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10 Attorneys for Plaintiff,
11 BRAGEL INTERNATIONAL, INC.

12 UNITED STATES DISTRICT COURT
13 CENTRAL DISTRICT OF CALIFORNIA

14 BRAGEL INTERNATIONAL, INC.,
15 a California corporation,

16 Plaintiff,

17 vs.
18

19 E-RETAIL SOCIETY DBA BRA
20 SOCIETY, a Montreal corporation, and
21 VELVET INTIMATES, INC., a
22 Montreal corporation,

23 Defendants.

Case No. 2:15-cv-7148

**COMPLAINT FOR PATENT
INFRINGEMENT**

DEMAND FOR JURY TRIAL

24
25 For its complaint against Defendants E-Retail Society d/b/a Bra Society
26 and Velvet Intimates, Inc. (collectively, “Defendants”), Plaintiff Bragel
27 International, Inc. (“Plaintiff”) alleges as follows:
28

JURISDICTION

1. This is an action for patent infringement pursuant to 35 U.S.C. Section 271. This Court has jurisdiction pursuant to 28 U.S.C. Section 1338(a).

2. Venue is proper under 28 U.S.C. Sections 1391(b)(2) and/or (b)(3).

PARTIES

3. Plaintiff is a corporation organized and existing under the laws of the State of California, having a principal place of business at 3833 Pomona Blvd, Pomona, California.

4. Plaintiff is informed and believes, and thereon alleges that Defendant E-Retail Society is a Montreal corporation having a principal place of business at 3500 Maissonneuve Boulevard, Suite 1750, Montreal, Quebec H3Z 3C1, Canada.

5. Plaintiff is informed and believes, and thereon alleges that Defendant Velvet Intimates is a Montreal corporation having a principal place of business at 5333 Casgrain Avenue, #907, Montreal, Quebec, H2T 1X3, Canada.

6. This court has personal jurisdiction over Defendants because they have conducted systematic and continuous business within California and within this district and have directed their unlawful business activities towards California and this district.

FACTUAL BACKGROUND

7. Plaintiff has been engaged and is presently engaged in the design and distribution of strapless bras and attachable breast forms. Plaintiff's products are sold throughout the United States and in many foreign countries including the People's Republic of China, Hong Kong, Europe, and Canada.

8. On February 7, 2005, Plaintiff filed a U.S. patent application directed to its attachable breast form enhancement system. It issued as U.S. Patent 7,144,296 B2 (the "296 Patent") on December 5, 2006 and is titled "Attachable

1 Breast Form Enhancement System.” A copy of the '296 Patent is attached as
2 Exhibit A.

3 9. On March 15, 2004, Plaintiff filed a U.S. patent application directed
4 to a method of using its attachable breast form enhancement system. It issued as
5 U.S. Patent 6,852,001 B2 (the “’001 Patent”) on February 8, 2005 and is titled
6 “Attachable Breast Form Enhancement System.” A copy of the ’001 Patent is
7 attached as Exhibit B.

8 10. Defendants have sold and offered for sale in this District and
9 elsewhere, and continue to sell and offer for sale in this District and elsewhere,
10 without the consent or authorization of Plaintiff, “Ultimate 100% Silicone
11 Strapless-Backless Invisibra” products that are covered by one or more claims of
12 the ’296 Patent and the ’001 Patent (the “Infringing Products”).

13 **FIRST CLAIM FOR RELIEF**

14 **(Patent Infringement)**

15 11. Plaintiff realleges paragraphs 1 through 10 as though fully set forth
16 herein.

17 12. Defendants, by themselves or in concert with others, have made,
18 used, sold or offered to sell, and continue to make, use, sell or offer to sell, in this
19 District and elsewhere in the United States, the Infringing Products which
20 infringe the ’296 Patent. In addition, Defendants actively induce their customers
21 to directly infringe one or more claims of the ’001 Patent. Defendants also
22 contribute to the direct infringement of one or more claims of the ’001 and ’296
23 Patents by Defendants’ customers and/or end users of the Infringing Products.
24 The Infringing Products have no substantial, noninfringing use.

25 13. The alleged infringing acts of Defendants are without right, license,
26 or authorization from Plaintiff.

1 3. For patent infringement damages in an amount not less than a
2 reasonable royalty, and for those damages to be trebled, pursuant to 35 U.S.C.
3 Section 284 and/or lost profits;

4 4. For prejudgment interest;

5 5. For all of Plaintiff's costs of this Action, including attorneys' fees;
6 and

7 6. For such other or further relief as the Court may deem just and
8 proper.

9
10 DATED: September 10, 2015

Respectfully submitted,

11 CHRISTIE, PARKER & HALE, LLP
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13
14 By /s/ Thomas J. Daly

15 Thomas J. Daly

16 Attorneys for Plaintiff,
17 Bragel International, Inc.
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DEMAND FOR JURY TRIAL

Plaintiff Bragel International, Inc., pursuant to Federal Rule of Civil Procedure 38, hereby demands a trial by jury of all issues so triable.

DATED: September 10, 2015

Respectfully submitted,

CHRISTIE, PARKER & HALE, LLP

By /s/ Thomas J. Daly
Thomas J. Daly

Attorneys for Plaintiff,
BRAGEL INTERNATIONAL, INC.

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