

3. On information and belief, Defendant Teka is doing business as Teka Eyewear and Teka USA.

Jurisdiction and Venue

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

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

6. This Court has personal jurisdiction over Defendant Teka because, among other things, upon information and belief, Teka actively does business and conducts a substantial portion of its business in this District, and it has directly committed acts of infringement against the asserted design patents, referenced below, in this District, including but not limited to selling infringing eyewear directly to consumers and/or retailers in this district and selling into the stream of commerce knowing such eyewear products would be sold in New York and this District.

7. Venue is proper under 28 U.S.C. §§ 1391(b) and 1400(b) because Defendant Teka has committed acts of design patent infringement in this District, Teka has a regular and established place of business in this District, and Teka is subject to personal jurisdiction in this District.

FACTUAL ALLEGATIONS

8. Lindberg has been actively engaged in the design, manufacture and sale of high quality stylish, innovative and distinctive eyewear frames internationally since the 1980's and in the United States since in or about 1994.

9. Lindberg's eyewear frames are highly regarded in the international eyewear industry and are currently marketed in approximately 135 countries, including throughout Europe and the United States.

10. Lindberg's eyewear has enjoyed substantial success in the United States. Its design-focused frames are sold through boutiques and high-end eyewear retail channels, and have been worn by many diverse celebrities, including American actors Brad Pitt, Robert De Niro and Tommy Lee Jones, and international celebrities and politicians such as Patrick Stewart, Bill Gates, Elton John, Queen Elizabeth II and French President François Hollande. Much of Lindberg's success in the United States market is due to retail dealer marketing, social media buzz, word-of-mouth and celebrity-related publicity.

11. Many of Lindberg's eyewear frames are notable for their distinctive and unique designs, including two designs in issue in this action that have been granted design patent protection by the United States Patent and Trademark Office ("USPTO").

12. On January 6, 2015, the USPTO duly and lawfully issued to Lindberg United States Design Patent No. D720,795 ("D795 Patent"), titled "Glasses." A true and correct copy of the D795 Patent is attached hereto as Exhibit A.

13. On January 6, 2015, the USPTO duly and lawfully issued to Lindberg United States Design Patent No. D720,796 ("D796 Patent"), titled "Glasses." A true and correct copy of the D796 Patent is attached hereto as Exhibit B.

14. Defendant Teka manufactures, uses, sells, offers for sale, markets and/or imports into the United States eyewear that infringes Lindberg's patent rights, including as embodied in Teka's "Nylon Beta" eyewear frames (the "Infringing Frames").

15. True and correct example images of the Infringing Frames are annexed hereto as Exhibit C.

16. By letter dated April 24, 2015, Lindberg's counsel informed Teka that it was infringing on Lindberg's United States design patent rights under the D795 Patent and D796 Patent. Notwithstanding Teka's acknowledged receipt of said letter, Teka has to date refused to formally cease manufacturing, marketing and selling its Infringing Frames.

COUNT I

INFRINGEMENT OF U.S. PATENT NO. D720,795

17. Lindberg repeats and realleges the allegations set forth in paragraphs 1 through 16 of this Complaint as if set forth at length herein.

18. This is a claim for design patent infringement under 35 U.S.C. § 271.

19. Defendant Teka has knowingly and intentionally infringed and continues to infringe the D795 Patent by making, using, selling, offering to sell, and/or importing in the United States the Infringing Frames, which incorporate a design that is covered by the D795 Patent.

20. Defendant Teka's acts of infringement of the D795 Patent were undertaken without permission or license from Lindberg. On information and belief, Defendant Teka had actual and/or constructive knowledge of the D795 Patent, and its actions constitute willful and intentional infringement of the D795 Patent. Defendant Teka infringed the D795 Patent with reckless disregard of Lindberg's patent rights. Defendant Teka knew, or it was so obvious that Defendant should have known, that its actions constituted infringement of the D795 Patent.

21. Defendant's acts of infringement of the D795 Patent were not consistent with the standards of commerce within its industry.

22. As a direct and proximate result of Defendant's patent infringement, Defendant has derived and received gains, profits, and advantages in an amount not presently known to Lindberg.

23. Pursuant to 35 U.S.C. § 284, Lindberg is entitled to damages for Defendant's infringing acts and treble damages, together with interests and costs to be fixed by this Court.

24. Pursuant to 35 U.S.C. § 289, Lindberg is entitled to Defendant's total profits from the sale of eyewear that infringes the D795 Patent.

25. Pursuant to 35 U.S.C. § 285, Lindberg is entitled to reasonable attorneys' fees for the necessity of bringing this claim.

26. Due to the aforesaid infringing acts, Lindberg has suffered significant and irreparable injury, for which Lindberg has no adequate remedy at law.

27. Defendant will continue to directly and/or indirectly infringe the D795 Patent to the significant and irreparable injury of Lindberg, unless enjoined by this Court.

COUNT II

INFRINGEMENT OF U.S. PATENT NO. D720,796

28. Lindberg repeats and realleges the allegations set forth in paragraphs 1 through 27 of this Complaint as if set forth at length herein.

29. This is a claim for design patent infringement under 35 U.S.C. § 271.

30. Defendant Teka has knowingly and intentionally infringed and continues to infringe the D796 Patent by making, using, selling, offering to sell, and/or importing in the United States the Infringing Frames, which incorporate a design that is covered by the D796 Patent.

31. Defendant Teka's acts of infringement of the D796 Patent were undertaken without permission or license from Lindberg. On information and belief, Defendant Teka had actual and/or constructive knowledge of the D796 Patent, and its actions constitute willful and intentional infringement of the D796 Patent. Defendant Teka infringed the D796 Patent with reckless disregard of Lindberg's patent rights. Defendant Teka knew, or it was so obvious that Defendant should have known, that its actions constituted infringement of the D796 Patent.

32. Defendant's acts of infringement of the D796 Patent were not consistent with the standards of commerce within its industry.

33. As a direct and proximate result of Defendant's patent infringement, Defendant has derived and received gains, profits, and advantages in an amount not presently known to Lindberg.

34. Pursuant to 35 U.S.C. § 284, Lindberg is entitled to damages for Defendant's infringing acts and treble damages, together with interests and costs to be fixed by this Court.

35. Pursuant to 35 U.S.C. § 289, Lindberg is entitled to Defendant's total profits from the sale of eyewear that infringes the D796 Patent.

36. Pursuant to 35 U.S.C. § 285, Lindberg is entitled to reasonable attorneys' fees for the necessity of bringing this claim.

37. Due to the aforesaid infringing acts, Lindberg has suffered significant and irreparable injury, for which Lindberg has no adequate remedy at law.

38. Defendant will continue to directly and/or indirectly infringe the D796 Patent to the significant and irreparable injury of Lindberg, unless enjoined by this Court.

PRAYER FOR RELIEF

WHEREFORE, Lindberg prays for judgment in its favor against Defendant Teka for the following relief:

A. An Order adjudging Defendant to have willfully infringed U.S. Design Patent D720,795 and U.S. Design Patent D D720,796 under 35 U.S.C. § 271;

B. A preliminary and permanent injunction enjoining Defendant, its respective officers, directors, members, agents, servants, employees and attorneys, and those persons in active concert or participation with Defendant, from directly or indirectly infringing the D795 Patent and D796 Patent in violation of 35 U.S.C. § 271;

C. That Defendant account for all gains, profits, and advantages derived by Defendant's infringement of the D795 Patent and D796 Patent in violation of 35 U.S.C. § 271, and that Defendant pay to Lindberg all damages suffered by Lindberg and/or Defendant's total profit from such infringement pursuant to 35 U.S.C. § 289;

D. An Order for a trebling of damages and/or exemplary damages because of Defendant's willful conduct pursuant to 35 U.S.C. § 284;

E. An Order adjudging that this is an exceptional case;

F. An award to Lindberg of the attorney fees and expenses incurred by Lindberg in connection with this action pursuant to 35 U.S.C. § 285;

G. An award of pre-judgment and post-judgment interest and the costs of this action against Defendant; and,

H. Such other and further relief as this Court may deem just and proper.

Exhibit "A"

The D795 Patent



(12) **United States Design Patent** (10) **Patent No.:** **US D720,795 S**
Kroman et al. (45) **Date of Patent:** ** **Jan. 6, 2015**

(54) **GLASSES**

(75) **Inventors:** **Flemming Kroman, Bræbsind (DK); Ulrik Caspersen, Aarhus C (DK); Lars Bøjvad Jensen, Højbjerg (DK); Henrik Lindberg, Risskov (DK); Poul-Jorn Lindberg, Ebeltoft (DK); Pernille Lindberg, Beder (DK); Charlotte Warming, Aarhus C (DK)**

(73) **Assignee:** **Lindberg A/S, Aabyhøj (DK)**

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

(21) **Appl. No.:** **29/431,471**

(22) **Filed:** **Sep. 7, 2012**

(30) **Foreign Application Priority Data**

Mar. 7, 2012 (EM) 002004606

(51) **LOC (10) CL** **16-06**

(52) **U.S. CL**
USPC **D16/300**

(58) **Field of Classification Search**
USPC **D16/101, 300-342; D29/109-110;**
351/41, 44, 51, 52, 62, 92, 103-123,
351/140, 153, 158; 2/12
 See application file for complete search history.

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 D473,893 S * 4/2003 Wang-Lee D16/314
 D480,413 S * 10/2003 Nielsen D16/328

D491,214 S * 6/2004 Nielsen D16/327
 6,948,811 B2* 9/2005 Kroman 351/153
 D593,593 S * 6/2009 Fuchs D16/315
 D651,637 S * 1/2012 Chow D16/300
 D692,046 S * 10/2013 Fuchs D16/315

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Primary Examiner — Robert M Spear

(74) *Attorney, Agent, or Firm* — Sheridan Ross P.C.

(57) **CLAIM**

The ornamental design for glasses, as shown and described.

DESCRIPTION

FIG. 1 is a front view of the glasses;
 FIG. 2 is rear view of the invention illustrated in FIG. 1;
 FIG. 3 is a top view of the invention illustrated in FIG. 1;
 FIG. 4 is bottom view of the invention illustrated in FIG. 1;
 FIG. 5 is a left side view of the invention illustrated in FIG. 1;
 FIG. 6 is a right side view of the invention illustrated in FIG. 1; and,
 FIG. 7 is a perspective view of the invention illustrated in FIG. 1.

1 Claim, 5 Drawing Sheets



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FIG. 1



FIG. 2

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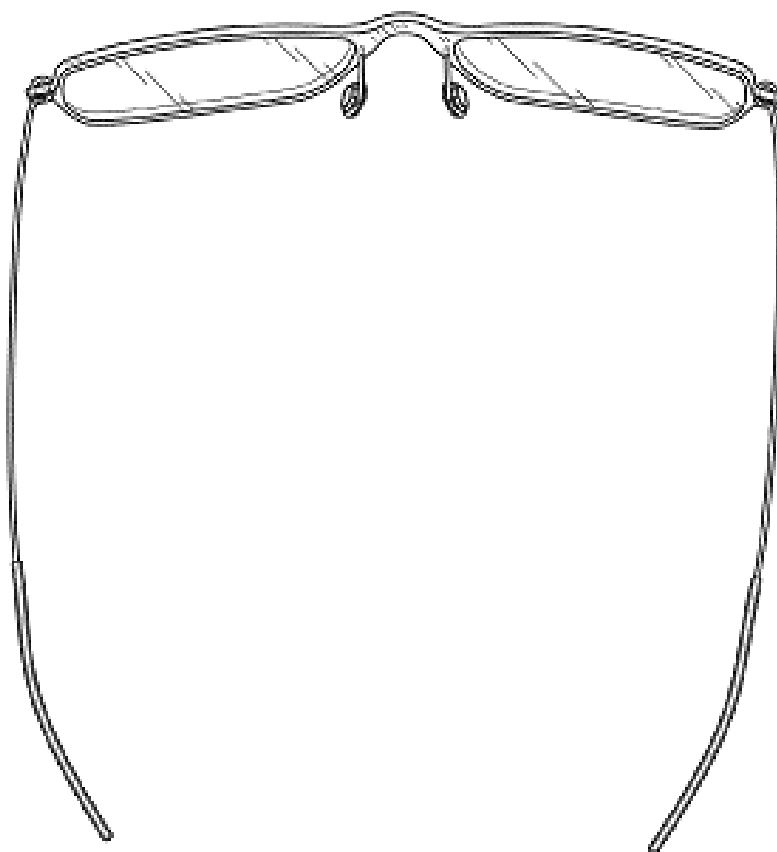


FIG.3

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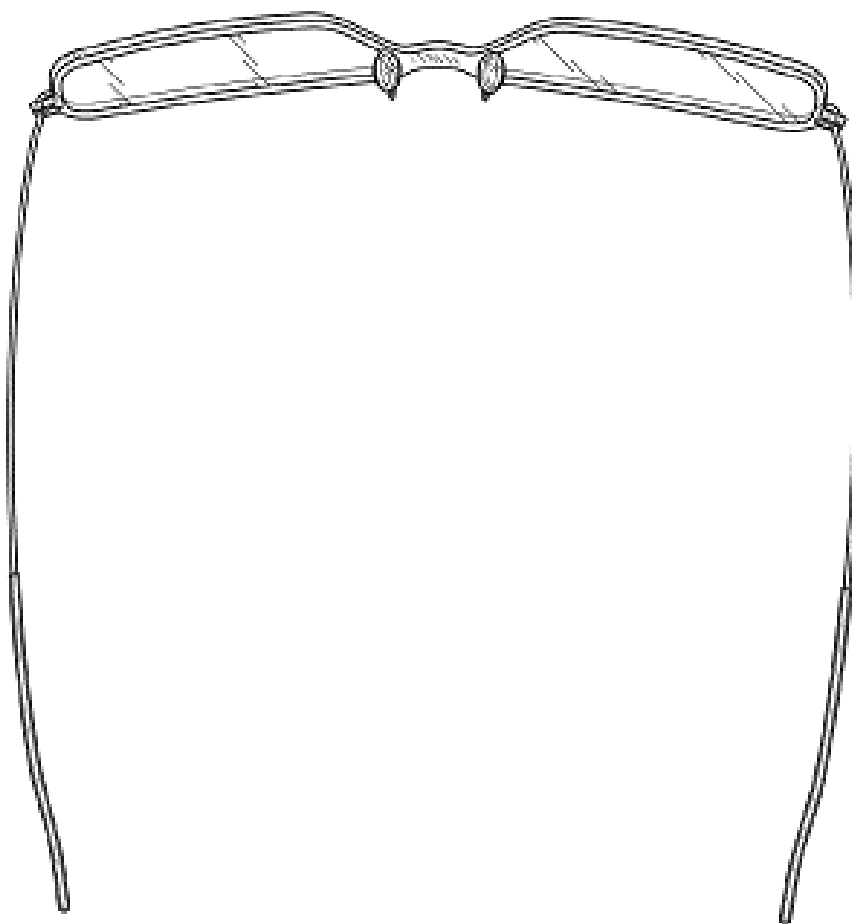


FIG.4



FIG.5



FIG.6

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FIG. 7

Exhibit "B"

The D796 Patent



(12) **United States Design Patent** (10) **Patent No.:** **US D720,796 S**
Kroman et al. (45) **Date of Patent:** **Jan. 6, 2015**

(54) **GLASSES**
 (75) **Inventors:** **Flemming Kroman, Brabrand (DK); Ulrik Caspersen, Aarhus C (DK); Lars Bojvad Jensen, Højbjerg (DK); Henrik Lindberg, Risskov (DK); Poul-Jorn Lindberg, Ebeltoft (DK); Pernille Lindberg, Beder (DK); Charlotte Warming, Aarhus C (DK)**
 (73) **Assignee:** **Lindberg A/S, Aabyhøj (DK)**
 (**) **Term:** **14 Years**
 (21) **Appl. No.:** **29/431,476**
 (22) **Filed:** **Sep. 7, 2012**
 (51) **LOC (10) CL** **16-06**
 (52) **U.S. Cl.**
 USPC **D16/300**
 (58) **Field of Classification Search**
 USPC D16/101, 300-342; D29/109-110;
 351/41, 44, 51, 52, 62, 92, 103-123,
 351/140, 153, 158; 2/12
 See application file for complete search history.

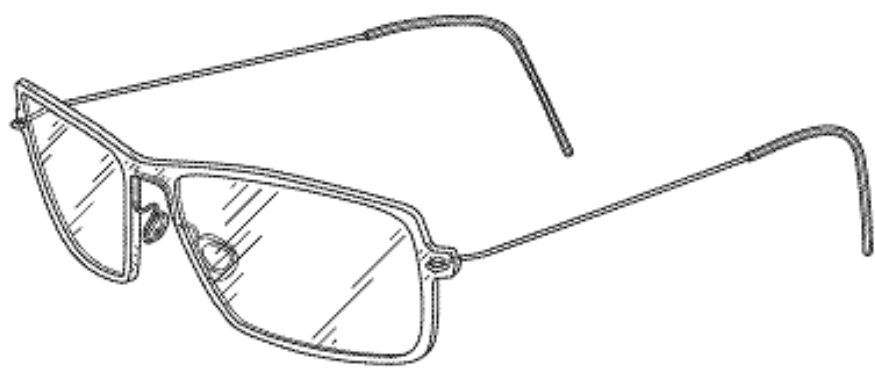
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Primary Examiner — Robert M Spear
 (74) *Attorney, Agent, or Firm* — Sheridan Ross P.C.

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 FIG. 6 is a right side view of the invention illustrated in FIG. 1; and,
 FIG. 7 is a perspective view of the invention illustrated in FIG. 1.

1 Claim, 5 Drawing Sheets



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FIG.1

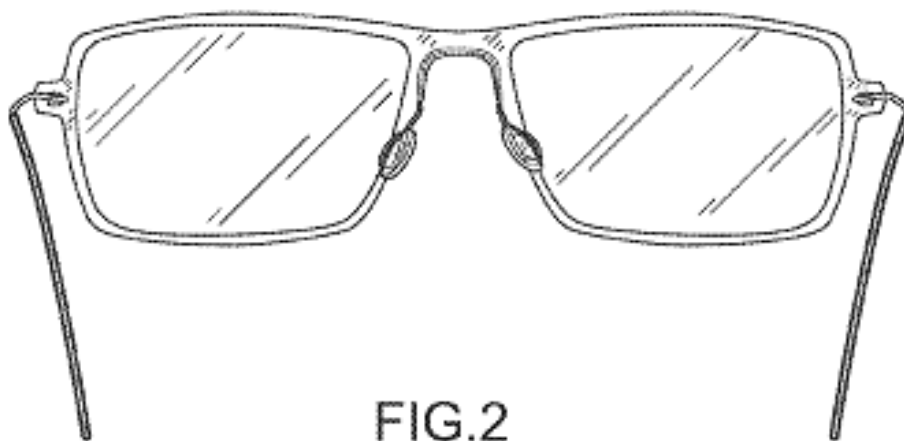


FIG.2

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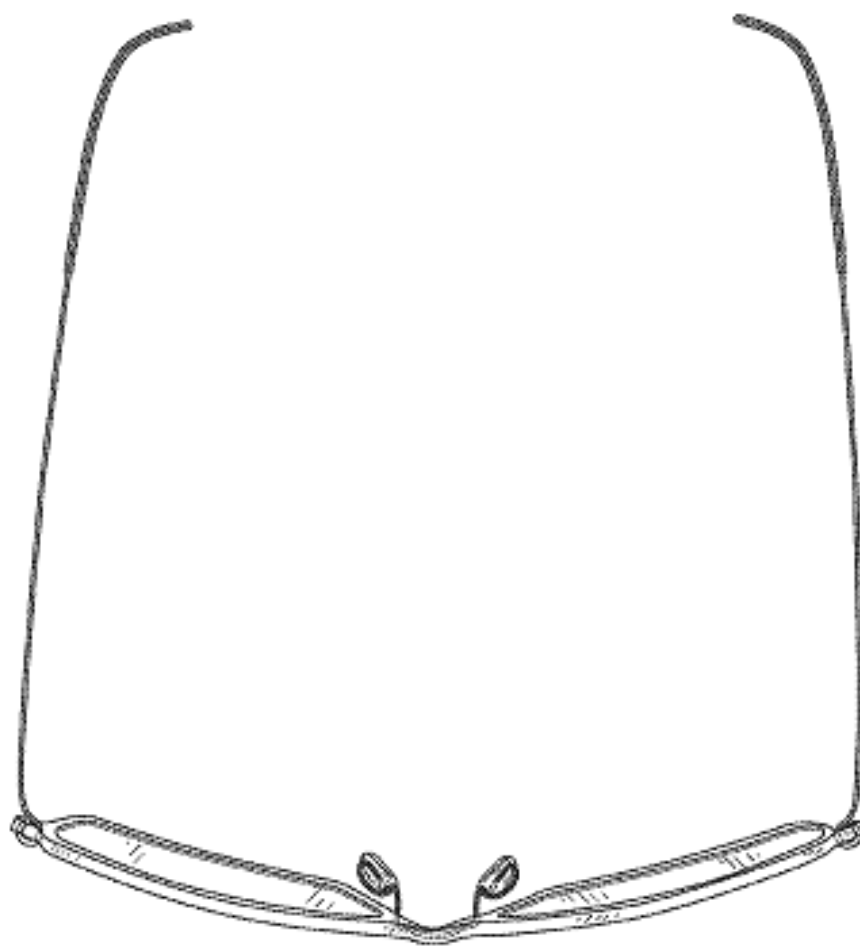


FIG.3

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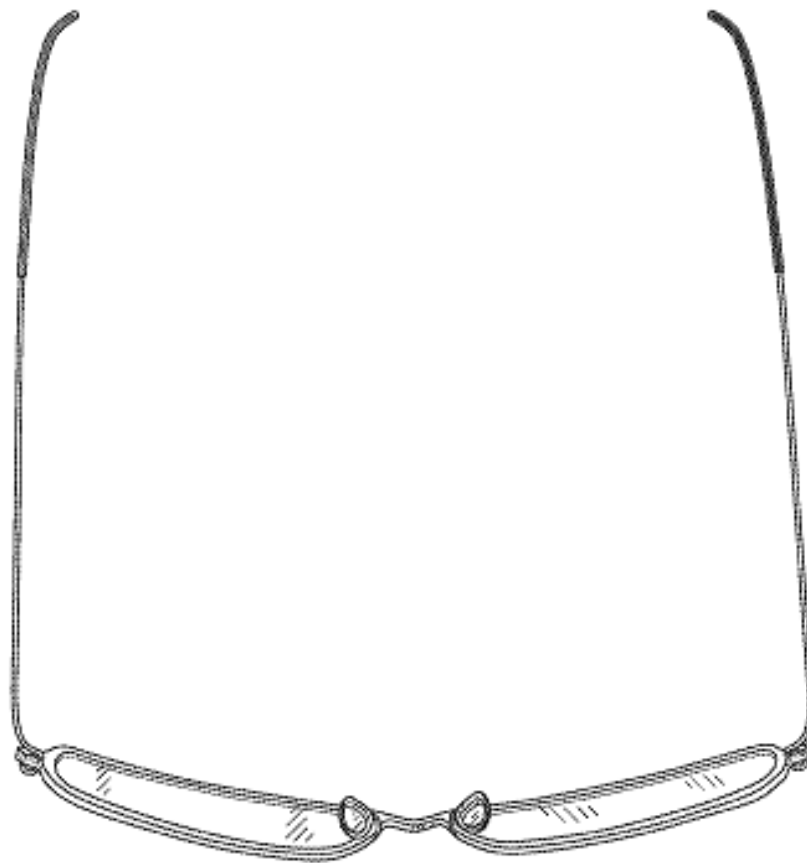


FIG.4

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FIG. 5



FIG. 6

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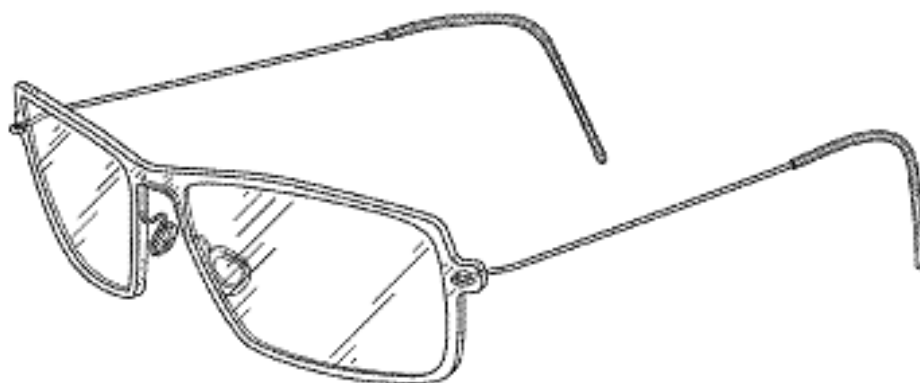


FIG.7

Exhibit "C"

The Infringing Frames

