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9 Attorneys for Plaintiff Janibell, Inc.

10 **UNITED STATES DISTRICT COURT**
11 **CENTRAL DISTRICT OF CALIFORNIA**
12

13 JANIBELL, INC., a California
14 corporation;

15
16 Plaintiff,

17 v.

18 JOBAR INTERNATIONAL, INC., a
19 California corporation;

20 Defendant.
21
22

Case No: 2:16-CV-8163

**PLAINTIFF'S COMPLAINT FOR
PATENT INFRINGEMENT**

JURY TRIAL DEMANDED

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1 Plaintiff Janibell, Inc. (“JANIBELL” or “PLAINTIFF”), hereby complains
2 of Jobar International, Inc. (“JOBAR” or “DEFENDANT”) and alleges as follows:

3 **THE PARTIES**

4 1. PLAINTIFF JANIBELL is a California corporation with its principal
5 place of business at 12000 Jersey Court, Unit 103, Rancho Cucamonga CA 91730.

6 2. PLAINTIFF is informed and believes, thereon alleges, that
7 DEFENDANT JOBAR is a California corporation with its principal place of
8 business at 21022 Figueroa Street; Carson, CA 90745.

9 **JURISDICTION AND VENUE**

10 3. This Court has original subject matter jurisdiction over the claims that
11 relate to patent infringement under 35 U.S.C. § 271, pursuant to 28 U.S.C. § 1331
12 and 1338(a), as these claims arise under the laws of the United States.

13 4. Venue is proper in this judicial district under 28 U.S.C. §§ 1391(b) and
14 (c) and 1400(b).

15 **FACTUAL ALLEGATIONS**

16 5. JANIBELL designs, develops and sells innovative refuse receptacle
17 and trash can products. PLAINTIFF is recognized as market a leader in refuse
18 receptacle and trash can products in the U.S. and around the world.

19 6. In order to protect PLAINTIFF’s investment in the development of its
20 proprietary technology, PLAINTIFF has successfully applied for and obtained
21 several United States patents.

22 7. JANIBELL is the owner of registered U.S. Design Patent Nos.
23 D567,466, D567,467, and U.S. Utility Patent No. 7,992,742 (together, the
24 “PATENTS-IN-SUIT”). A copy of which is attached herewith as **Exhibit A, B** and
25 **C** consecutively.

26 8. PLAINTIFF is informed and believes, and thereon alleges, that
27 DEFENDANT has sold and continues to sell, products, including Incontinence
28 Disposal Pail; North American Health & Wellness Incontinence Disposal System;

1 and Adult Hygienic Incontinence Disposal Diaper System; which infringe one or
2 more claims of each of the PATENTS-IN-SUIT (“the Accused Products”).

3 9. PLAINTIFF has provided JOBAR with notice of the PATENTS-IN-
4 SUIT by sending a cease and desist letter, dated October 11, 2016, which included
5 specific infringement allegations regarding the infringement of the PATENTS-IN-
6 SUIT by the Accused Products (“LETTER”) to DEFENDANT. A copy of the
7 LETTER and samples of the Accused Products is attached herewith as **Exhibit D**.

8 10. In its response to the LETTER, DEFENDANT did not deny
9 infringement of the PATENTS-IN-SUIT and specifically stated its intention to
10 continue to sell the ACCUSED PRODUCTS.

11 11. PLAINTIFF is informed and believes, thereon alleges, that
12 DEFENDANT has been actively inducing direct infringement by distributors and
13 retailers who make, sell, or use products that embody or otherwise practice one or
14 more of the claims of each of the PATENTS-IN-SUIT.

15 12. PLAINTIFF is informed and believes, and thereon alleges, that
16 DEFENDANT has been selling and/or offering for sale or importing into the United
17 States parts and/or components of products embodying the PATENTS-IN-SUIT,
18 constituting a material part of the claimed inventions, with knowledge that such
19 parts and/or components are especially made or especially adapted for use instead of
20 the PATENTS-IN-SUIT, and not a staple article or commodity of commerce
21 suitable for substantial non-infringing use.

22 13. PLAINTIFF is informed and believes, and thereon alleges, that
23 DEFENDANT has continued to encourage distributors and retailers who make, sell,
24 or use products that embody or otherwise practice one or more of the claims of each
25 of the PATENTS-IN-SUIT to continue to do so without authorization.

26 14. DEFENDANT’s actions, including their sales, advertising, and
27 instructions, has induced distributors and retailers who make, sell, or use products
28 that embody or otherwise practice one or more of the claims of each of the

1 PATENTS-IN-SUIT to do so without authorization.

2 15. DEFENDANT knew or should have known that their actions would
3 induce distributors and retailers who make, sell, or use products that embody or
4 otherwise practice one or more of the claims of each of the PATENTS-IN-SUIT to
5 do so without authorization.

6 16. PLAINTIFF is informed and believes, and thereon alleges, that
7 DEFENDANT has promoted the sale of the accused products in this district either
8 directly or through their distributors and retailers.

9 17. PLAINTIFF is informed and believes, and thereon alleges, that
10 DEFENDANT will continue to infringe the PATENTS-IN-SUIT unless enjoined by
11 this Court.

12 18. PLAINTIFF is informed and believes, and thereon alleges, that
13 DEFENDANT'S infringement of the PATENTS-IN-SUIT is, has been, and
14 continues to be willful and deliberate.

15 19. As a direct and proximate result of DEFENDANT'S actions,
16 PLAINTIFF has been and continue to be damaged in an amount yet to be
17 determined.

18 20. By reason of the above acts, DEFENDANT, unless enjoined and
19 restrained by this court, will continue to cause PLAINTIFF great and irreparable
20 injury to, among other things, the good will and business reputation of PLAINTIFF,
21 all of which cannot be adequately compensated or measured in money.

22 21. PLAINTIFF has no adequate remedy at law. PLAINTIFF is entitled to
23 injunctive relief, enjoining and restraining DEFENDANT and its respective officers,
24 agents, servants, and employees, and all persons acting in concert with it, from
25 further infringement of the PATENTS-IN-SUIT

26 **DEMAND FOR JURY TRIAL**

27 Pursuant to Rule 38 of the Federal Rules of Civil Procedure, PLAINTIFF
28 demands a trial by jury on all issues triable as such.

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PRAYER FOR RELIEF

WHEREFORE, PLAINTIFF pray for relief as follows:

A. for a judicial determination and declaration that DEFENDANT has directly infringed each of the PATENTS-IN-SUIT;

B. for a judicial determination and declaration that DEFENDANT has indirectly infringed each of the PATENTS-IN-SUIT;

C. for a judicial determination and decree that DEFENDANT’S infringement of the PATENTS-IN-SUIT is willful;

D. for damages resulting from DEFENDANT’S past and present infringement of the PATENTS-IN-SUIT, and the trebling of such damages because of the willful and deliberate nature of DEFENDANT’S infringement;

E. for permanent injunctive relief enjoining against further infringement of the PATENTS-IN-SUIT by DEFENDANT, its officers, directors, shareholders, agents, servants, employees, and all other entities and individuals acting in concert with it or on their behalf;

F. for an assessment of prejudgment interest on damages;

G. for a declaration that this is an exceptional case under 35 U.S.C. § 285 and for an award of attorneys' fees and costs in this action; and

H. for such other and further relief as the Court deems just and equitable.

Respectfully submitted,

Dated: November 2, 2016

ADLI LAW GROUP P.C.

By: /s/Dariush Adli
Dr. Dariuash Adli, Esq.
Attorneys for PLAINTIFF

DEMAND FOR JURY TRIAL

Plaintiff JANIBELL, INC. hereby demands a trial by jury on all triable claims.

ADLI LAW GROUP, P.C.

Dated: November 2, 2016

/s/Dariush G. Adli

Dariush G. Adli

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