Plaintiff prays for judgment:

18 1. That Defendant has infringed, contributorily infringed and/or actively  
19 induced infringement of the '014 Patent;

20 2. That Plaintiff be awarded her damages from patent infringement  
21 according to proof and ordering that such damages be multiplied up to treble their  
22 amount;

23 3. Preliminarily and permanently enjoining Defendant and all others  
24 acting in concert with Defendant from making, using, selling or offering to sell the  
25 infringing "EasyTone" pants, shorts, capris, bras, tank tops, shirts or any other  
26 products infringing the '014 Patent without permission or a license from Plaintiff;

27 4. That Defendant be ordered to deliver up to Plaintiff all products  
28 infringing the '014 patent within its ownership, possession or control, for

1 destruction by Plaintiff or, in the alternative, that the Court award a compulsory  
2 royalty for the current and future sale of such goods;

3 5. That the Court declare this to be an exceptional case pursuant to 35  
4 U.S.C. §285, and award Plaintiff reasonable attorney's fees;

5 6. That Plaintiff be awarded its costs of suit, and pre- and post-judgment  
6 interest on any money judgment;

7 7. For such other relief as the Court deems proper.

8  
9 DATED: June 20, 2012

10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

By  \_\_\_\_\_

Brian E. Mitchell  
MITCHELL + COMPANY  
4 Embarcadero Center, Suite 1400  
San Francisco, California 94111  
Tel: 415-766-3514  
Fax: 415-402-0058  
brian.mitchell@incolawoffices.com

Enoch H. Liang  
LEE TRAN & LIANG APLC  
601 S. Figueroa Street, Suite 4025  
Los Angeles, California 90017  
Tel: 213-612-3737  
Fax: 213-612-3773  
enoch.liang@lrlattorneys.com

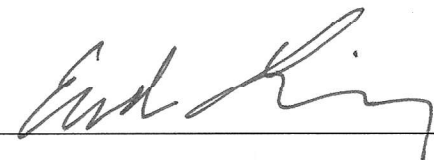
*Attorneys for Plaintiff*  
LINDA KARECKI

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**JURY DEMAND**

Plaintiff demands a jury trial on all claims as to which she has a right to a jury.

DATED: June 20, 2012

By 

Brian E. Mitchell  
MITCHELL + COMPANY  
4 Embarcadero Center, Suite 1400  
San Francisco, California 94111  
Tel: 415-766-3514  
Fax: 415-402-0058  
Brian.Mitchell@mcolawoffices.com

Enoch H. Liang  
LEE TRAN & LIANG APLC  
601 S. Figueroa Street, Suite 4025  
Los Angeles, California 90017  
Tel: 213-612-3737  
Fax: 213-612-3773  
Enoch.liang@ltlattorneys.com

*Attorneys for Plaintiff*  
LINDA KARECKI