

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

LIFETIME BRANDS, INC.,

Plaintiff,

-against-

LIONKIN8

Defendants.

Docket No.

**CV 17 2003**

COMPLAINT

JURY TRIAL DEMANDED

FILED  
IN CLERK'S OFFICE  
U.S. DISTRICT COURT E.D.N.Y.  
★ APR 06 2017 ★  
LONG ISLAND OFFICE

**SPATT, J.  
LINDSAY, M.J.**

Plaintiff, LIFETIME BRANDS, INC. (hereinafter "Plaintiff" and/or "Lifetime"), by its attorneys, TUTUNJIAN & BITETTO, P.C., as and for its complaint against Defendant LIONKIN8 (hereinafter "Defendant") alleges as follows:

**NATURE OF THE ACTION**

1. This is an action for Patent Infringement under 35 U.S.C. §271 and §289.
2. As alleged in detail below, Defendant has engaged and continues to engage in a conscious, systematic, and willful pattern of patent infringement, to the damage of Plaintiff.

**JURISDICTION AND VENUE**

3. This court has jurisdiction over the patent infringement claims pursuant to 28 U.S.C. §§ 1331 and 1338(a).
4. Plaintiff's claims arising under New York State statutory and common law relate directly to Plaintiff's substantial claims under federal patent law and arise from the same nucleus of facts as Plaintiff's federal patent claims.

5. The court has jurisdiction as to Plaintiff's New York State statutory and common law claims under 28 U.S.C. §§ 1332 and 1338(b), as well as supplemental jurisdiction under 28 U.S.C. § 1367.

6. Venue is proper in this District pursuant to 28 U.S.C. §§ 1391(b) and (c) and 1400(b), as the claims arose in this District and due to the fact that Defendants are doing business in this district at least through online sales, thereby placing infringing products into the stream of commerce through established distribution channels with the expectation that such products will be purchased by residents of this District. Defendant has purposefully availed itself of this forum by, among other things, making, shipping, using, offering to sell and selling, and causing others to use, infringing products in the State of New York, including in this District, and, upon information and belief, deriving revenue from such activities.

### **THE PARTIES**

7. Plaintiff is a New York corporation with a principal place of business at 1000 Stewart Ave., Garden City, NY 11530.

8. Defendant LIONKIN8 is, upon information and belief, a name used by a Chinese national selling products in the United States through a storefront on Amazon.com. LIONKIN8 is operated by "Jiana," No. 5 Naibao Road, Champion Town, Longwan District, Wenzhou, Zhejiang, CN 325000.

### **PLAINTIFF'S PATENT AND BUSINESS**

9. Plaintiff owns U.S. Patent No. D533,752 (hereinafter "the '752 patent"). A copy of the '752 patent is attached as Exhibit A. The '752 patent is entitled "Lunch Purse with Zip," was

filed on October 27, 2005, and issued on December 19, 2006. Built NY, Inc., the original assignee of the '752 patent, assigned the '752 patent to Plaintiff. The assignment of the '752 patent was registered with the United States Patent and Trademark Office ("USPTO") on reel/frame 032390/0447 on March 3, 2014. A copy of the assignment of the '752 patent registered with the USPTO is attached as Exhibit B.

10. Plaintiff owns U.S. Patent No. D534,772 (hereinafter "the '772 patent"). A copy of the '772 patent is attached as Exhibit C. The '772 patent is entitled "Lunch Purse," was filed on October 27, 2005, and issued on January 9, 2007. Built NY, Inc., the original assignee of the '772 patent, assigned the '772 patent to Plaintiff. The assignment of the '772 patent was registered with the United States Patent and Trademark Office ("USPTO") on reel/frame 032390/0447 on March 3, 2014. A copy of the assignment of the '772 patent registered with the USPTO is attached as Exhibit B.

11. Plaintiff owns U.S. Patent No. D535,859 (hereinafter "the '859 patent"). A copy of the '859 patent is attached as Exhibit D. The '859 patent is entitled "Lunch Purse," was filed on October 27, 2005, and issued on January 30, 2007. Built NY, Inc., the original assignee of the '859 patent, assigned the '859 patent to Plaintiff. The assignment of the '859 patent was registered with the United States Patent and Trademark Office ("USPTO") on reel/frame 032390/0447 on March 3, 2014. A copy of the assignment of the '859 patent registered with the USPTO is attached as Exhibit B.

12. Plaintiff owns all right, title, and interest in and to the '752 patent, the '772 patent, and the '859 patent. Plaintiff manufactures and sells products in accordance with the '752, the '772 patent, and the '859 patent.

13. One such product is BUILT NY GOURMET TO GO LUNCH TOTE, which Plaintiff and its predecessor in interest have manufactured and sold since at least February 6, 2006. Another such product is the BUILT GOURMET GETAWAY LUNCH TOTE. The '752 patent, the '772 patent, and the '859 patent cover the ornamental features of Plaintiff's products. In particular, the '752 patent protects the design of the BUILT NY GOURMET TO GO LUNCH TOTE.

14. Plaintiff actively develops new products and pursues intellectual property protection for those products to stay competitive in the face of counterfeits and knock-offs.

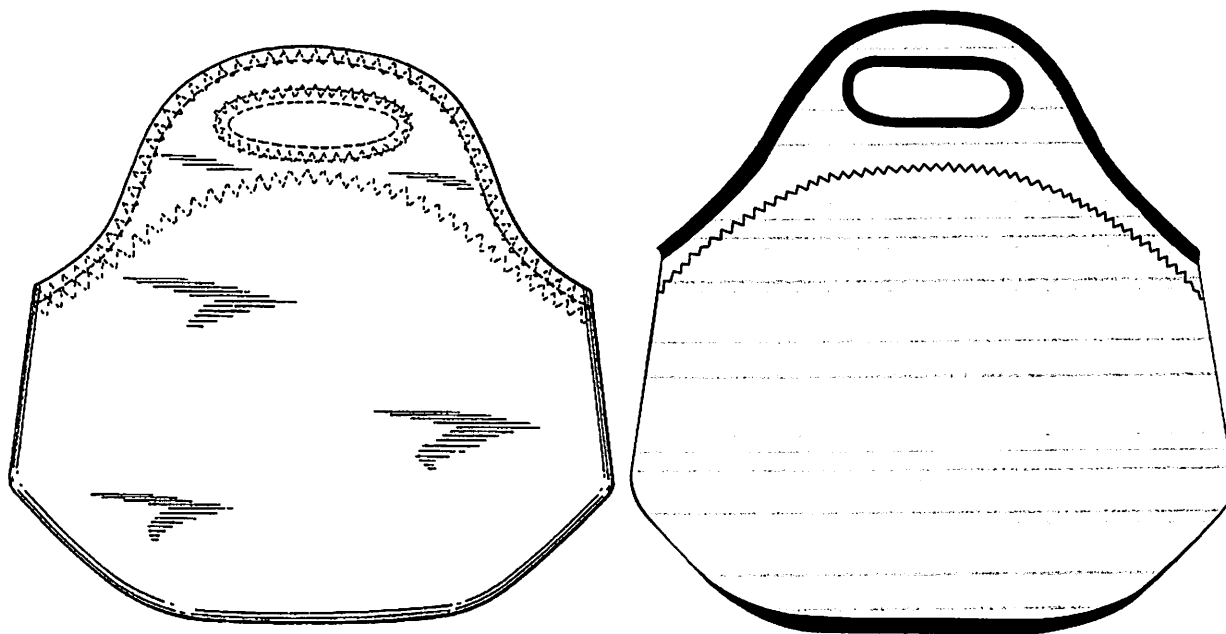
### **DEFENDANT'S INFRINGING ACTS**

15. Defendant has been offering to sell and selling products that infringe the '752 patent, the '772 patent, and the '859 patent, including sales offered and made on Amazon.com, since at least April 13, 2016.

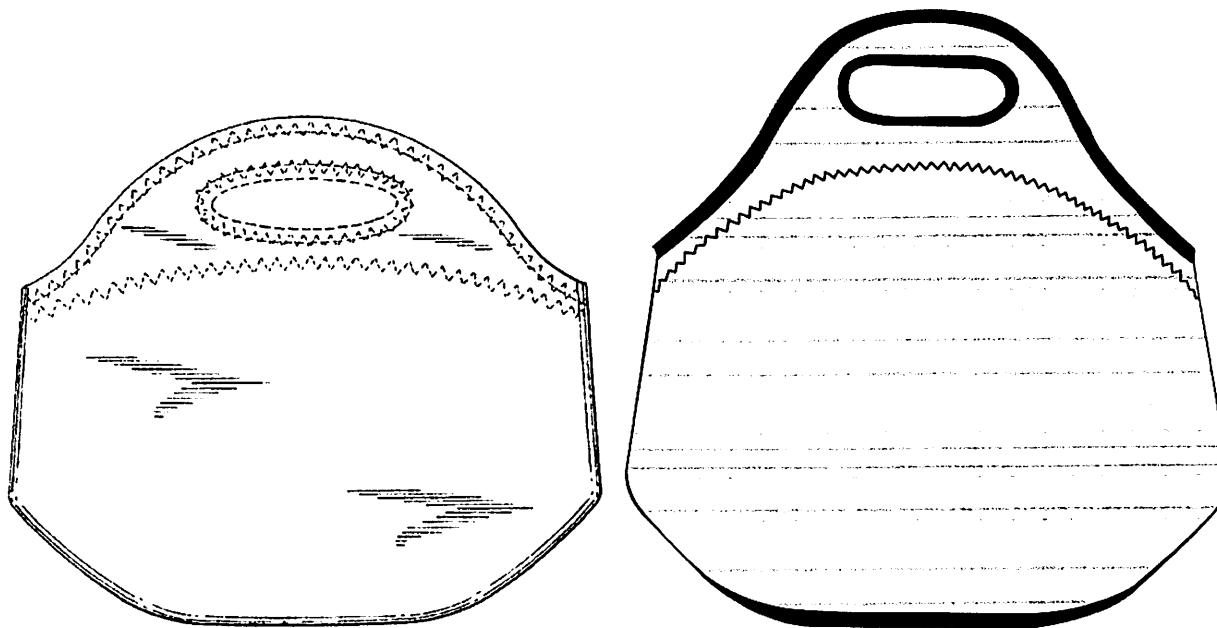
16. In particular, Defendant sells an item identified as, "Zigzag Insulated Neoprene Lunch Box Tote Bag with Heavy Duty Zipper For Women,Adults,Kids,Girls" (hereinafter "LIONKIN tote"), with many different graphical designs being available. The LIONKIN tote is listed for sale at <https://www.amazon.com/Zigzag-Insulated-Neoprene-Zipper-Adults/dp/B01E6YXB06>. A copy of the Amazon webpage where Defendant offers for sale its infringing LIONKIN tote is attached as Exhibit E. The Defendant lists at least twenty-four similar items in addition to the LIONKIN tote, with the only apparent difference being the graphical design printed on the product.

17. An ordinary observer would think that the LIONKIN tote is substantially the same as at least one of the design of the '752 patent, the '772 patent, and the '859 patent. Indeed, as the side-by-side comparison shown below reveals, Defendant has misappropriated and infringed

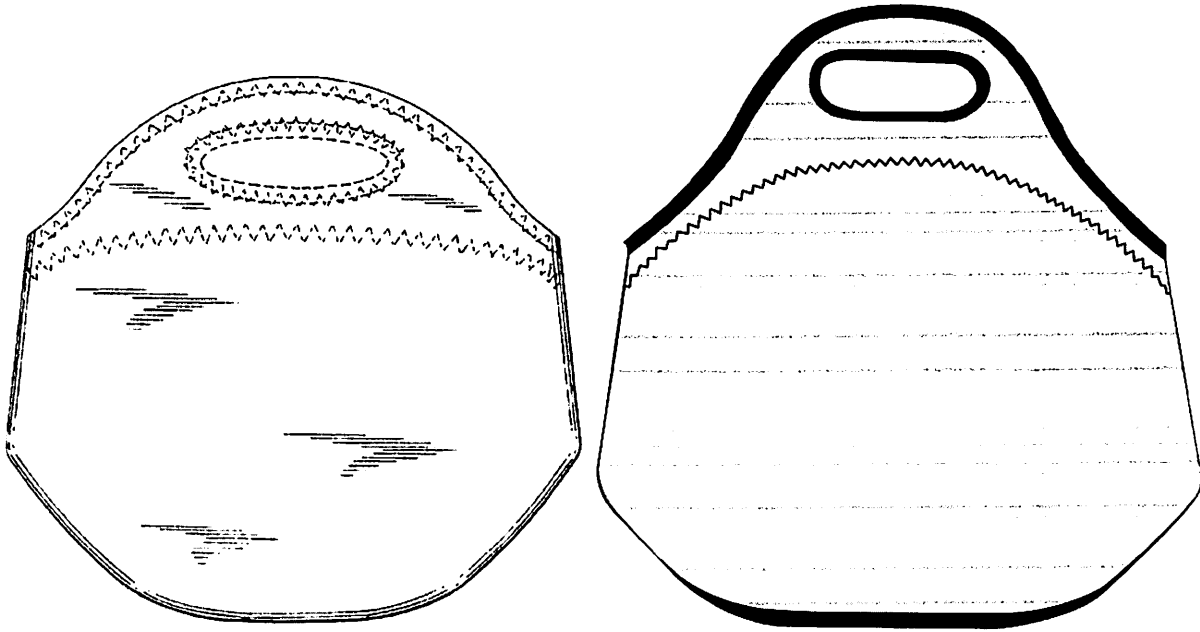
Plaintiff's patented lunch purse design in the accused LIONKIN tote depicted below. A front view of the '752 patent is shown on the left, with a corresponding view of the infringing LIONKIN tote on the right.



18. A similar front view of the '772 patent is shown on the left, with a corresponding view of the infringing LIONKIN tote on the right:



19. A similar front view of the '859 patent is shown on the left, with a corresponding view of the infringing LIONKIN tote on the right:



20. The LIONKIN tote infringes the design of one or more of the '752 patent, the '772 patent, and the '859 patent.

21. The LIONKIN tote Amazon.com page attached as Exhibit E identifies the "Date first available at Amazon.com" as April 13, 2016.

22. Upon information and belief, Defendant has been offering for sale and selling its infringing LIONKIN tote from April 13, 2016 to the present day.

23. Defendant had constructive notice of Plaintiff's '752 patent through the marking of products sold with the patented design.

24. Defendant's ongoing sales of the LIONKIN tote therefore constitute willful infringement.

**COUNT I:**  
**INFRINGEMENT OF U.S. PATENT NO. D533,752**

25. Paragraphs 1 through 24 are incorporated by reference herein.

26. Lifetime is the owner of all right, title, and interest in the '752 patent, entitled, "LUNCH PURSE WITH ZIP."

27. Defendant has infringed and continues to infringe the '752 patent by, among other things, making, using, offering to sell, and selling in the United States, and/or importing into the United States, products that are covered by and embody the '752 patent, including the LIONKIN tote identified in this Complaint.

**COUNT II:**  
**INFRINGEMENT OF U.S. PATENT NO. D534,772**

28. Paragraphs 1 through 28 are incorporated by reference herein.

29. Lifetime is the owner of all right, title, and interest in the '772 patent, entitled, "LUNCH PURSE."

30. Defendant has infringed and continues to infringe the '772 patent by, among other things, making, using, offering to sell, and selling in the United States, and/or importing into the United States, products that are covered by and embody the '772 patent, including the LIONKIN tote identified in this Complaint.

**COUNT III:**  
**INFRINGEMENT OF U.S. PATENT NO. D535,859**

31. Paragraphs 1 through 30 are incorporated by reference herein.

32. Lifetime is the owner of all right, title, and interest in the '859 patent, entitled, "LUNCH PURSE."

33. Defendant has infringed and continues to infringe the '859 patent by, among other things, making, using, offering to sell, and selling in the United States, and/or importing into the United

States, products that are covered by and embody the '859 patent, including the LIONKIN tote identified in this Complaint.

**COUNT IV:**  
**COMMON LAW UNFAIR COMPETITION**

34. Paragraphs 1 through 33 are incorporated by reference herein.

35. Plaintiff and its predecessors in interest have sold products under the protection of the '752 patent, the '772 patent, and the '859 patent for nearly ten years.

36. Plaintiff complied with the marking statute, 35 U.S.C. § 287, with respect to the BUILT NY GOURMET TO GO LUNCH TOTE, marking that product as being protected by the '752 patent.

37. Defendant therefore had implied notice of its infringement.

38. As such, Defendant's offer for sale of, and actual sale of, infringing products has been conducted in bad faith.

39. "[T]he essence of unfair competition under New York common law is the bad faith misappropriation of the labors and expenditures of another." *Jeffrey Milstein, Inc. v. Greger, Lawlor, Roth, Inc.*, 58 F.3d 27, 34 (2d Cir. 1995) (internal citations and quotations omitted).

40. The above-described acts constitute unfair competition under the common law of the State of New York.

41. As a result of Defendants' unfair competition, Plaintiff has been damaged in an amount to be ascertained at trial and, unless Defendants' conduct is preliminarily and permanently enjoined, Plaintiff will continue to suffer irreparable harm.




**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff prays for relief as follows:

1. For a judgment declaring that Defendant has infringed U.S. Patent No. D533,752, U.S. Patent No. D534,772, and U.S. Patent No. D535,859;
2. For a preliminary and permanent order enjoining Defendant and its officers, directors, agents, employees, affiliates and all other acting in privity or in concert with them, and their parents, subsidiaries, divisions, successors and assigns from further acts of infringement of the '752 patent, the '772 patent, and the '859 patent;
3. For a judgment awarding Plaintiff damages adequate to compensate for Defendant's infringement of the '752 patent, the '772 patent, and the '859 patent, together with interest and costs, and in no event less than a reasonable royalty, under 35 U.S.C. § 284, including all pre-judgment and post-judgment interest at the maximum rate permitted by law;
4. For a judgment awarding Plaintiff all of Defendant's profits deriving from the sale of products that infringe the '752 patent, the '772 patent, and the '859 patent;
5. For a judgment declaring that Defendant's infringement of Plaintiff's patent rights has been willful and deliberate;
6. For a judgment awarding Plaintiff treble damages and pre-judgment interest under 35 U.S.C. § 284 as a result of Defendant's willful and deliberate infringement of Plaintiff's patent rights;
7. For a judgment declaring that this case is exceptional and awarding Plaintiff its expenses, costs, and attorney fees in accordance with 35 U.S.C. § 284 and § 285 and Rule 54(d) of the Federal Rules of Civil Procedure;

8. An award of damages to Plaintiff in an amount determined at trial for Defendant's unfair competition;
9. That Plaintiff have such other and further relief as the Court may deem just and proper.

This the <sup>th</sup>30 day of March, 2017.

  
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Tutunjian & Bitetto, P.C.  
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Melville, NY 11747  
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# EXHIBIT A



US00D533752S

(12) **United States Design Patent** (10) Patent No.: **US D533,752 S**  
**Lown et al.** (45) Date of Patent: **\*\* Dec. 19, 2006**

(54) **LUNCH PURSE WITH ZIP**(75) Inventors: **Aaron Lown, Tuxedo, NY (US); John R. Swartz, Ridgewood, NJ (US)**(73) Assignee: **Built NY, Inc., New York, NY (US)**(\*\*) Term: **14 Years**(21) Appl. No.: **29/241,430**(22) Filed: **Oct. 27, 2005**(51) LOC (8) Cl. .... **03-01**(52) U.S. Cl. .... **D7/709**

(58) Field of Classification Search ..... **D7/605-608,**  
**D7/709, 710; D3/202, 229, 230, 315, 316;**  
**D9/444, 751; 62/457.1-457.9, 529, 530;**  
**206/223, 541, 545, 546, 549, 139, 428, 433;**  
**220/737, 739, 903; 383/110-113**  
 See application file for complete search history.

(56) **References Cited****U.S. PATENT DOCUMENTS**

D142,442 S \* 9/1945 Rath ..... D3/246  
 D292,879 S \* 11/1987 Smith ..... D9/426

5,237,838 A \* 8/1993 Merritt-Munson ..... 62/457.2  
 D404,620 S \* 1/1999 Rausch ..... D7/709  
 D416,676 S \* 11/1999 Fitzgerald ..... D3/229  
 6,089,038 A \* 7/2000 Tattam ..... 62/457.2  
 6,422,032 B1 \* 7/2002 Greene ..... 62/457.2  
 D518,631 S \* 4/2006 Lown et al. .... D3/202

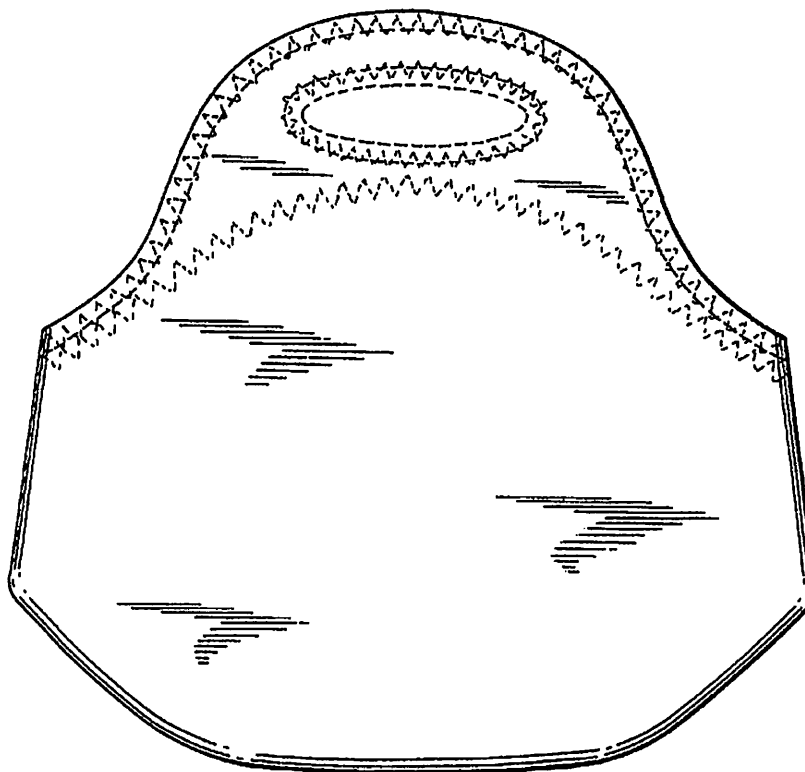
\* cited by examiner

*Primary Examiner*—Terry A. Wallace(74) *Attorney, Agent, or Firm*—Lackebach Siegel LLP(57) **CLAIM**

The ornamental design for a lunch purse with zip, as shown and described.

**DESCRIPTION**

FIG. 1 is a front elevational view of a lunch purse with zip of the present invention;  
 FIG. 2 is a top plan view thereof;  
 FIG. 3 is a side elevational view thereof; and,  
 FIG. 4 is a bottom plan view thereof.  
 The broken line showing of stitching and a handle opening is for illustrative purposes only and form no part of the claimed design.

**1 Claim, 2 Drawing Sheets**

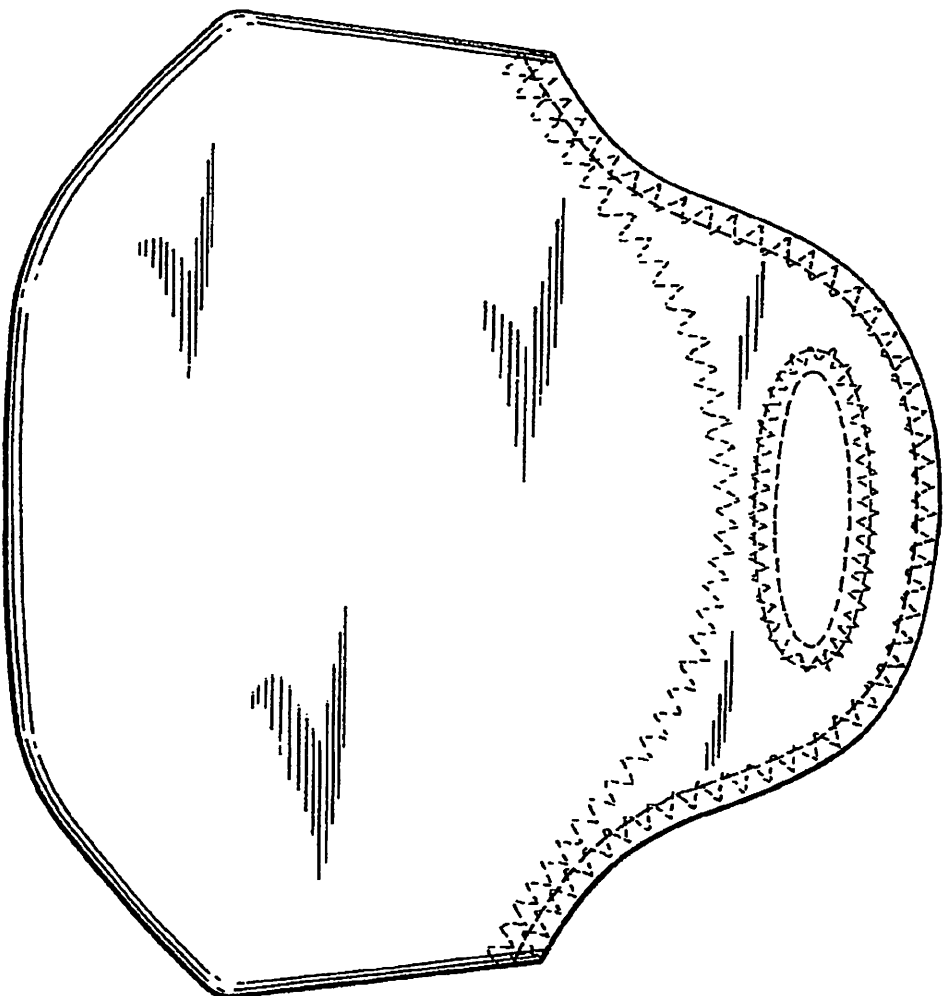
U.S. Patent

Dec. 19, 2006

Sheet 1 of 2

US D533,752 S

FIG. 1



U.S. Patent

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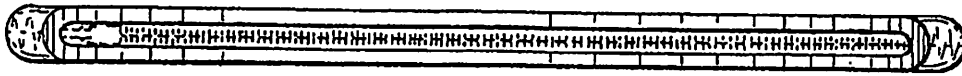
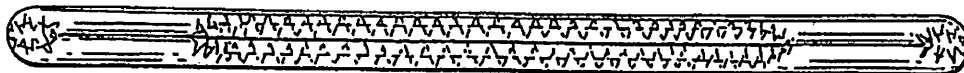


FIG. 2



FIG. 3

FIG. 4



## EXHIBIT B

6/21/2016

Assignment Search: D533752



## Assignment Details

# **32390-447: ASSIGNMENT OF ASSIGNORS INTEREST (SEE DOCUMENT FOR DETAILS).**

Date Recorded  
Mar 5, 2014

Reel/Frame  
32390-447

Pages  
65

### **Assignor**

BUILT NY, INC. Mar 3, 2014

### **Assignee**

LIFETIME BRANDS, INC.  
1000 STEWART AVENUE  
GARDEN CITY, NEW YORK UNITED STATES OF AMERICA 11530

### **Correspondent**

TUTUNJIAN & BITETTO, P.C.  
425 BROADHOLLOW ROAD  
SUITE 302  
MELVILLE, NY 11747

### **Properties (97 total)**



6/21/2016

Assignment Search: D533752

Title	Application	Publication	Patent	International Registration Number	PCT
<b>MITT</b> Inventors: AARON LOWN, John R. Swartz	<b>29441490</b> Jan 6, 2013		<b>D714496</b> Sep 30, 2014		
<b>PICNIC ORGANIZER PACKAGE BAGGING SYSTEM</b> Inventors: AARON LOWN, John Roscoe Swartz	<b>14099097</b> Dec 6, 2013	<b>20140185963</b> Jul 3, 2014	<b>9060581</b> Jun 23, 2015		
<b>TOTES FOR BOTTLES</b> Inventors: Aaron Lown, John Roscoe Swartz	<b>10816676</b> Apr 2, 2004	<b>20050150800</b> Jul 14, 2005	<b>7219814</b> May 22, 2007		
<b>TOTES FOR BOTTLES</b> Inventors: Aaron Lown, John R. Swartz	<b>11676587</b> Feb 20, 2007	<b>20070141876</b> Jun 21, 2007	<b>7467729</b> Dec 23, 2008		
<b>BOTTLE COVER</b> Inventors: Aaron Lown, John Roscoe Swartz	<b>29304549</b> Mar 4, 2008		<b>D584146</b> Jan 6, 2009		
<b>CAMERA CASE</b> Inventors: Aaron Lown, John Roscoe Swartz	<b>29303507</b> Feb 11, 2008		<b>D599546</b> Sep 8, 2009		
<b>LUNCH TOTE</b> Inventors: Aaron Lown, John Roscoe Swartz	<b>29304841</b> Mar 7, 2008		<b>D586631</b> Feb 17, 2009		
<b>LUNCH TOTE</b> Inventors: Aaron Lown, John Roscoe Swartz	<b>29304839</b> Mar 7, 2008		<b>D588422</b> Mar 17, 2009		

6/21/2016

Assignment Search: D533752

Inventors: Aaron Lown,  
John Roscoe Swartz

<b>BOTTLE TOTE</b>	<b>29304836</b>	<b>D587004</b>
Inventors: Aaron Lown, John Roscoe Swartz	Mar 7, 2008	Feb 24, 2009

<b>MEMORY STICK CASE</b>	<b>29299739</b>	<b>D598643</b>
Inventors: Aaron Lown, John Roscoe Swartz	Jan 3, 2008	Aug 25, 2009

<b>SHOPPING TOTE</b>	<b>29299743</b>	<b>D586555</b>
Inventors: Aaron Lown, John Roscoe Swartz	Jan 3, 2008	Feb 17, 2009

<b>TRAVEL ORGANIZER</b>	<b>29337312</b>	<b>D606310</b>
Inventors: Aaron Lown, John Roscoe Swartz, Sally Rumble	May 19, 2009	Dec 22, 2009

<b>PHONE SLEEVE</b>	<b>29337307</b>	<b>D610809</b>
Inventors: Aaron Lown, John Roscoe Swartz, Sally Rumble	May 19, 2009	Mar 2, 2010

<b>DIAPER BAG</b>	<b>29319809</b>	<b>D591509</b>
Inventors: Aaron Lown, John Roscoe Swartz	Jun 16, 2008	May 5, 2009

<b>SHOULDER BAG</b>	<b>29337306</b>	<b>D608090</b>
Inventors: Aaron Lown, John Roscoe Swartz, Sally Rumble	May 19, 2009	Jan 19, 2010

<b>LUNCH BAG</b>	<b>29337311</b>	<b>D609065</b>
Inventors: Aaron Lown, John Roscoe Swartz, Sally Rumble	May 19, 2009	Feb 2, 2010

6/21/2016

Assignment Search: D533752

<b>LUNCH BAG</b> Inventors: Aaron Lown, John Roscoe Swartz	<b>29277805</b> Mar 9, 2007	<b>D562646</b> Feb 26, 2008
<b>CARRYING CLIP</b> Inventors: Aaron Lown, John Roscoe Swartz	<b>29276688</b> Feb 1, 2007	<b>D561574</b> Feb 12, 2008
<b>TOTE</b> Inventors: Aaron Lown, John Roscoe Swartz	<b>29276694</b> Feb 1, 2007	<b>D570109</b> Jun 3, 2008
<b>POCKET DEVICE WITH OVOID SHAPE</b> Inventors: Aaron Lown, John R. Swartz	<b>29249149</b> Sep 22, 2006	<b>D564211</b> Mar 18, 2008
<b>TOTE FOR BOTTLES</b> Inventors: John R. SWARTZ, Aaron Lown	<b>29248358</b> Aug 11, 2006	<b>D564215</b> Mar 18, 2008
<b>DRIP COLLAR</b> Inventors: John R. SWARTZ, Aaron Lown	<b>29247441</b> Jun 19, 2006	<b>D563784</b> Mar 11, 2008
<b>WEBBED SINGLE BOTTLE TOTE BAG</b> Inventors: Aaron Lown, John Roscoe Swartz	<b>29327273</b> Nov 3, 2008	<b>D597299</b> Aug 4, 2009
<b>LUNCH BAG</b> Inventors: Aaron Lown, John Roscoe Swartz, Sally Rumble	<b>29337309</b> May 19, 2009	<b>D610885</b> Mar 2, 2010

<b>LAPTOP SIFFE</b>	<b>29337305</b>	<b>D606309</b>
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6/21/2016

Assignment Search: D533752

<b>LAPTOP SLEEVE</b>	<b>29331337</b>	<b>D606312</b>
Inventors: Aaron Lown, John Roscoe Swartz, Sally Rumble	May 19, 2009	Dec 22, 2009
 <b>CAMERA BAG</b>	 <b>29331741</b>	 <b>D612151</b>
Inventors: Aaron Lown, John Roscoe Swartz, Sally Rumble	Jan 30, 2009	Mar 23, 2010
 <b>LAPTOP SLEEVE</b>	 <b>29331340</b>	 <b>D614402</b>
Inventors: Aaron Lown, John Roscoe Swartz	Jan 23, 2009	Apr 27, 2010
 <b>LAPTOP SLEEVE</b>	 <b>29331337</b>	 <b>D606312</b>
Inventors: Aaron Lown, John Roscoe Swartz	Jan 23, 2009	Dec 22, 2009
 <b>LAPTOP SLEEVE</b>	 <b>29331336</b>	 <b>D606311</b>
Inventors: Aaron Lown, John Roscoe Swartz	Jan 23, 2009	Dec 22, 2009
 <b>WEBBED DOUBLE BOTTLE TOTE BAG</b>	 <b>29326774</b>	 <b>D597298</b>
Inventors: Aaron Lown, John Roscoe Swartz	Oct 24, 2008	Aug 4, 2009
 <b>DOUBLE BOTTLE TOTE BAG</b>	 <b>29326772</b>	 <b>D594648</b>
Inventors: Aaron Lown, John Roscoe Swartz	Oct 24, 2008	Jun 23, 2009
 <b>CAN COVER</b>	 <b>29304550</b>	 <b>D584147</b>
Inventors: Aaron Lown, John Roscoe Swartz	Mar 4, 2008	Jan 6, 2009

**29327274****D604042****WEBBED SINGLE**

Nov 3, 2008

Nov 17

6/21/2016

Assignment Search: D533752

**BOTTLE TOTE BAG**Inventors: Aaron Lown,  
John Roscoe Swartz

NOV 9, 2008

NOV 11,  
2009**CAMERA CASE**Inventors: Aaron Lown,  
John Roscoe Swartz

29317555

May 1, 2008

D598650

Aug 25,  
2009**BOTTLE TOTE BAG**Inventors: Aaron Lown,  
John Roscoe Swartz

29326770

Oct 24,  
2008

D596840

Jul 28,  
2009**CAMERA CASE**Inventors: Aaron Lown,  
John Roscoe Swartz

29325977

Oct 9, 2008

D597308

Aug 4,  
2009**OVEN MITT**Inventors: Aaron Lown,  
John Roscoe Swartz

29325979

Oct 9, 2008

D594158

Jun 9,  
2009**SOFT CAMERA CASE**Inventors: Aaron Lown,  
John Roscoe Swartz

29325976

Oct 9, 2008

D599547

Sep 8,  
2009**ZIPPERED CAMERA  
CASE**Inventors: Aaron Lown,  
John Roscoe Swartz

29325774

Oct 6, 2008

D598651

Aug 25,  
2009**LUNCH BAG**Inventors: Aaron Lown,  
John Roscoe Swartz

29325772

Oct 6, 2008

D592912

May 26,  
2009**CAMERA CASE**Inventors: Aaron Lown,  
John Roscoe Swartz

29325771

Oct 6, 2008

D621154

Aug 10,  
2010

6/21/2016

Assignment Search: D533752

<b>HARDBACK CAMERA CASE</b>	<b>29319814</b>	<b>D588356</b>
Inventors: Aaron Lown, John Roscoe Swartz	Jun 16, 2008	Mar 17, 2009

<b>INFANT CHANGING PAD</b>	<b>29319812</b>	<b>D593786</b>
Inventors: Aaron Lown, John Roscoe Swartz	Jun 16, 2008	Jun 9, 2009

<b>LUNCH PURSE</b>	<b>29241428</b>	<b>D534772</b>
Inventors: Aaron Lown, John R. Swartz	Oct 27, 2005	Jan 9, 2007

<b>LUNCH PURSE</b>	<b>29241427</b>	<b>D535859</b>
Inventors: Aaron Lown, John R. Swartz	Oct 27, 2005	Jan 30, 2007

<b>CONTAINER DEVICE</b>	<b>29242723</b>	<b>D531458</b>
Inventors: John R. Swartz, Aaron Lown	Nov 14, 2005	Nov 7, 2006

<b>FOUR-PACK CARRYING DEVICE</b>	<b>29242720</b>	<b>D549445</b>
Inventors: John R. Swartz, Aaron Lown	Nov 14, 2005	Aug 28, 2007

<b>SNAP TOP TOTE</b>	<b>29230683</b>	<b>D517797</b>
Inventors: Aaron Lown, John R. Swartz	May 25, 2005	Mar 28, 2006

<b>SNAP TOP TWO-BOTTLE TOTE</b>	<b>29230704</b>	<b>D518631</b>
Inventors: Aaron Lown, John R. Swartz	May 25, 2005	Apr 11, 2006

<b>SNAP TOP BOTTLE</b>	<b>29230685</b>	<b>D517798</b>
	May 25	Mar 28

6/21/2016

Assignment Search: D533752

<b>TOTE</b> Inventors: Aaron Lown, John R. Swartz	May 20, 2005	May 20, 2006
<b>LUNCH PURSE WITH ZIP</b> Inventors: Aaron Lown, John R. Swartz	29241430 Oct 27, 2005	D533752 Dec 19, 2006
<b>BABY BIB</b> Inventors: Aaron Lown, John R. Swartz	29230692 May 25, 2005	D525766 Aug 1, 2006
<b>BOTTLE TOTE DESIGN</b> Inventors: John R. Swartz, Aaron Lown	29244170 Dec 6, 2005	D549446 Aug 28, 2007
<b>BOTTLE TOTE WITH POCKET</b> Inventors: Aaron Lown, John R. Swartz	29240215 Oct 11, 2005	D525776 Aug 1, 2006
<b>BOTTLE TOTE WITH POCKET</b> Inventors: Aaron Lown, John R. Swartz	29231821 Jun 10, 2005	D520229 May 9, 2006
<b>SNAP TOP TOTE APPARATUS</b> Inventors: Aaron Lown, John Roscoe Swartz	29220939 Jan 8, 2005	D514803 Feb 14, 2006
<b>SIX PACK TOTE APPARATUS</b> Inventors: Aaron Lown, John Roscoe Swartz	29220937 Jan 8, 2005	D529709 Oct 10, 2006

6/21/2016

Assignment Search: D533752

<b>BABY BIB</b> Inventors: Aaron Lown, John R. Swartz	<b>29230681</b> May 25, 2005	<b>D526765</b> Aug 22, 2006
<b>LAPTOP BAG</b> Inventors: Aaron Lown, John Roscoe Swartz, Sally Rumble	<b>29343617</b> Sep 16, 2009	<b>D622505</b> Aug 31, 2010
<b>LAPTOP BACK PACK</b> Inventors: Aaron Lown, John Roscoe Swartz	<b>29303505</b> Feb 11, 2008	<b>D603158</b> Nov 3, 2009
<b>PADDED LAPTOP SLEEVE</b> Inventors: Aaron Lown, John Roscoe Swartz	<b>29325975</b> Oct 9, 2008	<b>D598195</b> Aug 18, 2009
<b>LAPTOP SLEEVE</b> Inventors: Aaron Lown, John Roscoe Swartz	<b>29325767</b> Oct 6, 2008	<b>D594659</b> Jun 23, 2009
<b>ZIPPERED LAPTOP CASE</b> Inventors: Aaron Lown, John Roscoe Swartz	<b>29321516</b> Jul 17, 2008	<b>D591508</b> May 5, 2009
<b>LAPTOP TOTE</b> Inventors: Aaron Lown, John Roscoe Swartz	<b>29299744</b> Jan 3, 2008	<b>D586556</b> Feb 17, 2009
<b>LUNCH PURSE WITH SIDE POCKETS</b> Inventors: Aaron Lown, John R. Swartz	<b>29241400</b> Oct 27, 2005	<b>D533415</b> Dec 12, 2006

**COVER****29258559****D569096**



6/21/2016

Assignment Search: D533752

Inventors: Aaron Lown,  
John R. Swartz

Apr 24,  
2006

May 20,  
2008

**CARRYING POCKET****29246604****D570600**

Inventors: Aaron Lown,  
John R. Swartz

Apr 26,  
2006

Jun 10,  
2008

**TWO BOTTLE TOTE  
APPARATUS****29220930****D529278**

Inventors: Aaron Lown,  
John Roscoe Swartz

Jan 8, 2005

Oct 3,  
2006

**ONE BOTTLE TOTE  
APPARATUS****29220929****D513363**

Inventors: Aaron Lown,  
John Roscoe Swartz

Jan 8, 2005

Jan 3,  
2006

**LUNCH-BAG****29205914****D514399**

Inventors: John Roscoe  
Swartz, Aaron Lown

May 21,  
2004

Feb 7,  
2006

**RACK****29252860****D588841**

Inventors: Aaron Lown,  
John R. Swartz

Jan 26,  
2006

Mar 24,  
2009

**ICE BUCKET****29276429****D560977**

Inventors: Aaron Lown,  
John Roscoe Swartz

Jan 25,  
2007

Feb 5,  
2008

**BOTTLE HOLDER****29381527****D650985**

Inventors: AARON  
LOWN, John R. Swartz

Dec 20,  
2010

Dec 27,  
2011

**E-PAD MESSENGER  
BAG****29381392****D652209**

Dec 17,  
2010

Jan 17,  
2012

Inventors: AARON

6/21/2016

Assignment Search: D533752

LOWN, John R. Swartz

<b>LAPTOP SLEEVE</b>	<b>29338144</b>	<b>D611253</b>
Inventors: Aaron Lown, John Roscoe Swartz	Jun 5, 2009	Mar 9, 2010

<b>FRAME FOLIO SLEEVE</b>	<b>29381880</b>	<b>D652214</b>
Inventors: AARON LOWN, JOHN R. SWARTZ	Dec 23, 2010	Jan 17, 2012

<b>RATCHETED CORK SCREW</b>	<b>29276854</b>	<b>D571629</b>
Inventors: Aaron Lown, John Roscoe Swartz	Feb 7, 2007	Jun 24, 2008

<b>ORIGAMI WINE TOTE</b>	<b>29400831</b>	<b>D676242</b>
Inventors: Aaron Lown, John Roscoe Swartz	Sep 1, 2011	Feb 19, 2013

<b>TOTE</b>	<b>29276690</b>	<b>D570108</b>
Inventors: Aaron Lown, John Roscoe Swartz	Feb 1, 2007	Jun 3, 2008

<b>POCKET DEVICE WITH KNOB MEMBER</b>	<b>29249151</b>	<b>D564212</b>
Inventors: AARON LOWN, John R. Swartz	Sep 22, 2006	Mar 18, 2008

<b>POCKET DEVICE WITH STRAP AND KNOB</b>	<b>29249148</b>	<b>D571099</b>
Inventors: Aaron Lown, John R. Swartz	Sep 22, 2006	Jun 17, 2008

<b>LUNCH BAG</b>	<b>29277803</b>	<b>D584930</b>
Inventors: Aaron Lown	Mar 9, 2007	Jan 20, 2009

6/21/2016

Assignment Search: D533752

Inventors: Aaron Lown,  
John Roscoe Swartz

<b>LAPTOP SLEEVE</b>	<b>29343626</b>	<b>D625519</b>
Inventors: Aaron Lown,	Sep 16,	Oct 19,
John Roscoe Swartz,	2009	2010
Sally Rumble		

<b>CAMERA CASE</b>	<b>29350165</b>	<b>D616199</b>
Inventors: John R.	Nov 12,	May 25,
Swartz, Aaron Lown,	2009	2010
Sally Rumble		

<b>BOTTLE TOTE</b>	<b>29276426</b>	<b>D555352</b>
Inventors: Aaron Lown,	Jan 25,	Nov 20,
John Roscoe Swartz	2007	2007

<b>PORTFOLIO</b>	<b>29299742</b>	<b>D584048</b>
Inventors: Aaron Lown,	Jan 3, 2008	Jan 6,
John Roscoe Swartz		2009

<b>LAPTOP SLEEVE</b>	<b>29299738</b>	<b>D584510</b>
Inventors: Aaron Lown,	Jan 3, 2008	Jan 13,
John Roscoe Swartz		2009

<b>WASTE PAPER BASKET</b>	<b>29277727</b>	<b>D566363</b>
	Mar 8, 2007	Apr 8,
Inventors: Aaron Lown,		2008
John Roscoe Swartz		

<b>LUNCH BAG</b>	<b>29277776</b>	<b>D572093</b>
Inventors: Aaron Lown,	Mar 9, 2007	Jul 1,
John Roscoe Swartz		2008

<b>LUNCH BAG</b>	<b>29277800</b>	<b>D584929</b>
Inventors: Aaron Lown,	Mar 9, 2007	Jan 20,
John Roscoe Swartz		2009

6/21/2016

Assignment Search: D533752

<b>BOYS LUNCH BAG</b> Inventors: Aaron Lown, John R. Swartz, Sally Rumble	<b>29350160</b> Nov 12, 2009	<b>D626798</b> Nov 9, 2010
<b>GIRLS LUNCH BAG</b> Inventors: John R. Swartz, Aaron Lown, Sally Rumble	<b>29350159</b> Nov 12, 2009	<b>D619861</b> Jul 20, 2010
<b>SHOULDER LUNCH TOTE</b> Inventors: John R. Swartz, Aaron Lown, Sally Rumble	<b>29350163</b> Nov 12, 2009	<b>D627613</b> Nov 23, 2010
<b>PROTECTIVE COVER FOR ELECTRONIC DEVICE</b> Inventors: AARON LOWN, John R. Swartz	<b>29376396</b> Oct 6, 2010	<b>D643626</b> Aug 23, 2011
<b>PROTECTIVE COVER</b> Inventors: Aaron Lown, John R. Swartz	<b>29369386</b> Sep 8, 2010	<b>D656135</b> Mar 20, 2012
<b>SLEEVE</b> Inventors: Aaron Lown, John R. Swartz	<b>29366304</b> Jul 22, 2010	<b>D657631</b> Apr 17, 2012
<b>OVEN MITT</b> Inventors: John R. Swartz, Aaron Lown, Sally Rumble	<b>29339774</b> Jul 7, 2009	<b>D602646</b> Oct 20, 2009

# EXHIBIT C



US00D534772S

(12) **United States Design Patent** (10) **Patent No.:** **US D534,772 S**  
**Lown et al.** (45) **Date of Patent:** **\*\* Jan. 9, 2007**

(54) **LUNCH PURSE**(75) **Inventors:** **Aaron Lown, Tuxedo, NY (US); John R. Swartz, Ridgewood, NJ (US)**(73) **Assignee:** **Built NY, Inc., New York, NY (US)**(\*\*) **Term:** **14 Years**(21) **Appl. No.:** **29/241,428**(22) **Filed:** **Oct. 27, 2005**(51) **LOC (8) Cl.** ..... **03-01**(52) **U.S. Cl.** ..... **D7/709**(58) **Field of Classification Search** ..... **D7/605-608, D7/709, 710; D3/202, 229, 230, 315, 316; D9/444, 751; 62/457.1-457.9, 529, 530; 206/223, 541, 545, 546, 549, 139, 428, 433; 220/737, 739, 903; 383/110-113**  
**See application file for complete search history.**(56) **References Cited****U.S. PATENT DOCUMENTS**

D142,442 S \* 9/1945 Rath ..... D3/246  
D292,879 S \* 11/1987 Smith ..... D9/426  
5,237,838 A \* 8/1993 Merritt-Munson ..... 62/457.2

D404,620 S \* 1/1999 Rausch ..... D7/709  
D416,676 S \* 11/1999 Fitzgerald ..... D3/229  
6,089,038 A \* 7/2000 Tattam ..... 62/457.2  
6,422,032 B1 \* 7/2002 Greene ..... 62/457.2  
D518,631 S \* 4/2006 Lown et al. .... D3/202

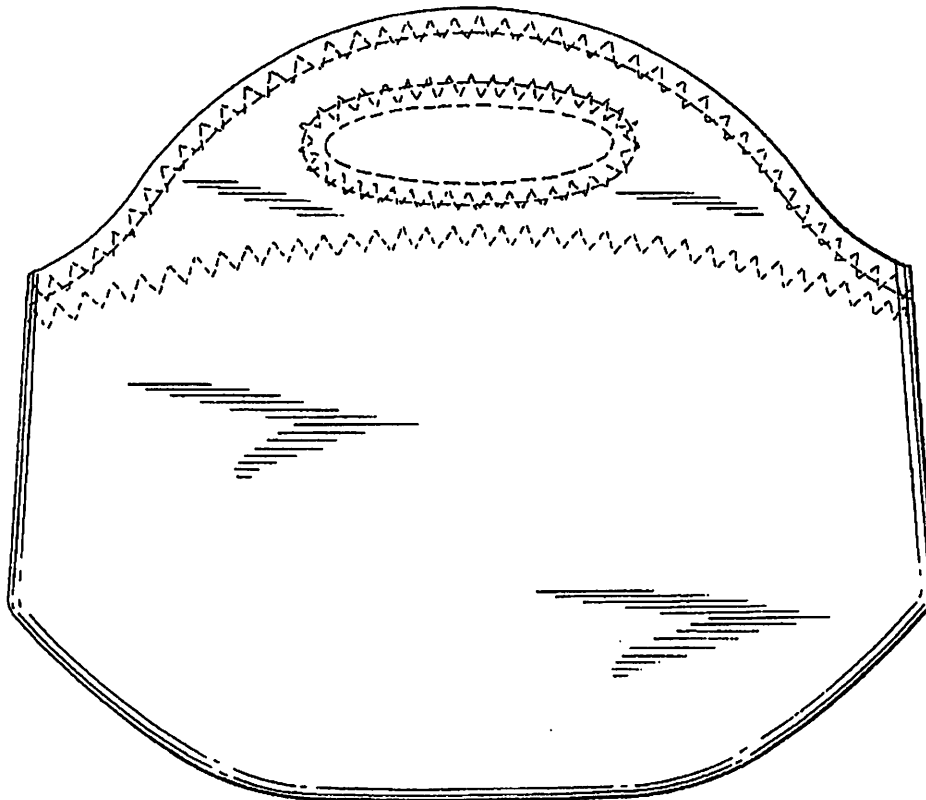
\* cited by examiner

*Primary Examiner*—Terry A. Wallace(74) *Attorney, Agent, or Firm*—Andrew F. Young; Lackenbach Siegel, LLP(57) **CLAIM**

The ornamental design for a lunch purse, as shown and described.

**DESCRIPTION**

FIG. 1 is a front elevational view of a lunch purse design of the present invention;  
FIG. 2 is a top plan view thereof;  
FIG. 3 is a side elevational view of the present invention; and,  
FIG. 4 is a bottom plan view thereof.  
The broken line showing of stitching and a handle opening is for illustrative purposes only and form no part of the claimed design.

**1 Claim, 2 Drawing Sheets**

U.S. Patent

Jan. 9, 2007

Sheet 1 of 2

US D534,772 S

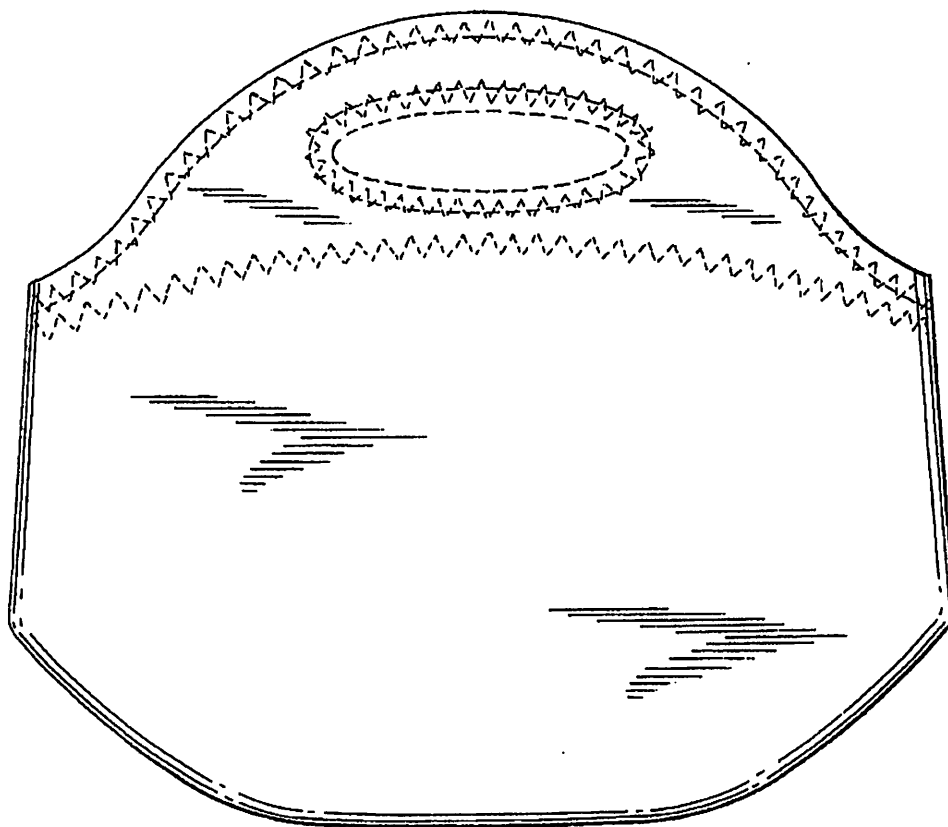


FIG.1

U.S. Patent

Jan. 9, 2007

Sheet 2 of 2

US D534,772 S

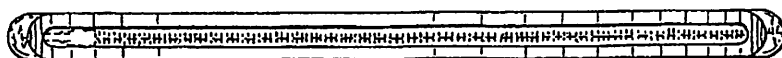


FIG. 2

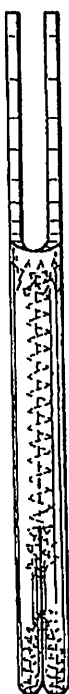
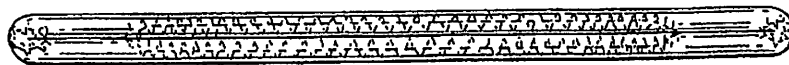


FIG. 3

FIG. 4





# EXHIBIT D



US00D535859S

(12) **United States Design Patent** (10) **Patent No.:** **US D535,859 S**  
**Lown et al.** (45) **Date of Patent:** **\*\* Jan. 30, 2007**

(54) **LUNCH PURSE**(75) **Inventors:** **Aaron Lown, Tuxedo, NY (US); John R. Swartz, Ridgewood, NJ (US)**(73) **Assignee:** **Built NY, Inc., New York, NY (US)**(\*\*) **Term:** **14 Years**(21) **Appl. No.:** **29/241,427**(22) **Filed:** **Oct. 27, 2005**(51) **LOC (8) Cl.** ..... **03-01**(52) **U.S. Cl.** ..... **D7/709**(58) **Field of Classification Search** ..... **D7/605-608, D7/709, 710; D3/202, 229, 230, 315, 316; D9/444, 751; 62/457.1-457.9, 529, 530; 206/223, 541, 545, 546, 549, 139, 428, 433; 220/737, 739, 903; 383/110-113**

See application file for complete search history.

(56) **References Cited****U.S. PATENT DOCUMENTS**

D142,442 S \* 9/1945 Rath ..... D3/246  
D292,879 S \* 11/1987 Smith ..... D9/426  
5,237,838 A \* 8/1993 Merritt-Munson ..... 62/457.2

D404,620 S \* 1/1999 Rausch ..... D7/709  
D416,676 S \* 11/1999 Fitzgerald ..... D3/229  
6,089,038 A \* 7/2000 Tattam ..... 62/457.2  
6,422,032 B1 \* 7/2002 Greene ..... 62/457.2  
D518,631 S \* 4/2006 Lown et al. .... D3/202

\* cited by examiner

*Primary Examiner*—Terry A. Wallace(74) *Attorney, Agent, or Firm*—Andrew F. Young; Lackenbach Siegel, LLP(57) **CLAIM**

The ornamental design for a lunch purse, as shown and described.

**DESCRIPTION**

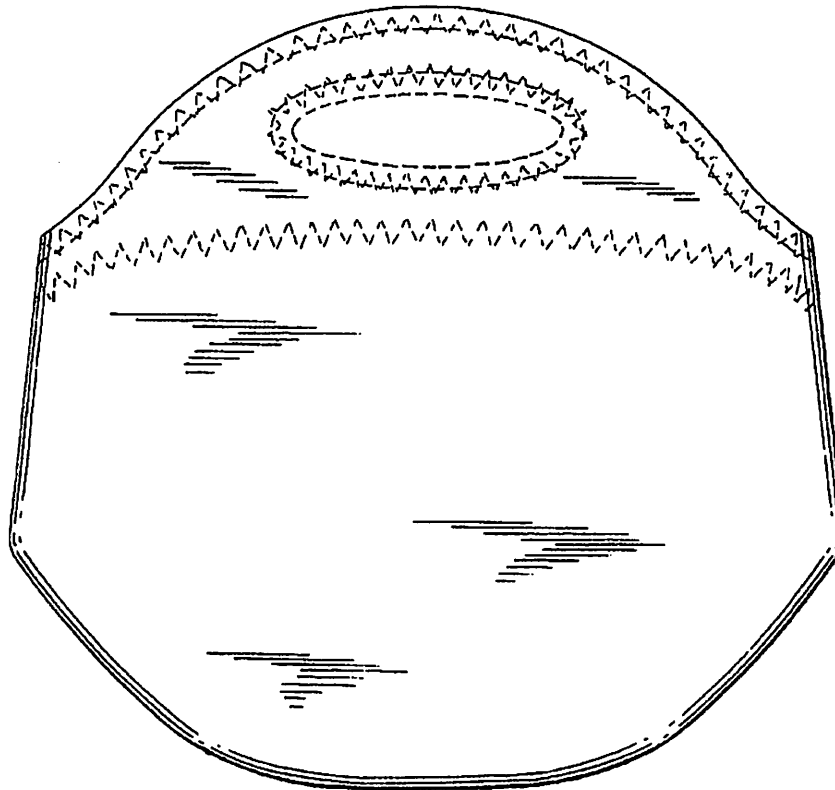
FIG. 1 is a front elevational view of a lunch purse of the present invention;

FIG. 2 is a top plan view thereof;

FIG. 3 is a side elevational view thereof; and,

FIG. 4 is a bottom plan view thereof.

The broken line showing of stitching and a handle opening is for illustrative purposes only and form no part of the claimed design.

**1 Claim, 2 Drawing Sheets**

U.S. Patent

Jan. 30, 2007

Sheet 1 of 2

US D535,859 S

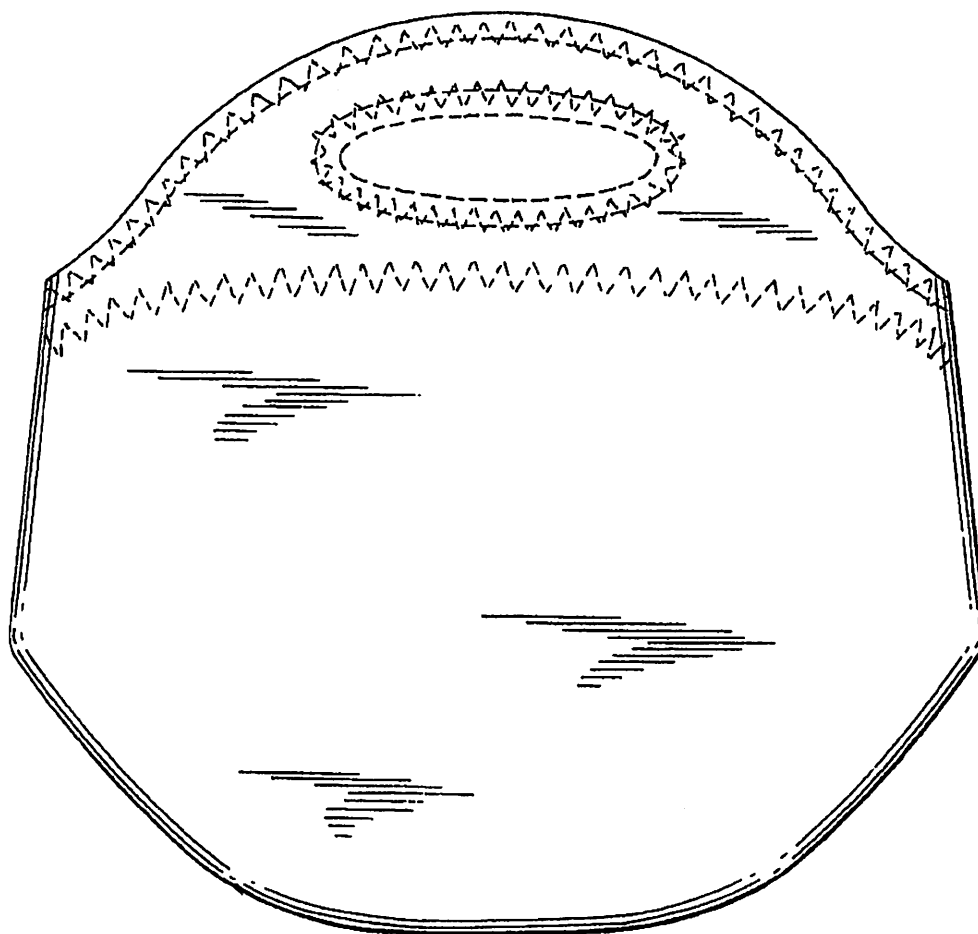


FIG. 1

U.S. Patent

Jan. 30, 2007

Sheet 2 of 2

US D535,859 S

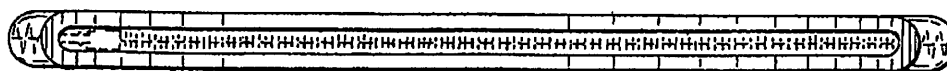
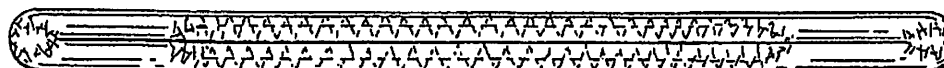


FIG. 2



FIG. 3

FIG. 4



# EXHIBIT E

2/10/2017

Amazon.com: Zigzag Insulated Neoprene Lunch Box Tote Bag with Heavy Duty Zipper For Women, Adults, Kids, Girls: Kitchen &amp; Dining

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Wedding Registry

Small Appliances ▾

Kitchen Tools ▾

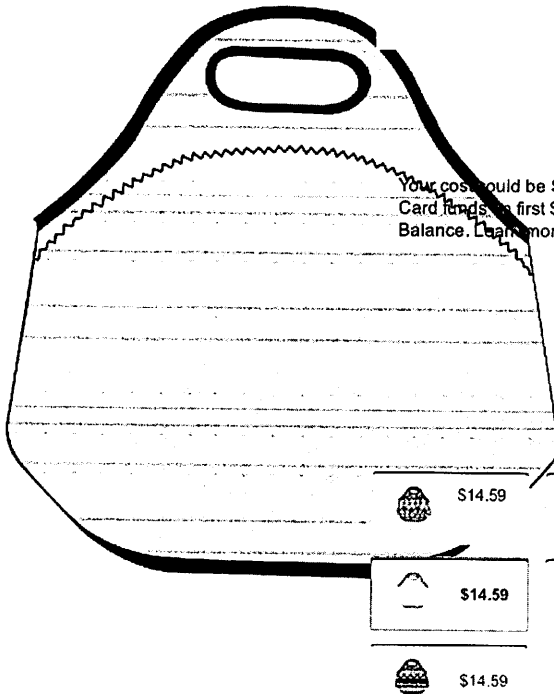
Cookware ▾

Bakeware ▾

Cutlery ▾

Dining &amp; Entertaining ▾

Home &amp; Kitchen ▾ Kitchen &amp; Dining ▾ Storage &amp; Organization ▾ Travel &amp; To-Go Food Containers ▾ Lunch Bags



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g

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\$14.59



\$14.59



\$14.59



\$14.59



\$14.59



\$14.59

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Qty: 1 ▾

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Ship to:

Ed Ryan- Ronkonkoma - 11779

Add to List

Add to Wedding Registry

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Sell on Amazon

Click to open expanded view

- Lunch Bags made of Fine Neoprene Material,PVC-free,Vinyl-free.The Fabric keeps your food cold or hot for 2-4 hours,you can enjoy delicious meals whenever it's time for lunch.
- **COMPACT DESIGNED:** The Detail Size is: 11.8"(30cm) \* 11"(28cm) \* 6.3"(16cm).Zip closure,art image on both sides,Flat bottom keeps it upright,perfect for bottles or dishes that you don't want tip over. Soft-grip handles make it easy to carry,and they can fold flat or roll up when not in use.
  - **GREAT FOR SCHOOL & OFFICE:** Both adults going to work and children going to school can find great use in this versatile lunch bag.It is fit a variety of containers and ice packs, keeps your food fresher and healthy for longer.
  - **EASY TO CLEAN:** Machine Washable,can be repeated cleaning,easy to dry, never fade,Waterproof, breathable and soft, you won't find a better lunch bag.
  - **SATISFACTION GUARANTEE:** We've made the best lunch bag available and in a variety of wonderful colors,if you not satisfied with our Lunch bags, simply return them within 30 days for a full refund.

Compare with similar items

New (1) from \$14.59 + \$2.99 shipping

2/10/2017

Amazon.com: Zigzag Insulated Neoprene Lunch Box Tote Bag with Heavy Duty Zipper For Women, Adults, Kids, Girls: Kitchen &amp; Dining

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From the Event & Party store  
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## Customers Who Viewed This Item Also Viewed



Insulated Lunch Bag and  
Reusable Lunch Tote for  
Adults Teal Pink Triangle  
Floral Pattern 30\*28\*16 CM

1





\$16.58

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Color: **pattern 4**

- Your cost could be **\$0.00** instead of **\$14.59**! Get a **\$50 Amazon.com Gift Card** instantly upon approval for the **Amazon Rewards Visa Card** Apply now

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	<b>This item</b> Zigzag Insulated Neoprene Lunch Box Tote Bag with Heavy Duty Zipper For Women,Adults,Kids,Girls	Insulated Lunch Bag and Reusable Lunch Tote for Adults Teal Pink Triangle Floral Pattern 30*28*16 CM	Large Neoprene Lunch Bag - Insulated Lunch Tote Bags for Women & Girls-Lunch Boxes for Adults & Kids- Adult Lunch box	ICOLOR Colorful Tree Insulated Neoprene Lunch Bag Tote Handbag lunchbox Food Container Gourmet Tote Cooler warm Pouch For School work Office
Customer Rating	(2)	(1)	(54)	(152)
Price	\$14.59	\$16.58	\$15.99	\$14.99
Shipping	\$2.99			
Sold By	Lionkin8	restore2a	Cozy Lifestyle	Professional*Bags
Item Dimensions	6.3 x 11 x 11.8 in	6.3 x 11 x 11.8 in	7 x 13 x 13.5 in	6.5 x 11.2 x 11.8 in
	<a href="#">Add to Cart</a>	<a href="#">Add to Cart</a>	<a href="#">Add to Cart</a>	<a href="#">Add to Cart</a>

## Product Description

Color: **pattern 4**

## Specifications:

- Made of fine insulating neoprene material(the wetsuit material)
- Secure zipper closure, art image on both sides, folds flat for storage
- Portable and easy to clean, machine washble
- Easy to go gourmet at school,office or any time on-the-go
- Size: 11.8" \* 11" \* 6.3" = 30 \* 28 \* 16cm

## Package Includes:

2/10/2017

Amazon.com: Zigzag Insulated Neoprene Lunch Box Tote Bag with Heavy Duty Zipper For Women, Adults, Kids, Girls: Kitchen &amp; Dining

1 x Lunch Tote Bag

**Note:Please Make Sure The Size Is Suitable For Your Need!!!****Product Information**

Color:pattern 4

Product Dimensions	11 x 6.3 x 11.8 inches
Shipping Information	View shipping rates and policies
Manufacturer	Lionkin8
ASIN	B01E6YXB06
Item model number	xmqdLD18
Customer Reviews	2 customer reviews 5.0 out of 5 stars
Best Sellers Rank	#1,532,021 in Home & Kitchen (See Top 100 in Home & Kitchen) #7,373 in Toys & Games > Kids' Furniture & Room Décor > Backpacks & Lunch Boxes > Lunch Bags #20,579 in Kitchen & Dining > Storage & Organization > Travel & To-Go Food Containers > Lunch Bags #470,077 in Home & Kitchen > Storage & Organization
Date first available at Amazon.com	April 13, 2016

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2 star 0%  
1 star 0%

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**Just as expected.**

By Israel Eleazar on September 29, 2016

Color: pattern 1 Verified Purchase

My daughter got this for her new lunchbox at school. It looks just like the picture. Very durable and easy to just wipe clean. Fits her entire lunch (including her salad in a rubbermaid container).

Comment Was this review helpful to you?   Report abuse

**Five Stars**

By Daniel G. on January 24, 2017

Color: pattern 1 Verified Purchase

My kid loves it, that is all that matters.

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