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6 Attorneys for Plaintiff,
 7 Bragel International, Inc.

8 UNITED STATES DISTRICT COURT
 9 CENTRAL DISTRICT OF CALIFORNIA

10
 11 BRAGEL INTERNATIONAL, INC., a
 12 California corporation,

13 Plaintiff,

14 vs.

15 STYLES FOR LESS, INC., a
 16 California corporation, PPI APPAREL
 17 GROUP, INC., a New York
 18 corporation, and GINA GROUP LLC,
 19 a New York limited liability company,

20 Defendants.

Case No. 8:15-cv-01756-R-FFM

Hon. Manuel L. Real

**FIRST AMENDED COMPLAINT
 FOR PATENT INFRINGEMENT**

DEMAND FOR JURY TRIAL

21 For its complaint against Defendants Styles for Less, Inc. (“Styles for
 22 Less”), PPI Apparel Group, Inc. (“PPI”), and Gina Group LLC (“Gina Group”)
 23 (collectively, “Defendants”), Plaintiff Bragel International, Inc. (“Plaintiff”)
 24 alleges as follows:

JURISDICTION

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

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

1
2 3. Plaintiff is a corporation organized and existing under the laws of the
3 State of California, having a principal place of business at 3833 Pomona Blvd,
4 Pomona, California.

5 4. Plaintiff is informed and believes, and thereon alleges that Defendant
6 Styles for Less is a corporation organized and existing under the laws of the State
7 of California, having a principal place of business at 1205 North Miller Street,
8 #120, Anaheim, California.

9 5. Plaintiff is informed and believes, and thereon alleges that Defendant
10 PPI is a corporation organized and existing under the laws of the State of New
11 York, having a principal place of business at 320 5th Ave., Floor 2, New York,
12 New York.

13 6. Plaintiff is informed and believes, and thereon alleges that Defendant
14 Gina Group is a limited liability company organized and existing under the laws
15 of the state of New York, having a principal place of business at 10 W. 33rd St.,
16 3rd Floor, New York, New York.

17 7. This court has personal jurisdiction over Defendant Styles for Less
18 because Defendant Styles for Less is incorporated in the state of California.

19 8. This court has personal jurisdiction over Defendants PPI and Gina
20 Group because Defendants PPI and Gina Group have conducted systematic and
21 continuous business within California through Defendant Styles for Less and
22 within this district and have directed their unlawful business activities towards
23 California and this district. In addition, this court has personal jurisdiction over
24 Defendants PPI and Gina Group because Defendants PPI and Gina Group have
25 sold products which Defendants PPI and Gina Group knew would be sold within
26 California and within this district and that such activities would damage a
27 California company.

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FACTUAL BACKGROUND

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

6 10. On February 7, 2005, Plaintiff filed a U.S. patent application directed
7 to its attachable breast form enhancement system. It issued as U.S. Patent
8 7,144,296 B2 (the “’296 Patent”) on December 5, 2006 and is titled “Attachable
9 Breast Form Enhancement System.” A copy of the ’296 Patent is attached as
10 Exhibit A.

11 11. Defendants Styles for Less and PPI have sold and offered for sale in
12 this District and elsewhere, and continue to sell and offer for sale in this District
13 and elsewhere, without the consent or authorization of Plaintiff, “Oh Baby . . .
14 Strapless, Backless, Self-Adhesive Silicone Bra” and “Silicone Fashion Bra”
15 products that are covered by at least claims 1, 2, and 5 of the ’296 Patent (the
16 “PPI Infringing Products”). A claim chart corresponding to the ’296 Patent and
17 the “Oh Baby . . . Strapless, Backless, Self-Adhesive Silicone Bra” is attached as
18 Exhibit B. A claim chart corresponding to the ’296 Patent and the “Silicone
19 Fashion Bra” is attached as Exhibit C.

20 12. Defendants Styles for Less and Gina Group have sold and offered for
21 sale in this District and elsewhere, and continue to sell and offer for sale in this
22 District and elsewhere, without the consent or authorization of Plaintiff, “Body
23 Frosting™ Silicone Bra” products that are covered by at least claims 1, 2, and 5 of
24 the ’296 Patent (the “Body Frosting Infringing Products”) (collectively, with the
25 PPI Infringing Products, the “Infringing Products”). A claim chart corresponding
26 to the ’296 Patent and the “Body Frosting™ Silicone Bra” is attached as Exhibit
27 D.
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1 13. Plaintiff notified Defendant Styles for Less by means of two Cease
2 and Desist Letters informing Defendant Styles for Less of the '296 Patent and that
3 the Infringing Products were believed to infringe upon one or more claims of the
4 '296 Patent. Defendant Styles for Less has continued to sell and offer for sale in
5 this District and elsewhere, without the consent or authorization of Plaintiff, the
6 Infringing Products, despite Plaintiff's express notice of the '296 Patent and the
7 relationship to the Infringing Products.

8 **FIRST CLAIM FOR RELIEF**

9 **(Patent Infringement)**

10 14. Plaintiff realleges paragraphs 1 through 13 as though fully set forth
11 herein.

12 15. Defendants, by themselves or in concert with others, have made,
13 used, sold or offered to sell, and continue to make, use, sell or offer to sell, in this
14 District and elsewhere in the United States, the Infringing Products which
15 infringe the '296 Patent. The Infringing Products have no substantial,
16 noninfringing use.

17 16. The alleged infringing acts of Defendants are without right, license,
18 or authorization from Plaintiff.

19 17. By their aforesaid acts, Defendants have infringed the '296 Patent
20 entitling Plaintiff to relief pursuant to 35 U.S.C. Section 271.

21 18. Upon information and belief, Defendants have had actual or
22 constructive notice of the existence of the '296 Patent and despite such notice
23 have continued to engage in acts of infringement.

24 19. As a direct result of Defendants' acts complained of herein, Plaintiff
25 has been actually damaged and irreparably harmed and Defendants have been
26 unjustly enriched, to an extent not presently ascertained, which damage, harm and
27 enrichment will continue until enjoined by order of this Court.

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1 20. Defendants' infringement is and has been willful and Plaintiff is
2 entitled to enhanced damages against Defendants.

3 21. This is an exceptional case and Plaintiff is entitled to an award of its
4 attorneys' fees.

5 **PRAYER**

6 Plaintiff demands judgment against Defendants as follows:

7 1. Adjudging and decreeing that Defendants have committed acts of
8 patent infringement by their manufacture, use, sale, and offer for sale of the
9 infringing products;

10 2. For a temporary and permanent injunction prohibiting Defendants
11 and their officers, agents, servants, employees and attorneys, and other persons in
12 active concert or participation with them, from further infringing the '296 Patent
13 and requiring Defendants to deliver up to Plaintiff for destruction any and all
14 Infringing Products in any Defendant's possession, custody or control, along with
15 any items of manufacture, the sole purpose of which is to manufacture such
16 Infringing Products, as well as any promotional literature and packaging which
17 displays or promotes such Infringing Products;

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

21 4. For prejudgment interest;

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

23 and

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

3
4 DATED: March 2, 2016

Respectfully submitted,
LEWIS ROCA ROTHGERBER
CHRISTIE LLP

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

9 Attorneys for Plaintiff,
10 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: March 2, 2016

Respectfully submitted,
LEWIS ROCA ROTHGERBER
CHRISTIE LLP

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

Attorneys for Plaintiff,
Bragel International, Inc.

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