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8 INC.

9 UNITED STATES DISTRICT COURT  
10 CENTRAL DISTRICT OF CALIFORNIA

11  
12 ALTAIR INSTRUMENTS, INC., a  
California corporation,

13 Plaintiff,

14 vs.

15 SHANIKA, INC., a California  
16 corporation, dba CLASSIC SPA  
COLLECTION, and DOES 1 through  
17 10,

18 Defendants.

Case No. CV17-942

**COMPLAINT FOR PATENT  
INFRINGEMENT**

**DEMAND FOR JURY TRIAL**

19  
20 Plaintiff ALTAIR INSTRUMENTS, INC. (“Altair”) as its Complaint against  
21 Defendant SHANIKA, INC., a California corporation, dba CLASSIC SPA  
22 COLLECTION (“Shanika”) and Does 1 through 10, inclusive (collectively,  
23 “Defendants”) alleges as follows:

24 **JURISDICTION AND VENUE**

25 1. This is an action for patent infringement arising under the Patent Laws  
26 of the United States, Title 35, United States Code. This Court has jurisdiction over  
27 the subject matter of this action pursuant to 28 U.S.C. § 1338(a) (action arising  
28 under an Act of Congress relating to patents) and 28 U.S.C. § 1331 (federal

1 question).

2 2. Venue is proper in this judicial district pursuant to 28 U.S.C. § 1400(b)  
3 and 28 U.S.C. § 1391(c). On information and belief, Shanika resides in this judicial  
4 district because, among other things, Shanika has a principal place of business  
5 located in this judicial district and Shanika sells and has sold and/or offers to sell in  
6 this judicial district products that infringe the patent-in-suit.

7 **THE PARTIES**

8 3. Plaintiff Altair is a California corporation with its principal place of  
9 business at 1834 Palma Drive, Suite F, Ventura, California 93003.

10 4. On information and belief, Shanika is a California corporation with a  
11 principal place of business located at 6917 Valjean Ave. Van Nuys, CA 91406.  
12 Shanika does business as Classic Spa Collection.

13 5. The true names and capacities, whether individual, corporate, associate  
14 or otherwise, of defendants DOES 1 through 10, inclusive, are unknown to Altair,  
15 which therefore sues said defendants by such fictitious names. Altair will seek leave  
16 of this Court to amend this Complaint to include their proper names and capacities  
17 when they have been ascertained. Altair is informed and believes, and based  
18 thereon alleges, that each of the fictitiously named defendants participated in and are  
19 in some manner responsible for the acts described in this Complaint and the damage  
20 resulting therefrom.

21 6. Altair alleges on information and belief that each of the defendants  
22 named herein as Does 1 through 10, inclusive, performed, participated in, or abetted  
23 in some manner, the acts alleged herein, proximately caused the damages alleged  
24 hereinbelow, and are liable to Altair for the damages and relief sought herein.

25 7. Altair alleges on information and belief that, in performing the acts and  
26 omissions alleged herein, and at all times relevant hereto, each of the Defendants  
27 was the agent and employee of each of the other defendants and was at all times  
28 acting within the course and scope of such agency and employment with the

1 knowledge and approval of each of the other Defendants.

2 **GENERAL ALLEGATIONS**

3 8. On June 5, 2001, United States Patent No. 6,241,739, entitled  
4 “Microdermabrasion Device And Method Of Treating The Skin Surface” (“the ‘739  
5 patent”), was duly and legally issued by the United States Patent and Trademark  
6 Office (the “USPTO”).

7 9. By assignment, Altair is the owner of all rights, title and interest in and  
8 to the ‘739 patent, including all rights to recover for any and all past infringement  
9 thereof. A true and correct copy of the ‘739 patent, with Reexamination  
10 Certificates, is attached hereto as **Exhibit “A.”** Altair has given notice to the public  
11 of its patent by marking its own products with the ‘739 patent in conformity with 35  
12 U.S.C. § 287(a).

13 **CLAIM FOR RELIEF**

14 **(Infringement of the ‘739 Patent)**

15 10. Altair realleges each and every allegation set forth in paragraphs 1  
16 through 9 above, and incorporates them herein.

17 11. Shanika makes, uses, sells, offers to sell, and/or imports into the United  
18 States, including in this Judicial District, one or more microdermabrasion devices,  
19 including devices known as the “Diamond Micro Dermabrasion” (CIB-6000),  
20 “Diamond Micro Dermabrasion w / Ultrasonic & hot & cold Hammer” (CIB-6002),  
21 “Portable Diamond Microdermabrasion w/Oxygen” (CM-4033), “Multifunctional  
22 Facial System w/ Oxygen” (4MF-OXUT), “2 in 1 Crystal & Diamond Micro  
23 Dermabrasion & Hot Towel Cabinet” (CM-2056), “Crystal & Diamond Micro  
24 Dermabrasion w/German Motor” (CGM-1000), “Micro Diamond/Crystal/Oxygen –  
25 3 in 1 Unit” (CDO-500), “7 in 1 Unit High Frequency” (SM-1100), “14 Function”  
26 (CM-2040), “17 in 1 Instrument” (CNM-1001), “19 in 1 Function” (CM-2060) and  
27 “Microdermabrasion Instrument” (IB-6000) (the “Accused Devices”) which contain  
28 each and every element of independent claim 1 and dependent claims 2, 3, 5, 6 and

1 8, independent claim 9 and dependent claim 10, independent claim 12 and  
2 dependent claims 13 and 14, and independent claim 16 and dependent claims 17 and  
3 18 of the '739 Patent. Users of the Accused Devices also infringe the '739 patent.  
4 Defendants have infringed and are infringing the '739 patent and will continue to do  
5 so, unless enjoined by this Court. Defendants directly infringes the '739 patent, and  
6 are also liable for contributory infringement and induced infringement.

7 12. Altair has been damaged in an amount to be determined at trial, but  
8 which is no less than a reasonable royalty, and has been irreparably injured by  
9 Defendant's infringing activities. Altair will continue to be so damaged and  
10 irreparably injured unless such infringing activities are enjoined by this Court.

11 **PRAYER**

12 WHEREFORE, Altair prays for the following relief:

- 13 a. Preliminary and permanent injunctions pursuant to  
14 35 U.S.C. § 283 enjoining and restraining Defendants, their officers,  
15 directors, agents, employees, successors and assigns, and all those  
16 acting in privity or concert with Defendants or any of them, from  
17 further infringement of the '739 patent;
- 18 b. A judgment by the Court that Defendants have infringed  
19 and are infringing the '739 patent;
- 20 c. An award of damages for infringement of the  
21 '739 patent, together with prejudgment interest and costs;
- 22 d. An award of Altair's reasonable attorneys' fees pursuant  
23 to 35 U.S.C. § 285 in that this is an exceptional case;
- 24 e. Altair's costs of suit herein; and
- 25  
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27  
28

1 f. For such other and further relief as this Court deems just  
2 and proper.

3 Dated: February 6, 2017

RUTAN & TUCKER, LLP  
RONALD P. OINES  
BENJAMIN DEMING  
KATHRYN DOMIN

6 By: /s/ Ronald P. Oines  
7 Ronald P. Oines  
8 Attorneys for Plaintiff ALTAIR  
9 INSTRUMENTS, INC.

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**DEMAND FOR JURY TRIAL**

Altair hereby demands a trial by jury.

Dated: February 6, 2017

RUTAN & TUCKER, LLP  
RONALD P. OINES  
BENJAMIN DEMING  
KATHRYN DOMING

By: /s/ Ronald P. Oines  
Ronald P. Oines  
Attorneys for Plaintiff  
ALTAIR INSTRUMENTS, INC.