UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

KISS NAIL PRODUCTS, INC., Plaintiff, v. TIANJIN SHUANGRONG PAPER PRODUCTS CO., LTD. and SHUANG RONG AMERICA, LLC, Defendants.	Civil Action No. _____ **COMPLAINT** (Jury Trial Demanded)

Plaintiff Kiss Nail Products, Inc. ("Kiss Products"), for its Complaint against Defendants Tianjin Shuangrong Paper Products Co., Ltd. and Shuang Rong America, LLC (collectively, "Tianjin Defendants"), alleges as follows:

PARTIES

1. Kiss Products, a global leader in the nail care industry, is a New York corporation with its principal place of business at 57 Seaview Boulevard, Port Washington, New York 11050.

2. On information and belief, Tianjin Shuangrong Paper Products Co., Ltd. is a Chinese limited company with its principal place of business at 68 Luhan Road, Ninghe Economic Development Area, Tianjin, China 300150.

3. On information and belief, Shuang Rong America, LLC is a California limited liability company with its principal place of business at 1641 West Main Street, Alhambra, California 91801.

NATURE OF THIS ACTION

4. This is an action for damages, injunctive relief, and other relief against Tianjin Defendants for (i) their infringement of Kiss Products' patent in violation of the United States

patent laws, 35 U.S.C. §§ 101, *et seq.* and (ii) their use of false and misleading advertising claims in violation of the Lanham Act, 15 U.S.C. §§ 1051, *et seq.* and the statutory and common law of the State of New York, including New York General Business Law § 350 and § 350-a and New York's common law of unfair competition.

JURISDICTION, VENUE AND JOINDER

5. This Court has subject matter jurisdiction under 15 U.S.C. § 1121 (the Lanham Act), 28 U.S.C. § 1331 (federal question), 28 U.S.C. § 1338 (patent and trademark laws), and 28 U.S.C. § 1367 (supplemental jurisdiction over the Plaintiff's state law claims).

6. This Court has personal jurisdiction over Tianjin Defendants because Tianjin Defendants have committed, and continue to commit, acts that give rise to the claims in this action by, for example, placing infringing products into the stream of commerce with the knowledge or understanding that such products are sold in this District and the State of New York.

7. Venue is proper in this District pursuant to 28 U.S.C. §§ 1391(b), 1391(c) and/or 1400(b) because Tianjin Defendants are subject to personal jurisdiction, have committed acts of patent infringement in this District, and a substantial part of the events or omissions giving rise to the claims pled herein occurred in this District.

8. Joinder is proper under Fed. R. Civ. P. 20(a)(2) and 35 U.S.C. § 299. Kiss Products' claims of Tianjin Defendants' patent infringement alleged herein are asserted against Tianjin Defendants jointly, severally, or in the alternative with respect to or arising, at least in part, out of the same series of transactions or occurrences relating to Tianjin Defendants' manufacture, use, sale, offer for sale, and importation of the same accused products. On information and belief, Tianjin Defendants are part of the same family of companies, and the

infringement allegations arise at least in part from Tianjin Defendants' collective activities with respect to Tianjin Defendants' accused products. Questions of fact common to Tianjin Defendants will arise in the action, including, without limitation, questions relating to the structure and operation of the accused products and Tianjin Defendants' infringing acts.

FACTUAL BACKGROUND

9. Since its founding in 1989, Kiss Products has steadily invested in research and development and created innovations in the nail care industry as well as other beauty care markets, many of which innovations have resulted in patents in the United States and abroad.

10. Kiss Products has become a global leader in the nail care industry as a result of, among other factors, its continued investment in creativity and innovations.

U.S. Patent No. 8,561,619

11. One such patent by Kiss Products is United States Patent No. 8,561,619 (the "'619 patent"), which is entitled "Artificial Nail or Tip Arrangement and Method of Making Same" and was duly and legally issued by the United States Patent & Trademark Office ("USPTO") on October 22, 2013.

12. A true and correct copy of the '619 patent is attached as Exhibit A.

13. Kiss Products is now, and at all times relevant to this action, has been the lawful owner of the '619 patent.

14. On March 30, 2015, Tianjin Defendants were put on express notice of their infringement of the '619 patent arising from their making, offering to sell, selling, and importing into the United States infringing artificial nail products.

15. Despite having been put on express notice of infringement of the '619 patent, Tianjin Defendants have continued their infringing acts.

Tianjin Defendants' Advertising of False and Misleading Claim

16. Tianjin Defendants are in commercial competition with Kiss Products with respect to the sale of artificial nail products.

17. Tianjin Defendants have advertised, promoted and marketed their artificial nail products throughout the United States.

18. Tianjin Defendants have as part of their overall marketing campaign, including in commercial advertising or promotion, falsely described or misrepresented or made misleading descriptions of fact or representations about the nature, characteristics, and qualities of Tianjin Defendants' artificial nail products.

19. Specifically, in an attempt to persuade customers to purchase Tianjin Defendants' artificial nail products, Tianjin Defendants have made false statements that their artificial nails are "47% thinner than other brands," which statements are prominently displayed at least on their product packaging and website (*e.g.*, http://www.smartgirlnails.com/why-smart-girl).

20. Representative images of Tianjin Defendants' false statements are shown in Exhibit B attached herein.

21. Kiss Products has no adequate remedy at law.

FIRST CLAIM FOR RELIEF
(TIANJIN DEFENDANTS' INFRINGEMENT OF THE '619 PATENT)

22. Kiss Products repeats and realleges the allegations contained in Paragraphs 1 through 21 above as if fully set forth herein.

23. Tianjin Defendants directly infringe, literally and/or under the doctrine of equivalents, one or more claims of the '619 patent by making, using, offering to sell, selling and/or importing products that practice the inventions claimed by the '619 patent in the United States.

24. Such products include, but are not limited to, Tianjin Defendants' artificial fingernail products with following names: Smart Girl 2 Way Nails Short Length SG01 French Tip, Smart Girl 2 Way Nails Medium Length SG02 French Tip, Smart Girl 2 Way Nails Medium Length SG03 Black Bow, Smart Girl 2 Way Nails Medium Length SG04 Gold Chains, Smart Girl 2 Way Nails Medium Length SG05 Animal Print, Smart Girl 2 Way Nails Medium Length SG06 Ombre, Smart Girl 2 Way Nails Medium Length SG07 White Art, and Smart Girl 2 Way Nails Medium Length SG08 Natural (White Lace), as well as those other Tianjin Defendants' products that contain artificial fingernail and an adhesive layer and a removable layer having a plurality of slits formed therethrough (collectively, the "Infringing Products").

25. Tianjin Defendants' customers, including retailers and end-users, directly infringe one or more claims of the '619 patent by using, offering to sell and/or selling the Infringing Products in the United States.

26. Tianjin Defendants have induced and continue to induce infringement of the '619 patent by supplying, advertising and/or providing instructions for the Infringing Products with the specific intent that their customers, including retailers and end-users, infringe the '619 patent despite their knowledge of the '619 patent.

27. Tianjin Defendants have also contributorily infringed and continue to contributorily infringe the '619 patent by, despite their knowledge of the '619 patent, offering to sell and selling within the United States, or importing into the United States, the Infringing Products or components that have no substantial noninfringing use to their customers, including retailers and end-users, knowing the same to be a material part of the invention especially made or adapted for use in an infringement of the '619 patent.

28. Despite their knowledge of the '619 patent, Tianjin Defendants have continued and will continue making, using, offering to sell and/or selling in the United States, and/or importing into the United States, the Infringing Products without authority or license from Kiss Products.

29. Tianjin Defendants' continued and deliberate infringement of the '619 patent establishes that Tianjin Defendants are liable for willful infringement of the '619 patent.

30. Kiss Products has incurred, and will continue to incur, damages as a result of Tianjin Defendants' infringement of the '619 patent.

31. Kiss Products has also incurred and continues to incur irreparable harm as a result of Tianjin Defendants' infringement of the '619 patent.

SECOND CLAIM FOR RELIEF
(FALSE ADVERTISING UNDER 15 U.S.C. § 1125(a))

32. Kiss Products repeats and realleges the allegations contained in Paragraphs 1 through 31 above as if fully set forth herein.

33. Tianjin Defendants have in commercial advertising or promotion misrepresented the nature, characteristics, and qualities their products, including the Infringing Products and any other artificial nail products that state falsely that they are "47% thinner than other brands" of artificial nail products.

34. Such statements are literally false.

35. To the extent such statements are in any respect true, they are materially misleading to the trade and consumers.

36. Such statements have caused and are continuing to cause harm to Kiss Products in its business and to the public.

37. Upon information and belief, Tianjin Defendants have made and are making such statements with knowledge that they are untrue and/or misleading, and as such, Tianjin Defendants' false advertising is willful.

THIRD CLAIM FOR RELIEF
(UNFAIR COMPETITION UNDER 15 U.S.C. § 1125(a))

38. Kiss Products repeats and realleges the allegations contained in Paragraphs 1 through 37 above as if fully set forth herein.

39. The foregoing conduct of Tianjin Defendants constitutes unfair competition in violation of 15 U.S.C. § 1125(a).

40. Such violations are willful.

FOURTH CLAIM FOR RELIEF
(VIOLATION OF N.Y. GEN. BUS. LAW §§ 350 AND 350-a)

41. Kiss Products repeats and realleges the allegations contained in Paragraphs 1 through 40 above as if fully set forth herein.

42. The foregoing conduct of Tianjin Defendants constitutes violations of N.Y. Gen. Bus. Law §§ 350 and 350-a.

43. Such violations are willful.

FIFTH CLAIM FOR RELIEF
(VIOLATION OF N.Y. COMMON LAW UNFAIR COMPETITION)

44. Kiss Products repeats and realleges the allegations contained in Paragraphs 1 through 43 above as if fully set forth herein.

45. The foregoing conduct of Tianjin Defendants constitutes unfair competition in violation of New York common law.

46. Such violations are willful.

REQUEST FOR RELIEF

WHEREFORE, Kiss Products respectfully requests that this Court:

(a) enter a judgment that Tianjin Defendants have infringed one or more claims of the '619 patent and are liable as infringers under 35 U.S.C. § 271;

(b) enter a judgment that Tianjin Defendants' acts of infringement of the '619 patent have been and continue to be willful;

(c) enter a judgment enjoining Tianjin Defendants from further infringing the '619 patent;

(d) award Kiss Products all relief available under the United States patent laws based on Tianjin Defendants' infringement of the '619 patent, including, but not limited to, monetary damages;

(e) award treble damages based upon the finding that Tianjin Defendants' infringement of the '619 patent has been willful under 35 U.S.C. § 284;

(f) declare this case exceptional under 35 U.S.C. § 285 and award Kiss Products its attorneys' fees and costs of suit;

(g) enter a judgment that Tianjin Defendants are liable for false advertising under 15 U.S.C. § 1125(a);

(h) enter a judgment that Tianjin Defendants are liable for unfair competition under 15 U.S.C. § 1125(a);

(i) enter a judgment enjoining Tianjin Defendants from further acts of false advertising or unfair competition;

(j) award Kiss Products all relief available under the United States trademark laws based on Tianjin Defendants' false advertising and unfair competition, including, but not limited to, monetary damages;

(k) award treble damages based upon the finding that Tianjin Defendants' actions constituting false advertising and unfair competition have been willful;

(l) declare this case exceptional under 15 U.S.C. § 1117(a)(3) and award Kiss Products its attorneys' fees and costs of suit;

(m) award Kiss Products pre-judgment interest on any monetary award made part of the judgment against Tianjin Defendants; and

(n) award Kiss Products such additional and further relief as this Court deems just and proper.

DEMAND FOR JURY TRIAL

Kiss Products demands a trial by jury on all issues so triable.

Dated: July 31, 2015

Respectfully submitted,

/s/ Eric A. Prager

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Attorneys for Plaintiff Kiss Nail Products, Inc.

Exhibit A

US008561619B1

(12) **United States Patent**
Han

(10) **Patent No.: US 8,561,619 B1**
(45) **Date of Patent: Oct. 22, 2013**

(54) **ARTIFICIAL NAIL OR TIP ARRANGEMENT AND METHOD OF MAKING SAME**

(75) Inventor: **Kyu Sang Han**, Port Washington, NY (US)

(73) Assignee: **Kiss Nail Products, Inc.**, Port Washington, NY (US)

(*) Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 U.S.C. 154(b) by 0 days.

(21) Appl. No.: **13/024,096**

(22) Filed: **Feb. 9, 2011**

Related U.S. Application Data

(63) Continuation-in-part of application No. 12/632,980, filed on Dec. 8, 2009, now abandoned.

(51) **Int. Cl.**

A45D 29/00	(2006.01)
B32B 9/00	(2006.01)
B32B 33/00	(2006.01)
B29C 65/00	(2006.01)

(52) **U.S. Cl.**
USPC **132/73**; 428/41.7; 428/41.8; 156/285

(58) **Field of Classification Search**
USPC 132/73, 200, 73.5, 285, 317, 319, 320, 132/333; 428/40.1, 41.7, 41.8, 42.2, 42.3, 428/43, 15; 156/61, 212, 242, 245, 246, 156/247, 250, 285, 289, 257, 259; 604/389, 604/390, 344; 602/57, 58
See application file for complete search history.

(56) **References Cited**

U.S. PATENT DOCUMENTS

2,979,061	A *	4/1961	Greenman et al.	132/73
3,023,887	A *	3/1962	Cohen	132/73
4,511,608	A *	4/1985	Ferraro	428/15
4,536,426	A *	8/1985	Massey	428/42.3
4,587,146	A *	5/1986	Anhauser et al.	428/42.2
4,745,934	A	5/1988	Mast et al.	
4,824,702	A *	4/1989	Straub	428/15
4,860,774	A	8/1989	Becker	
4,876,121	A *	10/1989	Cohen	428/15
4,903,840	A *	2/1990	So	206/581
4,947,876	A *	8/1990	Larsen	132/73
5,008,110	A *	4/1991	Benecke et al.	424/448
5,044,384	A	9/1991	Hokama et al.	
5,266,371	A *	11/1993	Sugii et al.	428/41.5
5,279,690	A *	1/1994	Hess et al.	156/226

(Continued)

FOREIGN PATENT DOCUMENTS

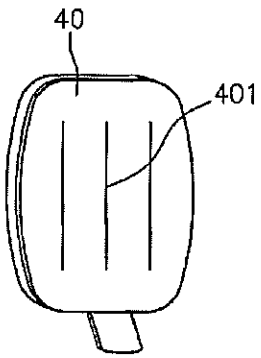
JP	0611605	2/1994
JP	3110401	6/2005
KR	1020060091440	8/2006

Primary Examiner — Vanitha Elgart
(74) *Attorney, Agent, or Firm* — The Farrell Law Firm, P.C.

(57) **ABSTRACT**

An artificial nail or tip arrangement and method of making the same are provided. The arrangement includes a body having a concave lower surface with a shape corresponding to a natural nail. The arrangement also includes an adhesive layer having a first surface and an opposing second surface. The first surface adheres to the concave lower surface of the body and the second surface is provided to adhere to the natural nail when applied thereto. The arrangement further includes a removable layer that covers the second surface of the adhesive layer, and which is removable to expose the second surface of the adhesive layer for application to the natural nail. The removable layer is provided with a plurality of slits so that a surface of the removable layer remains smooth after adherence of the first surface of the adhesive layer with the concave lower surface of the body.

5 Claims, 6 Drawing Sheets



(56) **References Cited**

U.S. PATENT DOCUMENTS

5,415,903	A		5/1995	Hoffman et al.
5,450,864	A	*	9/1995	LaJoie et al. 132/73
5,525,389	A	*	6/1996	Hoffmann et al. 428/41.5
5,720,499	A	*	2/1998	Sakashita 283/81
5,914,165	A	*	6/1999	Freedman 428/40.1
5,998,694	A	*	12/1999	Jensen et al. 602/57
6,042,679	A		3/2000	Holt et al.
6,062,235	A	*	5/2000	Renna 132/320
6,096,942	A	*	8/2000	Hack 602/41
6,277,458	B1	*	8/2001	Dirksing et al. 428/42.3
6,297,422	B1	*	10/2001	Hansen et al. 602/57
6,394,100	B1		5/2002	Chang
6,841,716	B1	*	1/2005	Tsutsumi 602/57
6,941,954	B1	*	9/2005	Belcher 132/73
7,185,660	B1		3/2007	Han
7,306,837	B2	*	12/2007	Hagen et al. 428/40.1
7,824,753	B2	*	11/2010	Bartusiak 428/40.1
7,910,792	B2	*	3/2011	Iwahashi et al. 602/54
8,216,653	B2	*	7/2012	Liao et al. 428/42.2
2002/0011304	A1	*	1/2002	Abron 156/249
2004/0138603	A1	*	7/2004	Cleary et al. 602/48
2005/0214495	A1	*	9/2005	Thiebaut 428/40.1
2005/0217686	A1	*	10/2005	Lee 132/200
2006/0003133	A1	*	1/2006	Johnson 428/40.1
2006/0124237	A1	*	6/2006	Nordin et al. 156/289
2007/0107745	A1	*	5/2007	Kiyomoto 132/73
2008/0283076	A1	*	11/2008	Fracassi et al. 132/200
2008/0286517	A1	*	11/2008	Zickell et al. 428/42.2
2010/0224312	A1	*	9/2010	Tsubaki et al. 156/212
2011/0030711	A1	*	2/2011	Han 132/73
2011/0114106	A1	*	5/2011	Munoz 132/200
2011/0208103	A1	*	8/2011	Leschinsky 602/57

* cited by examiner

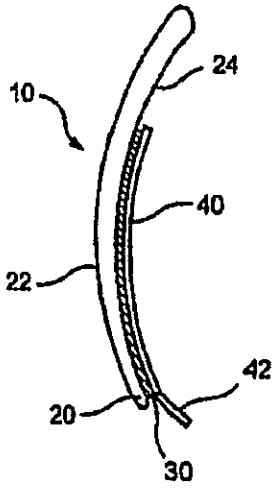


FIG. 1

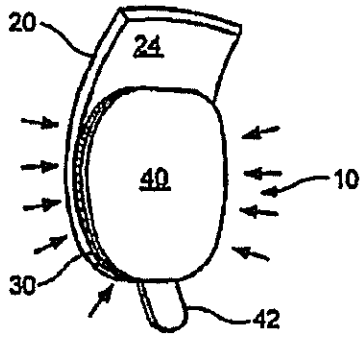


FIG. 2

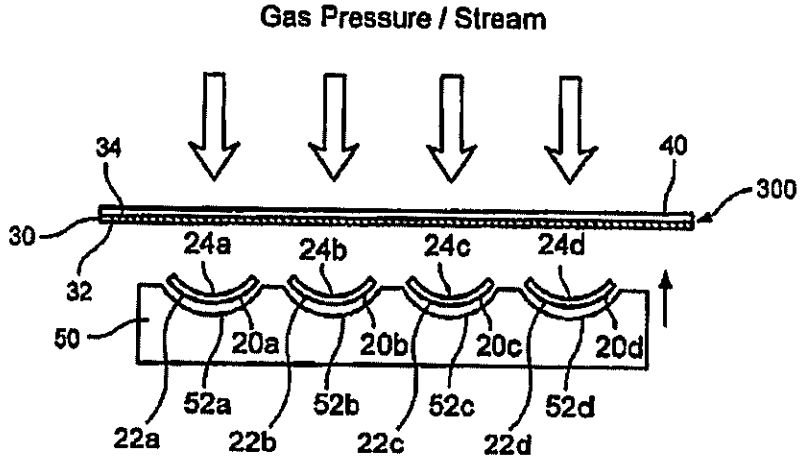


FIG. 3

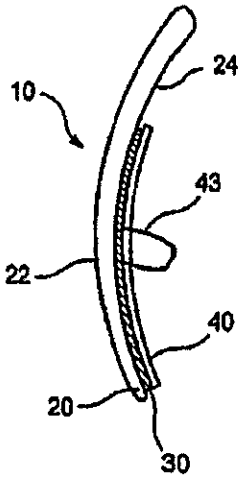


FIG. 4

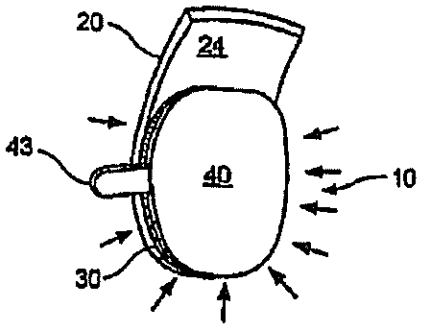


FIG. 5

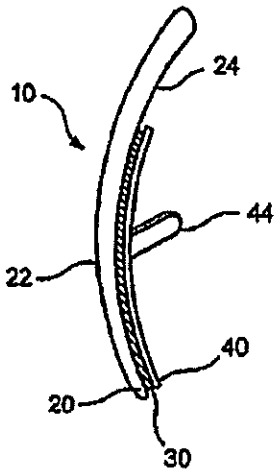


FIG. 6

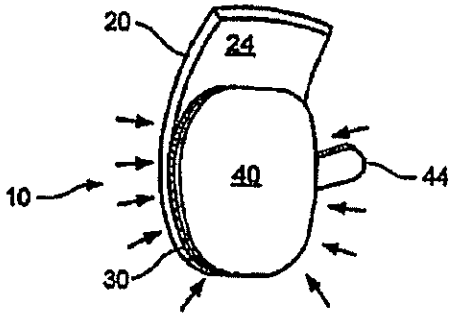


FIG. 7

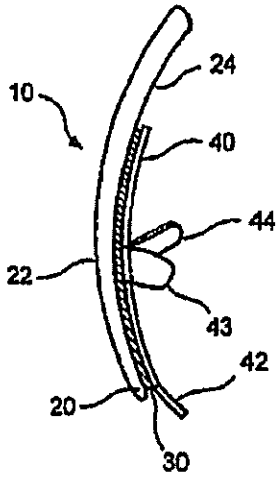


FIG. 8

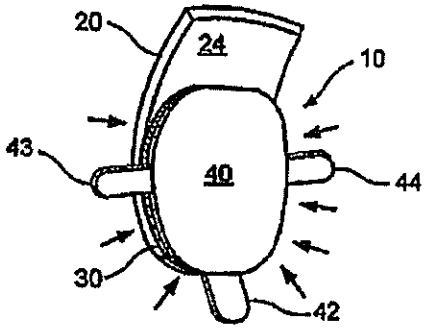


FIG. 9

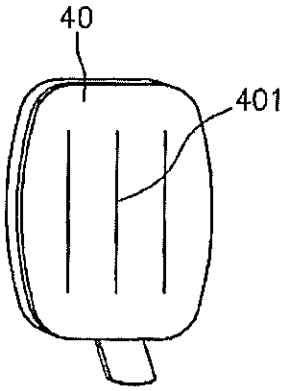


FIG. 10A

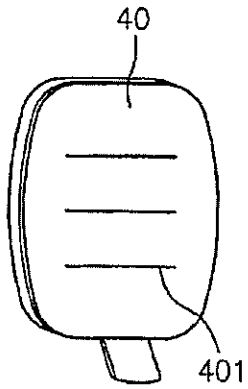


FIG. 10B

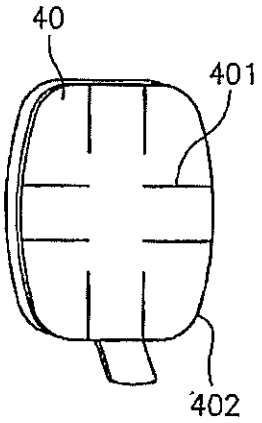


FIG. 10C

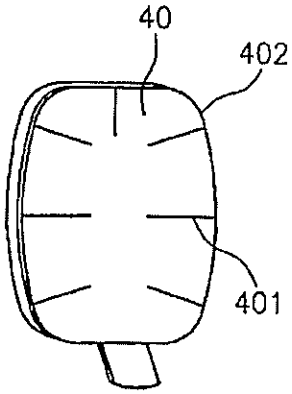


FIG. 10D

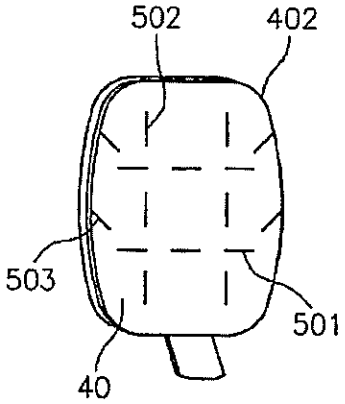


FIG. 10E

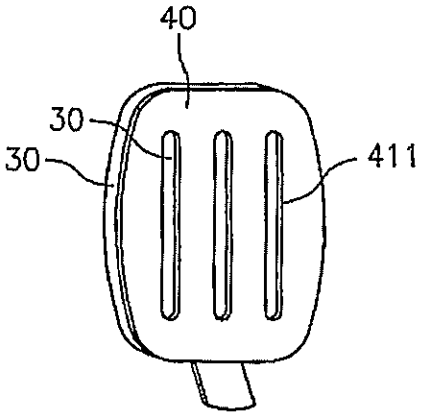


FIG. 11

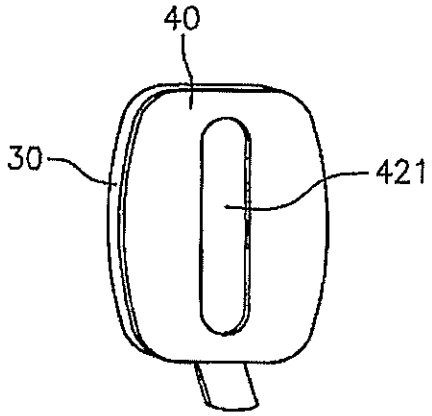


FIG. 12

ARTIFICIAL NAIL OR TIP ARRANGEMENT AND METHOD OF MAKING SAME

CROSS-REFERENCE TO RELATED APPLICATIONS

This application is a Continuation-In-Part Application of application Ser. No. 12/632,980, filed Dec. 8, 2009, the contents of which are incorporated herein by reference.

BACKGROUND

1. Field of the Invention

The present invention relates generally to artificial nails (e.g., finger nails or toe nails), nail extensions, tips, etc., and more particularly, to a pre-taped artificial nail having an adhesive with a removable protective layer, and a method of making the same.

2. Description of Related Art

Ornamental fingernail accessories made from thin, molded plastic members manufactured generally in the shape of a fingernail are commonly known in the art. (See, e.g. U.S. Pat. No. 6,394,100 issued to Chang). Typically, the user applies a small amount of a liquid bonding adhesive to the fingernail accessory or the natural nail and affixes the fingernail accessory to the nail. As an alternative, U.S. Pat. No. 4,745,934 issued to Mast et al., provides an adhesive press-on tab system for attaching artificial fingernails to the user's natural nails. The tabs are essentially double-sided adhesive tape with removable layers that are interposed between the artificial fingernail and the natural fingernail.

Attempts have been made to provide an ornamental fingernail having a pre-applied pressure sensitive layer with varying degrees of success. For example, U.S. Pat. No. 5,415,903 issued to Hoffman et al. describes a self-adhesive laminate having an adhesive composition made of an acrylic copolymer requiring acrylic acid and titanium chelate ester. U.S. Pat. No. 6,042,679 issued to Holt et al. describes that an acrylic pressure sensitive adhesive known in the art can be used in a method for treating damaged fingernails. U.S. Pat. No. 5,044,384 issued to Hokama et al. describes that a pressure-sensitive adhesive known in the art can be used in a method for accomplishing a rapid and durable manicure. U.S. Pat. No. 4,860,774 issued to Becker describes that a commercially available pressure-sensitive adhesive can be used in a method for fingernail reinforcement.

U.S. Pat. No. 7,185,660 to Han describes an artificial fingernail and method of making an artificial fingernail in which the artificial fingernail is pre-taped with an adhesive layer covered by a removable layer during the manufacturing process. The removable layer covers the adhesive layer and is removable to expose the adhesive layer for application to the natural fingernail.

However, during manufacture, when the adhesive layer is pushed to contact and adhere to a concave lower surface of the artificial fingernail, a crease or wrinkle can form in the removable layer resulting in a less desirable product with compromised adhesive properties.

SUMMARY OF INVENTION

The present invention has been made to address at least the above problems and/or disadvantages and to provide at least the advantages described below. Accordingly, an aspect of the present invention provides an artificial nail or tip arrangement having slits cut from a removable layer covering an adhesive layer.

According to one aspect of the present invention, an artificial nail or tip arrangement is provided. The artificial nail or tip arrangement includes at least one body having a concave lower surface with a shape corresponding to a shape of at least one portion of a natural nail. The artificial nail or tip arrangement also includes an adhesive layer having a first surface and an opposing second surface. The first surface adheres to at least one portion of the concave lower surface of the at least one body and the second surface is provided to adhere to the at least one portion of the natural nail when applied thereto. The artificial nail or tip arrangement further includes a removable layer that covers at least one portion of the second surface of the adhesive layer, and which is removable to expose the at least one portion of the second surface of the adhesive layer for application to the at least one portion of the natural nail. The removable layer comprises one or more slits so that a surface of the removable layer remains smooth after adherence of the first surface of the adhesive layer with the concave lower surface of the at least one body.

According to another aspect of the present invention a method of making an artificial nail or a nail tip is provided. At least one body having a shape corresponding to at least one portion of the artificial nail or the nail tip, a convex surface and a concave surface is formed in a well portion of a mold part. A composite strip is disposed over the at least one body. The composite strip comprises a removable layer and an adhesive layer having a first surface and second surface. The first surface faces the concave surface of the at least one body, and the second surface is covered by the removable layer. One or more slits are cut into the removable layer using a die. A pressure is applied to the composite strip so as to adhere at least one portion of the adhesive layer to the concave surface of the at least one body. The application of the pressure to the portion of the composite strip which adhered to the concave surface of the at least one body is reduced or eliminated. A surface of the removable layer remains smooth after adherence of the composite strip to the concave surface of the at least one body due to the one or more slits.

BRIEF DESCRIPTION OF THE DRAWINGS

The above and other aspects, features and advantages of the present invention will be more apparent from the following description when taken in conjunction with the accompanying drawings, in which:

FIG. **1** illustrates a first embodiment of an artificial fingernail of the present invention;

FIG. **2** is a bottom perspective view according to the first embodiment of the present invention in FIG. **1**;

FIG. **3** is a side view of a mold for processing according to an embodiment of the present invention;

FIG. **4** is a side view of a second embodiment of the artificial fingernail of the present invention;

FIG. **5** is a bottom perspective view of the second embodiment of the present invention in FIG. **4**;

FIG. **6** is a side view of a third embodiment of the artificial fingernail of the present invention;

FIG. **7** is a bottom perspective view of the third embodiment of the present invention in FIG. **6**;

FIG. **8** is a side view of a fourth embodiment of the artificial fingernail of the present invention;

FIG. **9** is a bottom perspective view of the fourth embodiment of the present invention in FIG. **8**;

FIG. **10A-10E** illustrates an embodiment of the artificial nail of the present invention including one or more slits;

FIG. **11** illustrates an embodiment of the present invention including one or more slots; and

FIG. **12** illustrates a embodiment of the present invention including one or more channels.

DETAILED DESCRIPTION OF EMBODIMENTS OF THE PRESENT INVENTION

Embodiments of the present invention are described in detail with reference to the accompanying drawings. The same or similar components may be designated by the same or similar reference numerals although they are illustrated in different drawings. Detailed descriptions of constructions or processes known in the art may be omitted to avoid obscuring the subject matter of the present invention.

FIGS. **1** and **2** show an artificial fingernail **10** according to a first embodiment of the present invention. The term "artificial fingernail" can include, but is not limited to, a full-cover nail intended to be applied over the entire surface of a user's natural nail (e.g., a finger nail or a toe nail), a nail extension or "nail tip" intended to be applied to at least one portion of the user's natural nail, and the like.

As shown in FIGS. **1** and **2**, the artificial nail **10** may include a polymeric body **20** corresponding to a shape of at least one portion of a natural fingernail. The polymeric body **20** can be designed as a full-cover nail, a partial artificial nail portion and/or an artificial nail tip. The polymeric body **20** can be made from a composition of Acrylonitrile-Butadiene-Styrene (ABS) plastic and a polycarbonate. Further, the polymeric body **20** can also be made from any plastic-like material commonly employed in the manufacture of artificial nails, such as ABS plastic, nylon, tenite acetate, vinyl acetate, polycarbonates, polyvinyl chloride, etc.

Examples of suitable hard materials for the polymeric body **20** can include Styrolux® 684D (SBC), a styrene-butadiene block copolymer available from BASF Corporation; Cyro® R40 (acrylic base), an acrylic-based multipolymer available from Cyro Industries of Rockaway, N.J.; Lexane KR01 (PC) (trade name), a polycarbonate available from GE Plastics; K-resin® (SBC), a styrene-butadiene copolymer available from Chevron Phillips Chemical Company; TP-UXS (MMBS) (trade name), a methyl methacrylate butadiene styrene terpolymer available from DENKA of Tokyo, Japan; Starex® 5010 (ABS), an acrylonitrile butadiene styrene available from Samsung Cheil Industries; Zylar® 220 (SMMC) and Nas®30, styrene methyl methacrylate copolymers available from Nova Chemicals; and Toyalac 920 (Clear ABS), an acryloritrile butadiene styrene available from Toray Resin Company.

The polymeric body **20** preferably has a thickness of between about 0.35 and 0.65 mm, but the thickness may vary according to the application. The polymeric body **20** can include an upper surface **22**, which is provided to be away from a surface of the user's natural nail, and a lower surface **24**, which is structured to face a top surface of the user's natural nail. An adhesive layer **30** can be secured to at least one portion of the lower surface **24**, preferably a proximal portion of lower surface **24** which is intended to be closer to a cuticle of the user's natural nail. The adhesive layer **30** is configured to adhere to an upper surface of the user's natural nail when applied thereto. The adhesive layer **30** can include, e.g., a copolymer of acrylic ester and vinyl acetate formed from an aqueous acrylic copolymer emulsion that has been dried on a carrier film.

A removable layer **40** can be provided on, and cover, the adhesive layer **30**. The removable layer **40** can be removed from the adhesive layer **30** to expose adhesive layer **30** for application to the user's natural fingernail. In particular, according to the first embodiment of the present invention, the removable layer **40** includes a tab **42** for facilitating removal of the layer **40** from the adhesive layer **30** extending outwardly beyond the periphery of the polymeric body **20**. According to this embodiment and as shown in FIGS. **1** and **2**, the tab **42** can be integrally and/or detachably connected to a front edge of the layer **40**, e.g., at a front edge of the polymeric body **20** that is provided for application at or close to a cuticle of the user's natural nail.

Due to the positioning of the tab **42** beyond the periphery of the polymeric body **20** and/or the artificial nail **10**, it is easier and quicker for the user to remove the removable layer **40** from the adhesive layer **30** that is provided on the polymeric body **20**. This is because there is a structure to allow the user to grasp the tab **42** of the removable layer **40** to remove it from the adhesive layer **30**. In addition, it is possible to bend the tab **42** to be initially situated under the lower surface **24** when it is packaged. This configuration (i.e., bending) of the tab **42** can facilitate an easier packaging of the artificial nail **10** (or tip/extension), and possibly reduce and/or prevent damage or unintended removal of the tab **42**. When the user or anyone else is prepared to remove the removable layer **40**, the tab **42** can be unbent such that it extends beyond the periphery of the polymeric body **20**.

The adhesive layer **30** can include a film including a pressure sensitive adhesive, and the removable layer **40** can include a silicon treated paper or plastic film. According to one embodiment of the present invention, the adhesive layer **30** is preferably an unsupported laminating film having a thickness approximately between 0.100 and 0.150 mm. The adhesive layer **30** may be a vinyl film coated on each side with an adhesive. For example, the removable layer **40** can be made from plastic, paper or another material, and have a surface that is in contact with the adhesive layer **30** that is configured for easy removal thereof when pulled by the user.

In an embodiment of the present invention, a method for making an artificial fingernail can be provided. For example, at least one polymeric body having a shape corresponding with at least a portion of a natural nail can be formed. In FIG. **3**, an injection mold is illustrated which includes a mold part **50** for forming the polymeric body, i.e., four polymeric bodies **20***a*, **20***b*, **20***c*, **20***d* as shown. The mold part **50** includes at least one and preferably several cavities or well portions, i.e., four well portions **52***a*, **52***b*, **52***c*, **52***d*, as shown in FIG. **3**. Each well portion **52***a*, **52***b*, **52***c*, **52***d* can have the shape, size and thickness of the respective polymeric bodies **20***a*, **20***b*, **20***c*, **20***d*. Each polymeric body **20***a*, **20***b*, **20***c*, **20***d* formed in mold part **50** has a convex surface **22***a*, **22***b*, **22***c*, **22***d* and a concave surface **24***a*, **24***b*, **24***c*, **24***d*.

After forming polymeric bodies **20***a*, **20***b*, **20***c*, **20***d*, a composite strip **300** is disposed over the polymeric bodies. The composite strip **300** can include the adhesive layer **30** having first and second layer surfaces **32**, **34**, respectively, and the removable layer **40**. For example, the composite strip **300** can include a pressure sensitive adhesive film covered on one side with a silicon treated paper or plastic film. The first layer surface **32** faces the concave surfaces **24***a*, **24***b*, **24***c*, **24***d* of the polymeric bodies **20***a*, **20***b*, **20***c*, **20***d*. The second layer surface **34** can be covered by the removable layer **40**.

According to an embodiment of the present invention, gas pressure and/or air pressure can then be directed toward the mold part **50**, and specifically toward the second layer surface **34**. Thus, in such manner, the first layer surface **32** of the adhesive layer **30** is pushed to contact and adhere to the concave surfaces **24***a*, **24***b*, **24***c*, **24***d* of the polymeric bodies **20***a*, **20***b*, **20***c*, **20***d*. According to another embodiment of the present invention, it is possible to utilize one or more robotic arms to press the composite strip **300** on top of the polymeric

bodies **20***a*, **20***b*, **20***c*, **20***d* so that the composite strip **300** contacts these polymeric bodies **20***a*, **20***b*, **20***c*, **20***d*. Robotic arms can be controlled via a computer arrangement (e.g., a microprocessor), which can implement and/or execute software residing on a computer-accessible medium (e.g., hard disk, floppy drive, memory stick, RAM, ROM, etc.) to press the composite strip **300** on top of the polymeric bodies **20***a*, **20***b*, **20***c*, **20***d*.

A second embodiment of the artificial fingernail **10** is shown in FIGS. **4** and **5**. All of the elements of the second embodiment illustrated in FIGS. **4** and **5** that are labeled in the same manner as those provided in the first embodiment illustrated in FIGS. **1** and **2** are the same or similar elements. The difference between the first and second embodiments is that a tab **43** is provided at a side of the polymeric body **20** and/or the artificial nail **10**. In particular, according to the second embodiment of the present invention, the tab **43**, which is provided for facilitating removal of the removable layer **40** from the adhesive layer **30**, extends outwardly beyond the periphery of the polymeric body **20**. Particularly, the tab **43** can be integrally and/or detachably connected to a right side edge of the removable layer **40**, e.g., at a right side edge of the polymeric body **20**.

A third embodiment of the artificial fingernail **10** is shown in FIGS. **6** and **7**. All of the elements of the third embodiment provided in FIGS. **6** and **7** that are labeled in the same manner as those provided in the second embodiment illustrated in FIGS. **4** and **5** are the same or similar elements. The difference between the second and third embodiments is that a tab **44** is provided at a side of the polymeric body **20** and/or the artificial nail **10** that is opposite the side at which tab **43** was provided. In particular, the tab **44** can be integrally and/or detachably connected to a left side edge of the removable layer **40**, e.g., at a left side edge of the polymeric body **20**.

A fourth embodiment of the artificial fingernail **10** is shown in FIGS. **8** and **9**. All of the elements of the fourth embodiment provided in FIGS. **6** and **7** that are labeled in the same manner as those provided in the first, second and third embodiments illustrated in FIGS. **1-7** are the same or similar elements. The difference between the fourth embodiment and the first, second and third embodiments is that all three tabs **42**, **43**, **44** are provided at the respective sides of the polymeric body **20** and/or the artificial nail **10**. Thus, the user of the artificial nail **10** can pull any one or more of the three tabs **42**, **43**, **44** to remove the removable layer **40** from the adhesive layer **30**, so that the adhesive layer can be applied to the top surface of at least one portion of the user's natural nail.

Referring again to FIG. **3**, when the gas pressure and/or air pressure is directed toward the mold part **50**, specifically toward the second layer surface **34**, and the first layer surface **32** of the adhesive layer **30** is pushed to contact and adhere to the concave surfaces **24***a*, **24***b*, **24***c*, **24***d* of the polymeric bodies **20***a*, **20***b*, **20***c*, **20***d*, a crease or wrinkle can form in the removable layer **40**.

Accordingly, an embodiment of the artificial nail of the present invention includes the removable layer **40** having one or more slits **401**. As illustrated in FIG. **10**, the slits **401** can be provided in (a) a vertical orientation; (b) a horizontal orientation; (c) a mixed horizontal and vertical orientation with the slits **401** extending to an edge **402** of the removable layer **40**; (d) a radial orientation with the slits **401** extending to the edge **402** of the removable layer **40**; and (e) a mixed horizontal, vertical and radial orientation.

The radial orientation of the slits **401** is preferably oriented along lines where the concave surfaces **24***a*, **24***b*, **24***c*, **24***d* exhibit the highest concavity, and is not limited to lines directed towards the center of the removable layer **40**. Thus, when the adhesive layer **30** is pushed to contact and adhere to the concave surfaces **24***a*, **24***b*, **24***c*, **24***d* of the polymeric bodies **20***a*, **20***b*, **20***c*, **20***d*, the removable layer **40** will no longer crease or wrinkle due to the space and flexibility provided by the slits **401**.

In an embodiment of the present invention shown in FIG. **10**(*e*), the combination orientation includes two sets of non-continuous horizontal slits **501**, two sets of non-continuous vertical slits **502**, and one or more radial slits **503** extending from the edge **402** of the removable layer **40** at an approximate 45-degree angle.

A method for manufacturing the layer **40** having the slits **401** (or **501**, **502** and **503**) preferably occurs through a die cutting process. A die is made according to one of the orientations described above, i.e. with slits **401** provided in a vertical, horizontal, mixed, radial, or combination orientation. Specifically, the die is shaped according to the number and orientations of the slits **401** to be cut into the removable layer **40**. Prior to, or simultaneous with, the application of pressure to the composite strip **300**, the slits **401** are cut in the removable layer **40** using the shaped die. As described below with respect to FIGS. **11** and **12**, the slits may comprise one or more slots **411** or channels **421**, which are formed by cutting a wider gap in the removable layer **40** than for the slits **401**. The method for making the artificial fingernails then proceeds as described above. As a result of the die cutting process on the removable layer, slits, slots or channels may also be formed in the adhesive layer.

A further embodiment of the present invention is illustrated in FIG. **11** and includes the removable layer **40** having one or more slots **411**, the slots **411** being wider than the slits **401**. As described above for the one or more slits **401**, the slots **411** can be provided in (a) a vertical orientation, (b) a horizontal orientation, (c) a mixed horizontal and vertical orientation with the slots **411** extending to an edge **402** of the removable layer **40**, (d) a radial orientation with the slots **411** extending to the edge **402** of the removable layer **40** and similar to the combination orientation shown in FIG. **10**(*e*).

The radial orientation of the slots **411** is preferably oriented along lines where the concave surfaces **24***a*, **24***b*, **24***c*, **24***d* exhibit the highest concavity, and is not limited to lines directed towards the center of the removable layer **40**. Thus, when the adhesive layer **30** is pushed to contact and adhere to the concave surfaces **24***a*, **24***b*, **24***c*, **24***d* of the polymeric bodies **20***a*, **20***b*, **20***c*, **20***d*, the removable layer **40** will no longer crease or wrinkle due to the space and flexibility provided by the slots **411**.

FIG. **12** illustrates an additional preferred embodiment of the present invention and includes the removable layer **40** having one or more channels **421**, the channels **421** being wider than the slots **411** and including an opening in the adhesive layer **30** and the removable layer **40**. Thus, within the channels **421**, the lower surface **24** of the polymeric body **20** is exposed to the user's environment.

As described above for the one or more slits **401**, the channels **421** can be provided in (a) a vertical orientation, (b) a horizontal orientation, (c) a mixed horizontal and vertical orientation with the channels **421** extending to an edge **402** of the removable layer **40**, (d) a radial orientation with the channels **421** extending to the edge **402** of the removable layer **40** and similar to the combination orientation shown in FIG. **10**(*e*).

The radial orientation of the channels **421** is preferably oriented along lines where the concave surfaces **24***a*, **24***b*, **24***c*, **24***d* exhibit the highest concavity, and is not limited to lines directed towards the center of the removable layer **40**. Thus, when the adhesive layer **30** is pushed to contact and

adhere to the concave surfaces **24***a*, **24***b*, **24***c*, **24***d* of the polymeric bodies **20***a*, **20***b*, **20***c*, **20***d*, the removable layer **40** will no longer crease or wrinkle due to the space and flexibility provided by the channels **421**.

While the invention has been shown and described with reference to certain embodiments thereof, it will be understood by those skilled in the art that various changes in form and details may be made therein without departing from the spirit and scope of the invention as defined by the appended claims.

What is claimed is:

1. An artificial nail or tip arrangement comprising:

a body having a concave lower surface with a shape corresponding to a shape of at least one portion of a natural nail;

an adhesive layer having a first surface and an opposing second surface, wherein the first surface adheres to at least one portion of the concave lower surface of the body and the second surface is provided to adhere to the at least one portion of the natural nail when applied thereto; and

a removable layer that covers at least one portion of the second surface of the adhesive layer, and which is removable to expose the at least one portion of the second surface of the adhesive layer for application to the at least one portion of the natural nail, the removable layer

comprising a plurality of slits formed therethrough and disposed along a planar surface of the removable layer, at least one of the plurality of slits not extending to a peripheral edge of the removable layer and being separated from an adjacent, collinear slit by an uncut region of the removable layer,

wherein the plurality of slits are configured to facilitate conformance of the planar surface of the removable layer to the concave lower surface of the body without wrinkling the removable layer after adherence of the first surface of the adhesive layer with the concave lower surface of the body.

2. The artificial nail or tip arrangement according to claim **1**, wherein the at least one of the plurality of slits is oriented vertically along a length of the body.

3. The artificial nail or tip arrangement according to claim **1**, wherein the at least one of the plurality of slits is oriented horizontally across a width of the body.

4. The artificial nail or tip arrangement according to claim **1**, wherein the plurality of slits extend vertically along a length of the body and horizontally across a width of the body.

5. The artificial nail or tip arrangement according to claim **1**, further comprising one or more slits that extend radially through an edge of the removable layer.

* * * * *

Exhibit B

Figure 1

A photograph of the Infringing Products' packaging displaying the false statement that it is "47% THINNER THAN OTHER BRANDS."

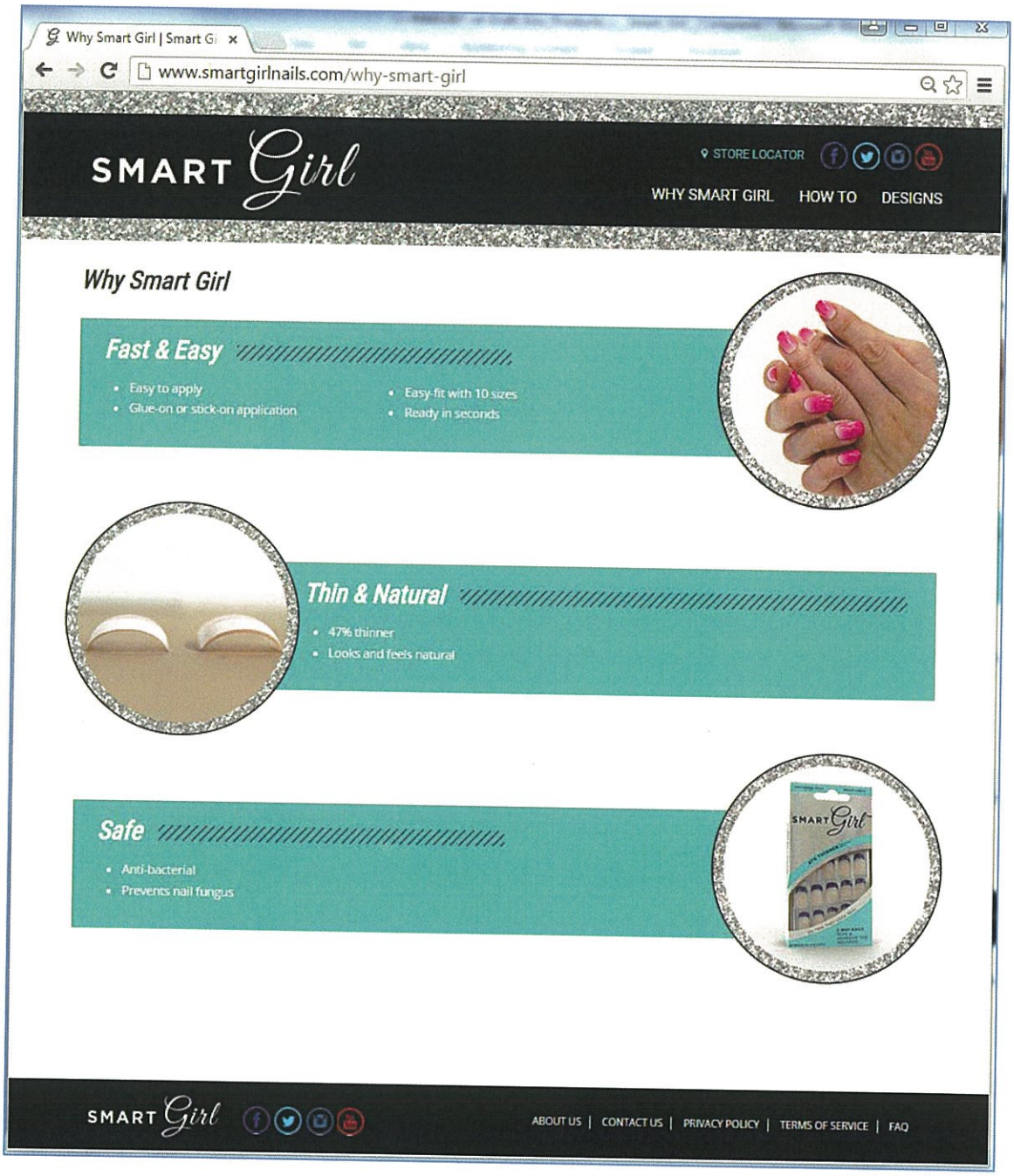


Figure 2

A screenshot of Tianjin Defendants' website (http://www.smartgirlnails.com/why-smart-girl) (captured on July 30, 2015) displaying the false statement that the Infringing Products are "47% thinner."