

1 TREVOR Q. CODDINGTON, PH.D. (CSB NO. 243042)
2 trevorcoddington@sandiegoiplaw.com
3 JAMES V. FAZIO, III (CSB NO. 183353)
4 jamesfazio@sandiegoiplaw.com
5 CODY LEJEUNCE (CSB NO. 249242)
6 codylejeunce@sandiegoiplaw.com
7 SAN DIEGO IP LAW GROUP LLP
8 12526 High Bluff Drive, Suite 300
9 San Diego, CA 92130
10 Telephone: (858) 792-3446
11 Facsimile: (858) 408-4422

12 Attorneys for Plaintiff,
13 SNAP LIGHT, LLC (D.B.A., SNAPLIGHT)

14 UNITED STATES DISTRICT COURT
15
16 CENTRAL DISTRICT OF CALIFORNIA

17 SNAP LIGHT, LLC (D.B.A., SNAPLIGHT),
18 a California corporation,

19 Plaintiff,

20 vs.

21 KIMSAPRINCESS INC., a California
22 corporation; URBAN OUTFITTERS, INC., a
23 Pennsylvania corporation; HOOSHMAND
24 HAROONI, an individual residing in
25 California; and DOES 1-10, inclusive,

26 Defendants.

CASE NO. 2:17-CV-05648

**FIRST AMENDED COMPLAINT FOR
PATENT INFRINGEMENT**

DEMAND FOR JURY TRIAL

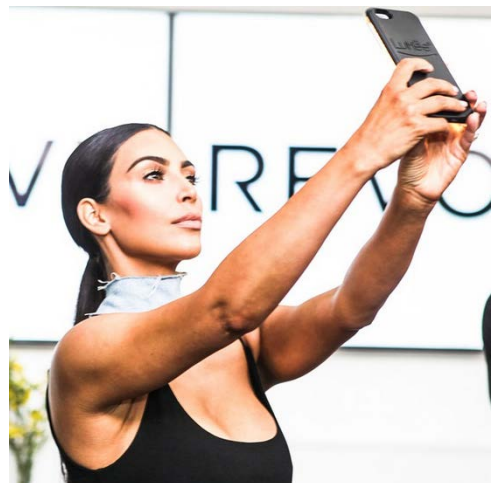
1 Plaintiff Snap Light, LLC, d.b.a., Snaplight (“Snaplight”) hereby complains of Defendants
 2 Kimsaprincess Inc. (“Kimsaprincess”); Urban Outfitters, Inc. (“Urban Outfitters”); and
 3 Hooshmand Harooni (“Harooni”), and alleges as follows:

4 INTRODUCTION

5 1. This is an action for patent infringement under the patent laws of the United States,
 6 35 U.S.C. § 271, *et seq.*

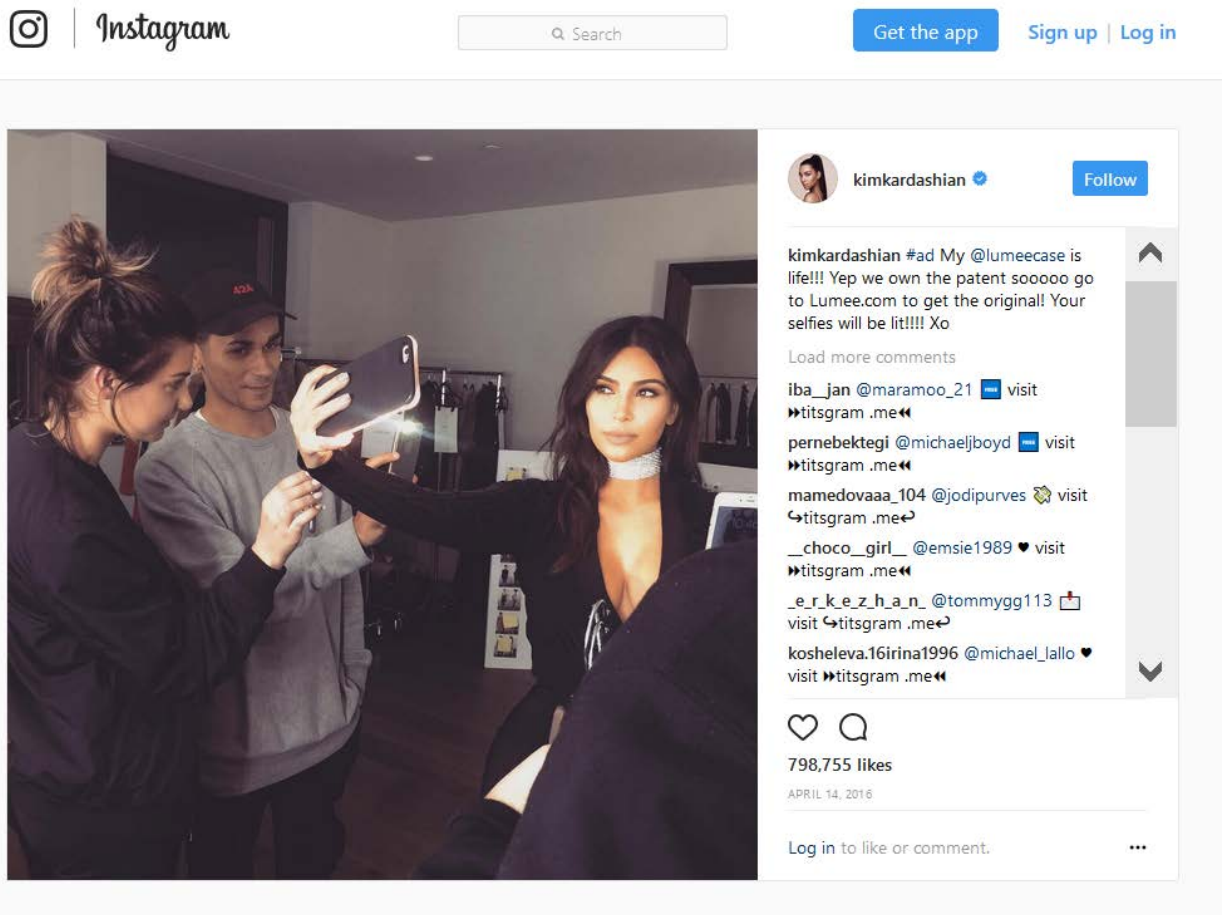
7 2. Kim Kardashian West is the highest-paid reality television star; with an estimated
 8 ability to earn more than \$50 million annually. In addition to her television viewers, Ms. West has
 9 more than 165 million highly engaged social followers across Twitter, Facebook, and Instagram.
 10 The sheer size of her audience appeals to business brands and translates to Ms. West’s company,
 11 Defendant Kimsaprincess Inc., commanding hundreds of thousands of dollars, if not millions of
 12 dollars, per product endorsement. Simply being endorsed by an influencer like Ms. West leads to
 13 numerous sales regardless of whether the endorsed product infringes the intellectual property
 14 rights of others.

15 3. At issue, here in this action are “selfies” (i.e., photographs that one has taken of
 16 oneself) and Ms. West’s endorsement of Lumee, LLC (“LuMee”) branded selfie cases, which
 17 infringe United States Patent No. 8,428,644 (the ‘644 patent”). Selfie cases are smartphone cases
 18 that provide bright, even lighting for capturing photos or video. Ms. West has been called the
 19 “queen of selfies” by The New York Times; in fact, Ms. West has written a coffee table
 20 photobook, entitled *Selfish*, featuring various selfies of herself. In addition to endorsing infringing



1 LuMee cases (as shown below left), Ms. West also uses them in her self-promotion (as shown
 2 above right). Much of her influential empire has been built through selfies and infringing selfie
 3 cases. Based on Ms. West's endorsement and consumer influence, LuMee and LuMee distributors
 4 such as Urban Outfitters have benefitted financially through increased sales of the LuMee selfie
 5 cases. And Ms. West's endorsement is not a shill; she is also an "official" partner with LuMee
 6 and has designed cases for LuMee. Ms. West has made selfies a pop culture phenomenon.
 7 LuMee's founder, Mr. Allan Shoemaker, with respect to Ms. West's promotion in January of
 8 2016, is quoted as saying "she certainly moves the needle" and "we doubled the sales from 2015
 9 in one month." See "Lumee's Founder on What Happens When Your Product is Endorsed by
 10 Kim Kardashian," Fashionista, June 16, 2017.

11 4. Via an April 14, 2016 Instagram post (reproduced below), Ms. West claims that
 12 "we own the patent sooooo go to Lumee.com."



5. However, Ms. West's endorsement and her (as well as Urban Outfitters' and Lumee's) pecuniary gain have come at the expense of Snaplight – patent infringement. Mr. Hooshmand Harooni, the inventor of the '644 patent, filed a patent application for and patented an illuminated selfie case before LuMee and Mr. Shoemaker. Ms. West's infringing influence has unfairly deterred competition from Harooni's licensee, Snaplight, which possesses exclusive rights to enforce the '644 patent. Despite having superior, patented products, it has been extremely difficult for Snaplight to compete in the selfie case market against Ms. West's product influence and ongoing infringement. Snaplight has suffered financially as a result. Accordingly, Snaplight requests the Court to level the playing field by, among other things, enjoining Ms. West from further infringement and by compensating Snaplight, and hence Mr. Harooni, for the damages incurred because of Ms. West's and Urban Outfitters' infringement.

THE PARTIES

6. Snaplight is a California limited liability corporation with its principal place of business located at 1780 La Costa Meadows Drive 100, San Marcos, California 92078.

7. Harooni is an individual whose principal place of business is located at 3010 E. Olympic Blvd., Los Angeles, California 90023. Mr. Harooni is named as a defendant because he has expressed an unwillingness to participate in litigation and is subject to the jurisdiction of this Court. Mr. Harooni is the owner of the '644 patent and has an interest therein.

8. Snaplight is informed and believes and based thereon alleges that Kimsaprincess is a California corporation with its principal place of business located at 21731 Ventura Boulevard, Suite 300, Woodland Hills, California 91364.

9. Snaplight is informed and believes and based thereon alleges that Urban Outfitters is a Pennsylvania corporation with its principal executive office located at 5000 S. Broad Street, Philadelphia, Pennsylvania 19112.

10. Snaplight is ignorant of the true names and capacities of the parties sued herein as DOES 1 through 10, inclusive, whether individual, corporate or otherwise, and therefore sues these defendants by such fictitious names. Snaplight will seek leave to amend the complaint to assert their true names and capacities when they have been ascertained. Snaplight is informed

1 and believes and based thereon alleges that all defendants sued herein as DOES 1 through 10 are
2 in some manner responsible for the acts and omissions alleged herein.

3 **JURISDICTION AND VENUE**

4 11. This Court has original and exclusive subject matter jurisdiction over this action
5 under 28 U.S.C. §§ 1331 and 1338(a) because Snaplight's claim for patent infringement arises
6 under the laws of the United States, 35 U.S.C. § 271, *et seq.*

7 12. This Court has personal jurisdiction over Kimsaprincess because it resides in this
8 District and has a continuous, systematic and substantial presence in this District, because it
9 regularly conducts business and/or solicits business within this District, because it has committed
10 and continues to commit patent infringement in this District, including without limitation by
11 using infringing products and inducing consumers in this District to use infringing products, and
12 by purposefully directing activities at residents of this District, and by placing endorsements of
13 infringing products into the stream of commerce with the knowledge that such infringing products
14 would be sold in California and this District, which acts form a substantial part of the events
15 giving rise to Snaplight's claims.

16 13. This Court has personal jurisdiction over Urban Outfitters because it has a
17 continuous, systematic and substantial presence in this District, because it regularly conducts
18 business and/or solicits business within this District, because it has committed and continues to
19 commit patent infringement in this District, including without limitation by selling and offering
20 for sale infringing products to consumers in this District and by purposefully directing activities
21 at residents of this District, and by placing infringing products into the stream of commerce with
22 the knowledge that such products would be sold in California and this District, which acts form a
23 substantial part of the events giving rise to Snaplight's claims.

24 14. Venue is proper in this District under 28 U.S.C. §§ 1391 and 1400(b) because
25 Kimsaprincess resides in this District and has a continuous, systematic and substantial presence in
26 this District, because it regularly conducts business and/or solicits business within this District,
27 because it has committed and continues to commit patent infringement in this District, including
28 without limitation by using infringing products in this District and encouraging consumers in this

District to buy infringing products, which acts form a substantial part of the events giving rise to Snaplight's claims; because Urban Outfitters has a regular and established place of business within this District through its many physical retail stores, because it has committed and continues to commit patent infringement in this District, including without limitation by selling and offering for sale infringing products to consumers in this District and by purposefully directing activities at residents of this District, and by placing infringing products into the stream of commerce with the knowledge that such products would be sold in California and this District, which acts form a substantial part of the events giving rise to Snaplight's claims.

GENERAL ALLEGATIONS

15. On April 23, 2013, the United States Patent and Trademark Office (PTO) duly and lawfully issued United States Patent No. 8,428,644, entitled "Integrated Lighting Accessory and Case for a Mobile Phone Device" ("the '644 patent"). Harooni is the owner of the '644 patent, a copy of which is attached hereto as Exhibit A and made part of this Complaint.

16. By the terms of an agreement made effective as of January 31, 2017, between Harooni and Snaplight, Snaplight obtained exclusive rights to the '644 patent including enforcement of the '644 patent.

17. Kimsaprincess is and has been using products that infringe the '644 patent, including without limitation LuMee branded cases such as the LuMee Duo and LuMee Two (in various colors and smartphone types/sizes) (collectively, the "Accused Products"). Kimsaprincess also actively induces infringement of the '644 patent by consumers and LuMee.

18. Urban Outfitters is and has been using, selling, offering for sale, importing, and/or exporting the "Accused Products." The Accused Products may be purchased directly from Urban Outfitters stores in this District or online through its respective website (e.g., <http://www.urbanoutfitters.com/>). The Accused Products may also be purchased through online retailers such as Amazon.com and LuMee.com.

19. Kimsaprincess and Urban Outfitters are aware of the '644 patent. On information and belief, Defendants became aware of the '644 patent prior to the filing of this lawsuit.

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FIRST CLAIM FOR RELIEF

(Direct Infringement of U.S. Patent No. 8,428,644 by Kimsaprincess and Urban Outfitters)

(35 U.S.C. § 271)

20. Snaplight repeats, realleges, and incorporates by reference the preceding allegations above as though set forth fully herein.

21. Since January 31, 2017, Snaplight has marked its packaging of its cases with “United States Patent No. 8,428,644” or the like.

22. Kimsaprincess, by and through Ms. West, has been and is currently infringing the ‘644 patent by using the Accused Products, which embody one or more claims set forth in the ‘644 patent.

23. Ms. West uses the Accused Products to take selfies, many of which have generated significant revenue for Kimsaprincess. It has been reported that Ms. West employs an on-call professional Instagram selfie editor at a rate of \$100,000 per year.

24. Urban Outfitters, by and through its agents, officers, directors, resellers, retailers, employees and servants, has been and is currently infringing the ‘644 patent by using, offering to sell, selling, exporting and importing into the United States the Accused Products, which embody one or more claims set forth in the ‘644 patent.

25. For example, the accused LuMee Duo product meets all the limitations set forth in claim 1 of the ‘644 patent. A chart identifying specifically where each limitation of claim 1 is found in the LuMee Duo is attached hereto as Exhibit B. This infringement chart is based on Snaplight’s current understanding of the LuMee Duo, which only considers publicly available information. The chart does not set forth all of Snaplight’s infringement theories – the LuMee Duo embodies other claims set forth in the ‘644 patent.

26. Snaplight reserves the right to amend or supplement its infringement theories upon more information becoming available through formal discovery and/or this Court completing its claim construction proceedings.

27. Kimsaprincess’ and Urban Outfitters’ acts of infringement were undertaken without permission or license from Harooni and Snaplight.

1 28. Snaplight is informed and believes and based thereon alleges that Kimsaprincess'
2 and Urban Outfitters' infringement of the '644 patent will continue unless enjoined by this Court.

3 29. But for Kimsaprincess' and/or Urban Outfitters' infringement, Snaplight would
4 have sold its illuminated selfie cases to Urban Outfitters' customers or a substantial portion
5 thereof, and Snaplight is entitled to its lost profits.

6 30. By reason of the foregoing infringing acts, Snaplight has been damaged, continues
7 to be damaged, and is entitled to no less than a reasonable royalty in accordance with 35 U.S.C. §
8 284 in an amount to be determined at trial.

9 31. In addition, Snaplight is entitled to reasonable attorneys' fees incurred in this
10 action under 35 U.S.C. § 285.

11 32. Because of the aforesaid infringing acts, Snaplight has suffered and continues to
12 suffer great and irreparable injury for which there is no adequate remedy at law.

13 **SECOND CLAIM FOR RELIEF**

14 **(Indirect Infringement of U.S. Patent No. 8,428,644 by Kimsaprincess)**

15 **(35 U.S.C. § 271)**

16 33. Snaplight repeats, realleges, and incorporates by reference the preceding
17 allegations above as though set forth fully herein.

18 34. On information and belief, Kimsaprincess shares in the profits of LuMee or
19 receives a royalty on the sales of the Accused Products by LuMee.

20 35. Kimsaprincess, by and through Ms. West, promotes the Accused Products through
21 her reality television series, KEEPING UP WITH THE KARDASHIANS, and social media accounts
22 including Instagram. In addition to encouraging her audience, Ms. West has and continues to
23 encourage other celebrities to use the Accused Products.

24 36. Kimsaprincess, by and through Ms. West, advertises and sponsors the Accused
25 Products through her social media accounts including Instagram. Via Instagram posting, Ms.
26 West directs her followers to buy the Accused Products from LuMee. Many of LuMee's
27 customers have been influenced by Ms. West to purchase the Accused Products from LuMee.

28 37. Ms. West has appeared in numerous Internet accessible videos and national

1 television talk shows where she instructs viewers on how to take a selfie. Ms. West has stated on
2 national television several times that “lighting is everything” when taking the perfect selfie.

3 38. The LuMee Duo case is arguably most famous for its biggest proponent: Ms.
4 West. The case started popping up in Ms. West’s Instagrams in 2015 and she officially partnered
5 with LuMee in early 2016.

6 39. Ms. West has an ownership interest in LuMee and/or one or more of LuMee’s
7 patents.

8 40. Kimsaprincess, by and through Ms. West, actively induces LuMee to directly
9 infringe the ‘644 patent by selling the Accused Products to Ms. West’s followers. But for
10 Kimsaprincess’ induced infringement by LuMee, Snaplight would have sold its illuminated selfie
11 cases to Ms. West’s followers (who are LuMee customers) or a substantial portion thereof.
12 Accordingly, Kimsaprincess has facilitated LuMee’s infringement and is liable for Snaplight’s
13 lost profits.

14 41. Kimsaprincess, by and through Ms. West, actively induces her followers to
15 directly infringe the ‘644 patent by using the Accused Products. But for Kimsaprincess’ induced
16 infringement, Ms. West’s followers would have used Snaplight’s illuminated selfie cases
17 purchased directly or indirectly from Snaplight. Accordingly, Kimsaprincess has facilitated her
18 followers’ infringement and is liable for Snaplight’s lost profits.

19 42. Ms. West knew of should have known that her actions (noted above) would result
20 in LuMee’s and/or her follower’s infringement.

21 43. By reason of the foregoing acts of indirect infringement, Snaplight has been
22 damaged, continues to be damaged, and is entitled to no less than a reasonable royalty in
23 accordance with 35 U.S.C. § 284 in an amount to be determined at trial. In addition, Snaplight is
24 entitled to reasonable attorneys’ fees incurred in this action under 35 U.S.C. § 285.

25 44. Because of the aforesaid acts of indirect infringement, Snaplight has suffered and
26 continues to suffer great and irreparable injury for which there is no adequate remedy at law.

27 **PRAYER FOR RELIEF**

28 WHEREFORE, Snaplight prays for judgment against Defendants as follows:

1 (a) An Order adjudging Kimsaprincess and Urban Outfitters to have directly infringed
2 the '644 patent under 35 U.S.C. § 271;

3 (b) An Order adjudging Kimsaprincess to have indirectly infringed the '644 patent
4 under 35 U.S.C. § 271;

5 (c) An injunction under 35 U.S.C. § 283 enjoining Kimsaprincess, Ms. West, Urban
6 Outfitters, its officers, directors, agents, servants, resellers, retailers, employees and attorneys, and
7 those persons acting in concert or participation with them, from infringing the '644 patent in
8 violation of 35 U.S.C. § 271;

9 (d) An award to Snaplight of its lost profits or a reasonably royalty for Defendants'
10 sales, use, and/or endorsement of the Accused Products, subject to proof at trial;

11 (e) An award to Snaplight of all attorneys' fees and costs incurred by Snaplight in
12 connection with this action under 35 U.S.C. § 285;

13 (f) An award of pre-judgment and post-judgment interest and costs of this action
14 against Defendants; and

15 (g) For such other and further relief as the Court deems just and proper.

16 Dated: December 12, 2017

SAN DIEGO IP LAW GROUP LLP

17
18 By: /s/Trevor Coddington/

TREVOR Q. CODDINGTON, PH.D.

JAMES V. FAZIO, III

CODY LEJEUNE

21 Attorneys for Plaintiff,
22 SNAP LIGHT, LLC (D.B.A., SNAPLIGHT)

DEMAND FOR JURY TRIAL

Pursuant to Rule 38 of the Federal Rules of Civil Procedure, Snaplight hereby demands a trial by jury of all issues so triable.

Dated: December 12, 2017

SAN DIEGO IP LAW GROUP LLP

By: /s/Trevor Coddington/

TREVOR Q. CODDINGTON, PH.D.

JAMES V. FAZIO, III

CODY LEJEUNE

Attorneys for Plaintiff,
SNAP LIGHT, LLC (D.B.A., SNAPLIGHT)