

**UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT**

LEGO A/S, LEGO SYSTEMS, Inc.,
and LEGO Juris A/S

Plaintiffs,

v.

ZURU Inc.

Defendant.

:
: Civil Action No. _____
:
:
:
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:
: **JURY TRIAL DEMANDED**
:
: DECEMBER 13, 2018
:
:

VERIFIED COMPLAINT

Plaintiffs LEGO A/S (“LAS”), LEGO Systems, Inc. (“LSI”), and LEGO Juris A/S (“LJAS”) (collectively, “the LEGO Group”) file this Complaint against Defendant ZURU Inc. (“ZURU”) and allege as follows:

THE PARTIES

1. Plaintiff LAS is a private company with a place of business located at Aastvej 1, Dk-7190, Billund, Denmark.
2. Plaintiff LSI is a Delaware corporation having its principal place of business at 555 Taylor Road, Enfield, CT 06082.
3. Plaintiff LJAS private company with a place of business located at Koldingvej 2, Dk-7190, Billund, Denmark.
4. Upon information and belief, defendant ZURU Inc. is a British Virgin Islands corporation with a principal place of business located at 12 F Energy Plaza, Grandville Road,

TST East, Kowloon, Hong Kong, L.A.R. Upon information and belief, ZURU Inc. does business in the State of Connecticut.

JURISDICTION AND VENUE

5. This Court has jurisdiction over the subject matter of this Complaint pursuant to 28 U.S.C. §§ 1331, 1338(a) and (b), and 1367.

6. This Court has personal jurisdiction over ZURU by virtue of it transacting, doing, and soliciting business in this District, and committing acts of patent, copyright and trademark infringement in this District.

7. Venue is proper in this District because ZURU is a foreign corporation and has committed acts of patent, copyright, and trademark infringement in this District.

FACTS

8. In 2015, the LEGO[®] brand was named the world's most powerful brand.

9. The LEGO Group is a well-established industry innovator and leader in designing and manufacturing toys and play materials for children of all ages worldwide. The LEGO Group's toy building elements, figurines and toy sets established the construction toy category, are well-recognized around the world and have enjoyed tremendous commercial success and consistent popular acclaim. Constructive LEGO[®] play fosters positive, lifelong skills, such as creativity, imagination and creative problem solving, which are valuable to any child.

10. The LEGO Group is known for delivering the very best construction toy products and associated play experiences. In fact, the name "LEGO" is an abbreviation of the Danish words "leg godt" meaning "play well." The LEGO Group was founded in 1932 by Ole Kirk Kristiansen, who started the company making wooden toys and selling them from his workshop in Billund, Denmark. The company has passed from parent to child with Thomas Kirk

Kristiansen, great grandchild of the founder, representing the fourth generation of ownership and currently serving as Deputy Chairman of the Board of Directors. Ole Kristiansen's motto— "det bedste er ikke for godt" meaning "only the best is good enough"— helps explain why, according to a 2014 survey by the Reputation Institute, the LEGO Group is the number two most-admired brand in the United States and number nine globally. The phrase also explains why the LEGO Group's products have been named "Toy of the Century" by both *Fortune* magazine and the British Association of Toy Retailers. Over the years, the LEGO Group has amassed significant goodwill and a strong reputation for quality.

11. The LEGO Group's innovative and commercially successful products are the result of its long-time investment in research and development and commitment to cutting-edge toy designs. The LEGO Group's innovations and products have become so popular and well-recognized that they attract competitors who attempt to capitalize on the LEGO Group's success by copying its innovations and products and preying on the vulnerability of youthful consuming population, instead of developing their own product lines. Over the years, the LEGO Group has made substantial investments in design, research and development, licensing, and manufacturing in a wide variety of product lines, including those containing the Minifigure figurine and LEGO[®] Friends[™] construction toy products.

Representative LEGO® Product Lines

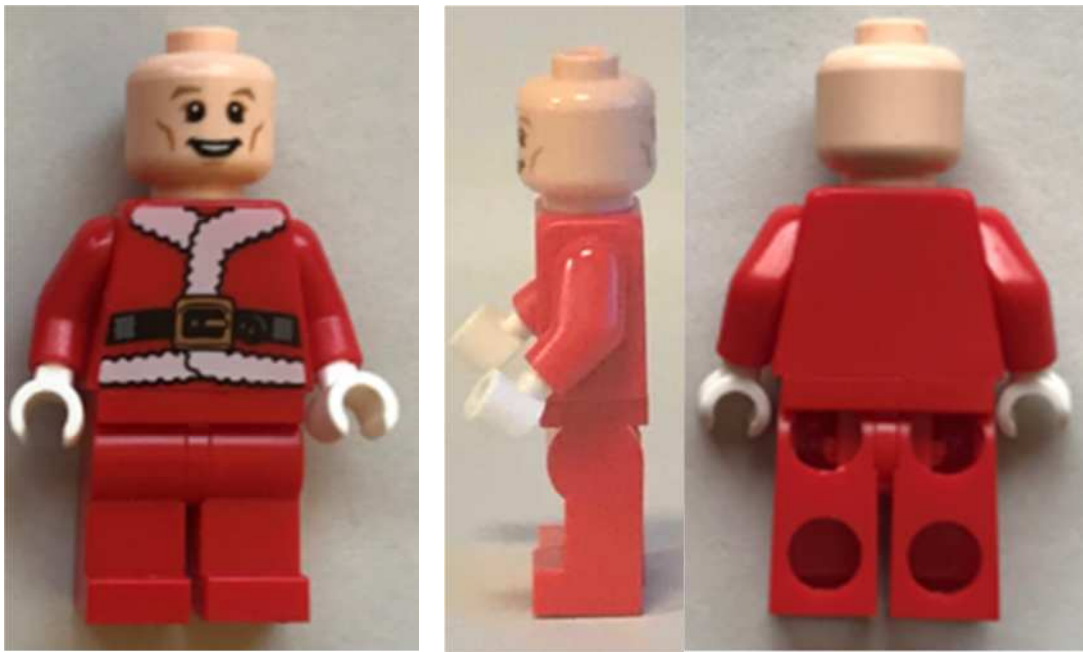




12. As described in further detail below, ZURU is infringing the LEGO Group's intellectual property rights with all products in its Max Build More and Mayka Toy Block Tape lines of construction toys (collectively, the "Infringing Products").

THE LEGO GROUP'S INTELLECTUAL PROPERTY RIGHTS IN THE MINIFIGURE FIGURINE

13. In 1978, the LEGO® brand introduced its Minifigure figurine. For more than 40 years, the Minifigure figurine has been sold worldwide in numerous varieties of LEGO® brand toy sets, as well as individually, becoming one of the most iconic toys for the LEGO Group. Over 120 million Minifigure figurines have been sold in the United States since 1978.



A Representative LEGO® Minifigure figurine



A Representative LEGO® Minifigure figurine

14. LAS owns numerous copyrights registered with the United States Copyright Office, including Registration Number VA0000655230 and Registration Number VA0000655104 (the “Minifigure Copyrights”), protecting the 3D sculpture and derivative works of the Minifigure figurine. Copies of the deposit material maintained by the United States Copyright Office as part of the Minifigure Copyrights are attached as Exhibits A and B.



Registration Number VA0000655230



Registration Number VA0000655104

15. Since 1978, the LEGO Group has continuously displayed the © symbol in connection to the Minifigure figurine on various product packaging.

16. Since at least as early as 1993 the LEGO Group has continuously displayed the © symbol in the plastic of the Minifigure figurine in various locations.

17. Since at least as early as 1998 the LEGO Group has continuously displayed “© LEGO” in the plastic of the Minifigure figurine in various locations. For example, in the images below, “© LEGO” is in the plastic of each element comprising the Minifigure figurine:



© LEGO located inside head element of Minifigure figurine



© LEGO located on the top of leg element of Minifigure figurine



© LEGO located on the bottom of leg element of Minifigure figurine



© LEGO located on the torso element of Minifigure figurine

18. LJAS owns numerous trademarks registered with the United States Patent & Trademark Office including Registration Number 4,903,968 for the Minifigure figurine (“the

Registered Minifigure Trademark”). A copy of the Registration Certificate for the Registered Minifigure Trademark is attached as Exhibit C.



USPTO Registration Number 4,903,968

19. The LEGO Group also has common law trademark rights in the Minifigure figurine set forth in Exhibit C, by virtue of its continuous use of the mark in commerce throughout the United States since 1978 (together with the Registered Minifigure Trademark, the “Minifigure Trademarks”).

20. The LEGO Group has established valuable (indeed, *invaluable*) trademark rights and goodwill in the Minifigure Trademarks by virtue of its long use and registration of the trademark, the substantial promotional and marketing efforts under the trademark, the expenditure of vast sums in advertising and promotional activities under that trademark, and third-party licensing agreements.

21. The products and services offered, sold, and advertised in connection with the Minifigure Trademarks have generated substantial revenue. Such revenue has exceeded over one billion dollars (USD) internationally.

22. As a result of the long and extensive use of the Minifigure Trademarks, and the significant sales, promotion, advertising, third-party licensing, and commercial success under those marks, the Minifigure figurine has achieved such widespread public exposure and recognition that it is distinctive and is well-known and famous among the general consuming public of the United States and abroad.

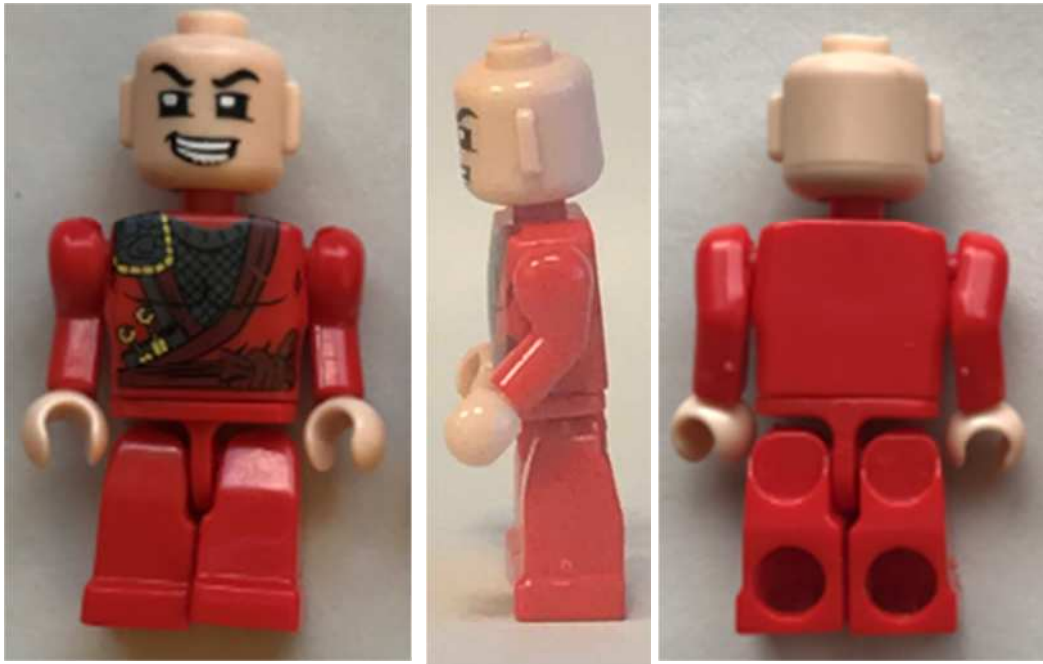
ZURU'S INFRINGING FIGURINES AND INFRINGING IMAGES

A. ZURU's Infringing Figurines

23. ZURU sells figurines (the "Infringing Figurines") in its Max Build More 15 Max Figures sets, below, that are confusingly, strikingly and substantially similar to the overall look and feel of the LEGO® Minifigure figurine.

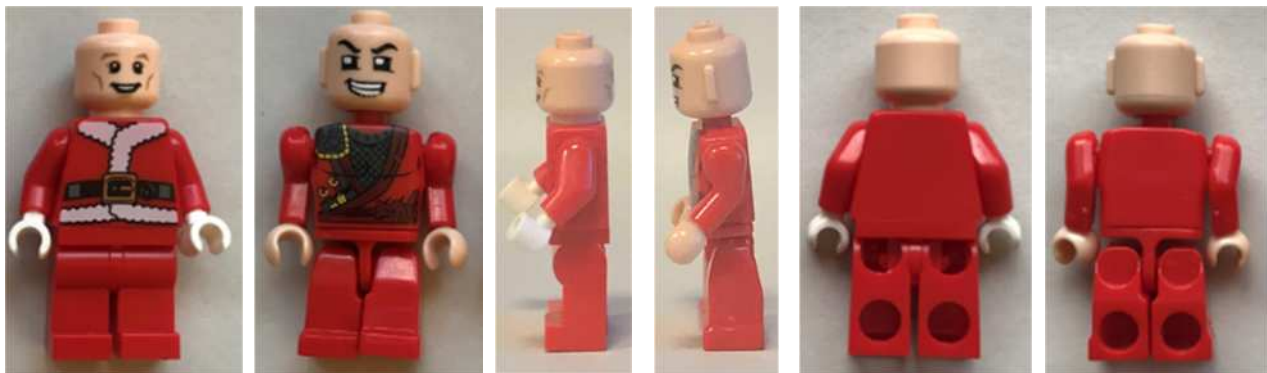


Set of ZURU Infringing Figurines



Representative ZURU Infringing Figurine

24. The images below show different views of the copyrighted and trademarked LEGO® Minifigure figurine and a ZURU Infringing Figurine:



Comparison of LEGO® Minifigure figurine and ZURU Infringing Figurine



Comparison of LEGO® Minifigure figurine sets and ZURU Infringing Figurine sets



Alternating LEGO® Minifigure figurines and ZURU Infringing Figurines

25. The Infringing Figurines are advertised on ZURU's websites, <https://buildtothemax.zuru.com> (the "Max Website") and <https://zuru.com> (the "ZURU Website").

26. The Max Website provides links to purchase the Infringing Figurines from Walmart on www.walmart.com (the “Walmart Website”) and The Warehouse on www.thewarehouse.co.nz (the “Warehouse Website”).

27. The Infringing Figurines are also sold by Walmart in its retail locations throughout the United States, including several Connecticut locations.

28. Upon information and belief, the Max Build More 15 Max Figure sets are sold by Walmart on the Walmart Website and in retail locations for \$12.97.

29. Upon information and belief, the Max Build More products became available for sale to the public through Walmart retail locations and the Walmart Website on or about October 1, 2018.

30. Oftentimes, the products appear next to each other on racks in aisles, further exacerbating the risk of confusion.





31. ZURU's Infringing Figurines are unauthorized reproductions of the LEGO Group's copyrights and trademarks including the Minifigure Copyrights and Minifigure Trademarks.

32. Upon information and belief, ZURU has had actual notice of the LEGO Group's copyrights and trademarks including the Minifigure Copyrights and Minifigure Trademarks in and to the Minifigure figurine since at least as early as August 17, 2017.

33. Upon information and belief, the Infringing Figurines lack the Minifigure figurine's "clutch power," *i.e.* the ability for the elements to snap together tightly. The torso and leg components of the Infringing Figurines do not snap together tightly. The feet of the Infringing Figurine also do not snap together tightly with ZURU's other building brick elements. The arms of the Infringing Figurines easily snap off and the hand elements easily dislodge from the arms. These are known problems with the Infringing Figurines, as shown in a customer review on Walmart.com for the Max Build More 15 Max Figure set, shown below:

★★★★

Awesome set my boys love them! The Only problem is the body comes apart extremely easy. So, one thing id suggest is hot glueing the legs and body together so they dont come apart easily when your kids are playing with them.

Ashley, October 25, 2018



Walmart.com Customer Review of Infringing Figurines

34. The construction toy market is highly competitive. Selling products that infringe the LEGO Group's copyrights and trademarks will allow ZURU to increase its market share and sales, and enable ZURU to establish relationships with customers, and licensors potentially, for whom the LEGO Group competes. That potential injury to the LEGO Group is unquantifiable.

35. The LEGO Group has no agreement of any kind with ZURU that would authorize the manufacture or sale of the Infringing Figurines. The Infringing Figurines are sold through many of the same trade channels as the LEGO® Minifigure figurine.

ZURU's Infringing Images

36. The product packaging for the Infringing Figures, as well as product packaging for ZURU's Max Build More and Mayka Toy Block Tape lines of construction toys, display cartoon images (the "Infringing Images") that are confusingly and substantially similar to the overall look and feel of the Minifigure figurine. Examples of the Infringing Images are provided below:



Infringing Images on Max Build More 15 Max Figures



Infringing Images on Max Build More 15 Max Figures



Infringing Image on Max Build More Building Bricks Value Sets (250, 759 and 253 Pieces)



Infringing Images on Max Build More Base Plate



Infringing Images on Mayka Toy Block Tape products

37. The Infringing Images are displayed on ZURU’s websites, <https://buildtothemax.zuru.com> (the “Max Website”), www.maykaworld.com (the “Mayka Website”) and <https://zuru.com> (the “ZURU Website”).

38. The Max Website provides links to purchase Max Build More products displaying the Infringing Images from the Walmart Website and the Warehouse Website.

39. The Mayka Website provides links to purchase Mayka Toy Block Tape products displaying the Infringing Images from the Walmart Website.

40. The Mayka Toy Block Tape products displaying the Infringing Images are available for sale by many online retailers, including Amazon.

41. The Max Build More and Mayka Toy Block Tape lines of construction toys displaying the Infringing Images are sold by Walmart and Target in their retail locations throughout the United States, including several Connecticut locations.

42. ZURU's Infringing Images are unauthorized reproductions of the LEGO Group's copyrights and trademarks including the Minifigure Copyrights and Minifigure Trademarks.

43. The LEGO Group has no agreement of any kind with ZURU that would authorize the manufacture or sale of the Infringing Products or Infringing Images.

THE LEGO GROUP'S DESIGN PATENTS

44. The LEGO Group is famous throughout the world for its toy construction products. Over the course of more than 50 years, the LEGO Group has designed and sold thousands of different unique bricks and building elements. The ornamental designs of many of its bricks and building elements are protected by United States design patents.

45. LAS owns U.S. Patent No. D701,923S ("the '923 Patent"), U.S. Patent No. D688,328S ("the '328 Patent"), U.S. Patent No. D641,053S ("the '053 Patent") and U.S. Patent No. D614,707S ("the '707 Patent") (collectively the "Asserted Patents.") Each of the Asserted Patents remains in full force and effect.

46. The '923 Patent, entitled "Building Block From A Toy Building Set," was duly and legally issued on April 1, 2014 to LAS as assignee. A copy of the '923 Patent is attached hereto as Exhibit D.

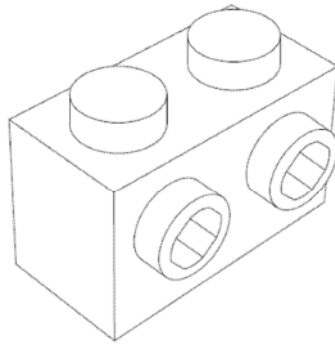


FIG. 7

Figure 7 of the '923 Patent

47. The '328 Patent, entitled "Building Block From A Toy Building Set," was duly and legally issued on August 20, 2013 to LAS as assignee. A copy of the '328 Patent is attached hereto as Exhibit E.

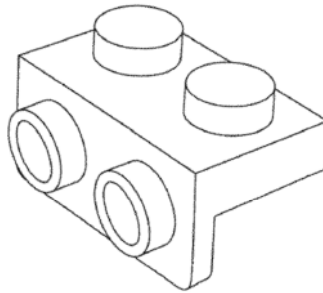


FIG. 1

Figure 1 of the '328 Patent

48. The '053 Patent, entitled "Element Of A Construction Set," was duly and legally issued on July 5, 2011 to LAS as assignee. A copy of the '053 Patent is attached hereto as Exhibit F.

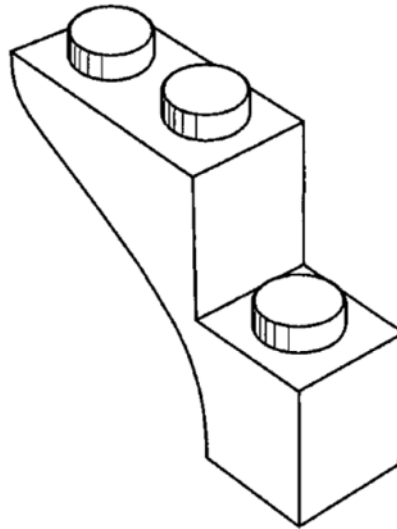


Figure 1 of the '053 Patent

49. The '707 Patent, "Element For A Toy Construction Set," was duly and legally issued on April 27, 2010 to LAS as assignee. A copy of the '707 Patent is attached hereto as Exhibit G.

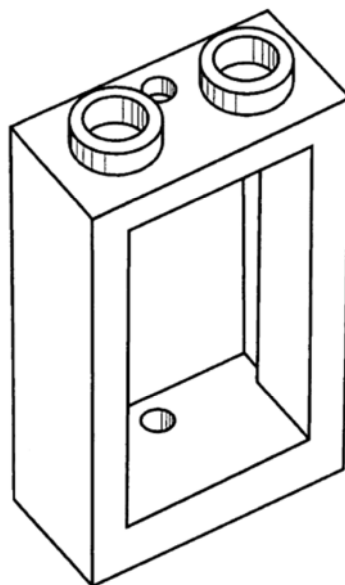


Figure 1 of the '707 Patent

ZURU’S INFRINGING BRICKS

50. ZURU manufactured, sold, offered to sell and imported and/or currently manufactures, sells, offers to sell, and imports, in the United States certain building bricks that are substantially similar to the Asserted Patents (the “Infringing Bricks”) in at least three different products: the Max Build More Building Bricks Value Set (759 Bricks), Max Build More Building Bricks Value Set (253 Bricks), and the Max Build More Building Bricks Accessories and Wheels Value Set (250 Pieces).

51. Photos of the Infringing Bricks are displayed on the Max Build More Building Bricks Value Set (759 Bricks), Max Build More Building Bricks Value Set (253 Bricks), and the Max Build More Building Bricks Accessories and Wheels Value Set (250 Pieces), as shown below:



Infringing Bricks on Max Build More Building Bricks Value Set (759 Pieces)

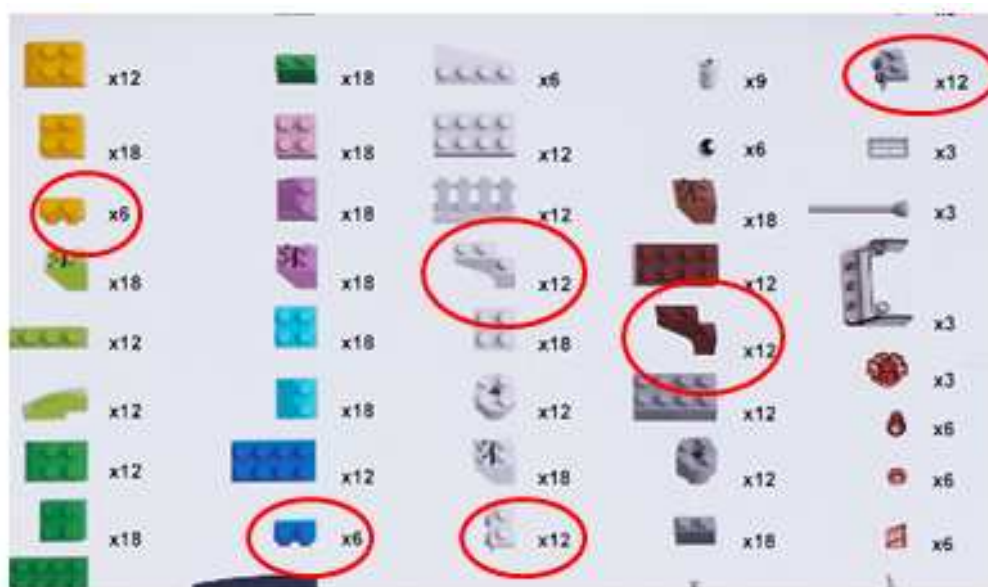


Infringing Bricks on Max Build More Building Bricks Value Set (253 Pieces)



Infringing Brick on Max Build More Building Bricks Accessories and Wheels Value Set

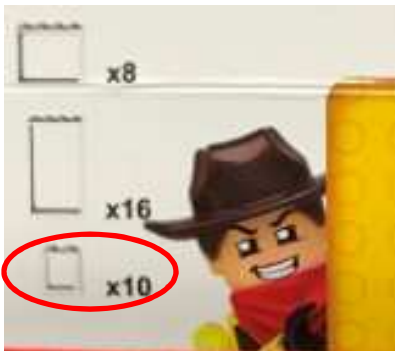
The same images are enlarged to show detail below. The Infringing Bricks are circled in red.



Infringing Bricks on Max Build More Building Bricks Value Set (759 Pieces)



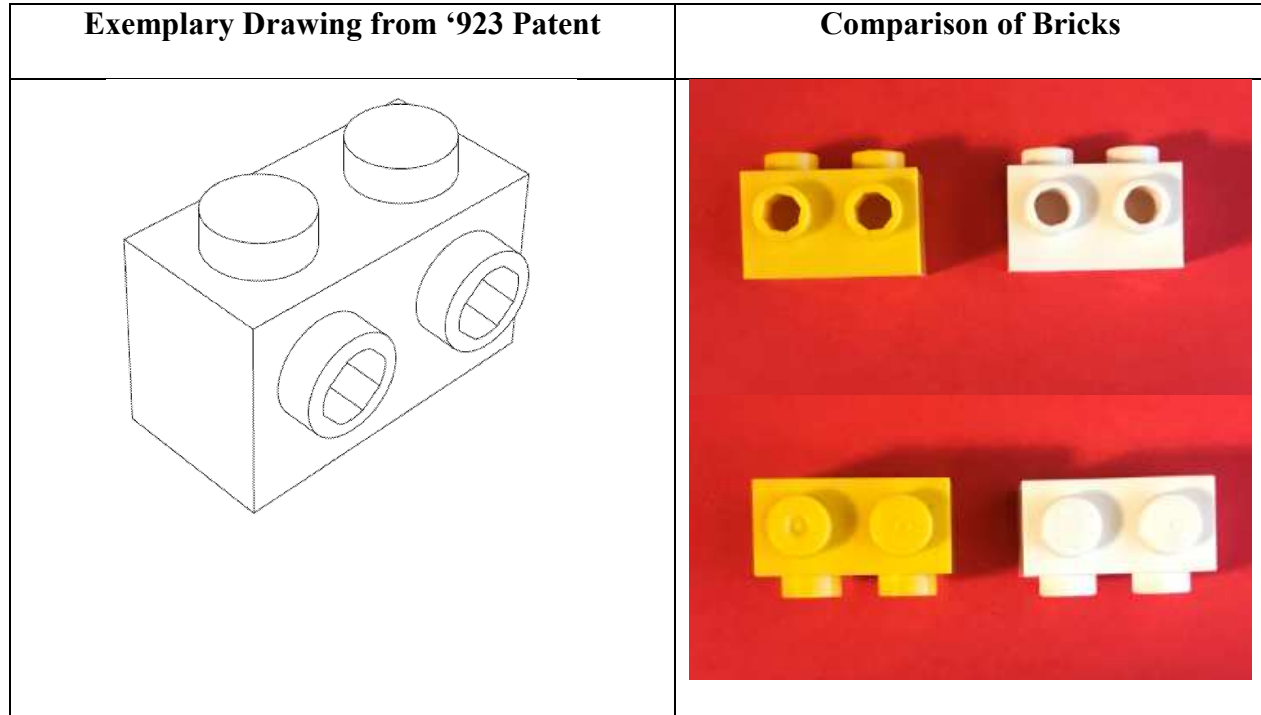
Infringing Bricks on Max Build More Building Bricks Value Set (253 Pieces)



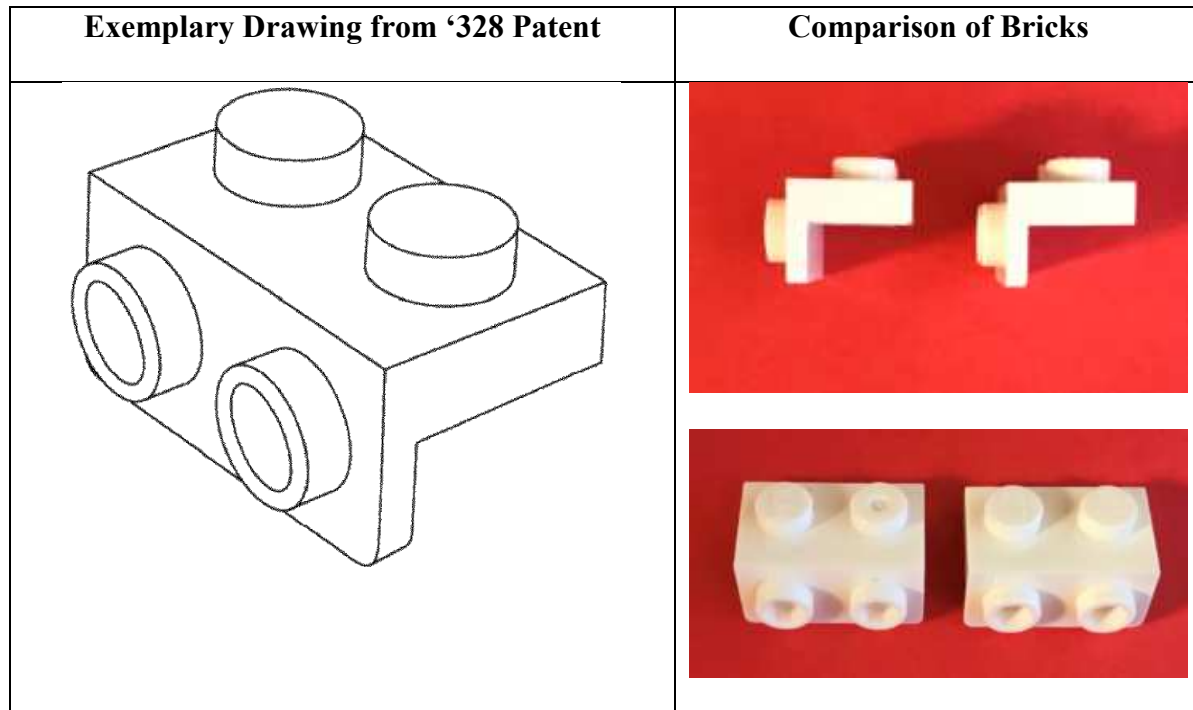
Infringing Brick on Max Build More Building Bricks Accessories and Wheels Value Set

52. Each Max Build More Building Bricks Value Set (759 Bricks) contains twelve (12) Infringing Bricks that are substantially similar to the '923 Patent. Each Max Build More Building Bricks Value Set (253 Bricks) contains four (4) Infringing Bricks that are substantially similar to the '923 Patent. A claim chart for the '923 Patent is attached hereto as Exhibit H. A chart providing an exemplary drawing from the '923 Patent and images of an Infringing Brick

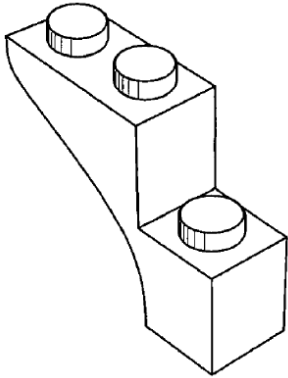

(left) compared to images of a genuine LEGO® brick embodying the ‘923 Patent (right) is provided below:



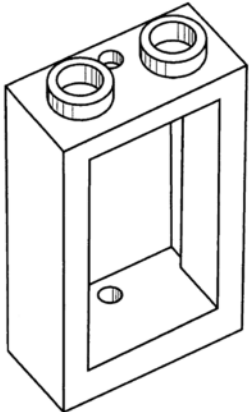
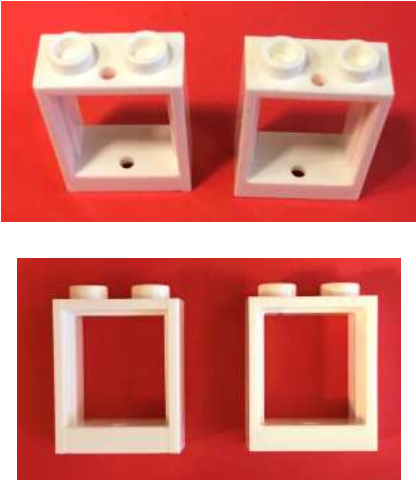
53. Each Max Build More Building Bricks Value Set (759 Bricks) contains twenty-four (24) Infringing Bricks that are substantially similar to the ‘328 Patent. Each Max Build More Building Bricks Value Set (253 Bricks) contains eight (8) Infringing Bricks that are substantially similar to the ‘328 Patent. A claim chart for the ‘328 Patent is attached hereto as Exhibit I. A chart providing an exemplary drawing from the ‘328 Patent and images of an Infringing Brick (left) compared to images of a genuine LEGO® brick embodying the ‘328 Patent (right) is provided below:



54. Max Build More Building Bricks Value Set (759 Bricks) contains twenty-four (24) Infringing Bricks that are substantially similar to the '053 Patent. Each Max Build More Building Bricks Value Set (253 Bricks) contains eight (8) Infringing Bricks that are substantially similar to the '053 Patent. A claim chart for the '053 Patent is attached hereto as Exhibit J. A chart providing an exemplary drawing from the '053 Patent and images of an Infringing Brick (left) compared to images of a genuine LEGO[®] brick embodying the '053 Patent (right) is provided below:

Exemplary Drawing from '053 Patent	Comparison of Bricks
	

55. Each Max Build More Building Bricks Accessories and Wheels Value Set (250 Pieces) contains ten (10) Infringing Bricks that are substantially similar to the '707 Patent. A claim chart for the '707 Patent is attached hereto as Exhibit K. A chart providing an exemplary drawing from the '707 Patent and images of an Infringing Brick (left) compared to images of a genuine LEGO[®] brick embodying the '707 Patent (right) is provided below:

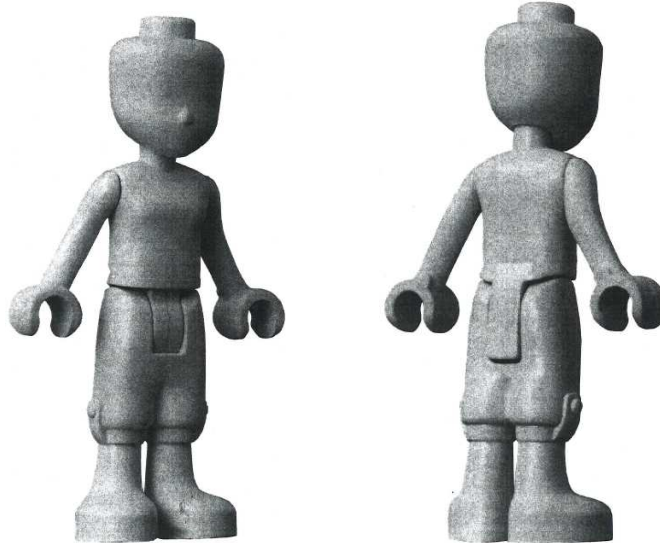
Exemplary Drawing from '707 Patent	Comparison of Bricks
	

56. The LEGO Group has no agreement of any kind with ZURU that would authorize the manufacture, sale, offering to sell, or importation of the Infringing Bricks.

THE LEGO GROUP'S FRIENDS™ FIGURINE COPYRIGHTS

57. In 2012, the LEGO Group introduced its Friends™ line of toy products, including a series of miniature figurines (the “Friends figurine”) representative of LEGO® Friends™ characters.

58. LAS owns numerous copyrights registered with the United States Copyright Office, including Registration Numbers VA 1-876-291, VA 1-876-279, VA 1-876-378, and VA 1-876-373 (“the Friends Copyrights”) , protecting the 3D sculpture and derivative works of the Friends figurine. Copies of the deposit material maintained by the United States Copyright Office as part of the Registered Copyrights are attached as Exhibits L, M, N, O.



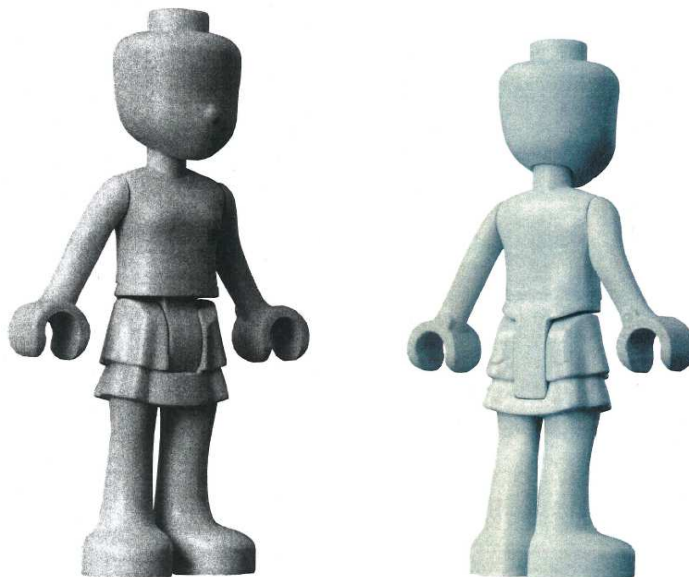
VA 1-876-291: Figure with Capri Pants (FRONT and REAR)



VA 1-876-279: Figure with Rolled Shorts (FRONT and REAR)



VA 1-876-378: Figure with Skirt (FRONT and REAR)



VA 1-876-373: Figure with Tiered Skirt (FRONT and REAR)

59. Since at least 2012, the LEGO Group has continuously displayed “© LEGO” in the plastic of the Friends figurine in various locations. For example, in the images below, “© LEGO” is in the plastic of each element comprising the Friends figurine:



© LEGO located on top of head element of Friend figurine



© LEGO located on back of arm element of Friend figurine



© LEGO located on the bottom of leg element of Friend figurine



© LEGO located on back of torso element of Friend figurine

60. Since at least 2012, the LEGO Group has continuously displayed the © symbol in connection to the Friends figurine on various product packaging.

61. The Friends figurine has been sold in numerous varieties of LEGO® brand toy sets since 2012 and that the LEGO Group has undertaken substantial promotional, advertising, and marketing efforts related to the Friends figurine for the last six years. The LEGO Group spent \$40 million on global marketing for the Friends™ line of products in 2012 alone. The LEGO Group's Friends™ line of products have been widely-recognized in the international toy community, winning "Toy of the Year" for the best toy overall in 2013 at the 2013 International Toy Fair in New York, New York. Additional awards won by LEGO Group's Friends™ products include: "Best Toy" in the six-to-ten age group at the 2012 Nuremburg Toy Fair; 2013 "Activity Toy of the Year"; and 2013 "Girl Toy of the Year" at the 2013 International Toy Fair in New York, New York. LEGO® Friends™ products were also nominated for 2014 "Girl Toy of the Year" at the 2014 International Toy Fair in New York, New York.

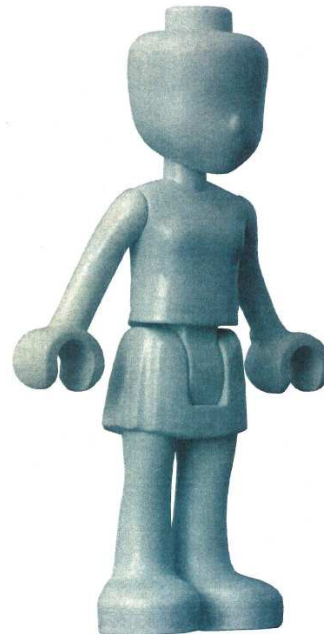
ZURU’S INFRINGEMENT OF THE FRIENDS™ FIGURINE COPYRIGHTS

62. ZURU uses an image on product packaging for its Mayka Toy Block Tape that is strikingly and substantially similar to the overall look and feel of the Friends Copyrights (the “Infringing Friends Image”), as shown below:



Infringing Friends Image on Mayka Toy Block Tape

63. A side by side comparison of the Infringing Friends Image and an image from the Friends Copyright VA 1-876-378 and a genuine LEGO® Friends™ figurine protected by the Friends Copyrights is provided below:



Infringing Friends Image and Image from Friends Copyright VA 1-876-291



Infringing Friends Image and LEGO® Friends figurine

64. The Infringing Friends Image is included on product packaging for Mayka Toy Block Tape displayed and sold at least on Walmart.com and Amazon.com.

65. The Infringing Friends Image is an unauthorized reproduction of the Friends Copyrights.

66. The LEGO Group has no agreement of any kind with ZURU that would authorize the creation or sale of the Infringing Friends Image.

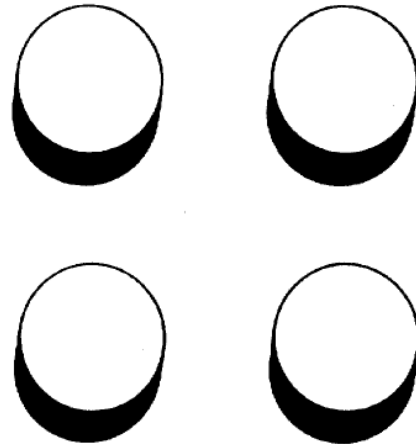
THE LEGO GROUP'S "STUD" TRADEMARKS

67. In 1958, the LEGO[®] brand of construction toys bearing distinctive cylindrical studs for interconnectivity was launched. The familiar repeating cylindrical stud design has been used by the LEGO Group in connection with a wide assortment of goods and services since that time.

68. LJAS owns numerous trademarks registered with the United States Patent & Trademark Office, including Registration Numbers 2,273,314 and 2,273,321 for cylindrical surface features, covering, "*toy figures and construction toys*," amongst other goods, in Class 28 ("the Registered Cylinder Trademarks"). A copy of the Registration Certificates for the Registered Cylinder Trademarks are attached as Exhibits P and Q.



USPTO Registration No. 2,273,314



USPTO Registration No.

2,273,321

69. LJAS also owns U.S. Registration Number 2,922,658 for an eight-stud brick, covering, “*construction toys*” in Class 28 (“the Registered Brick Trademark”) (together with the Registered Cylinder Trademarks, the “Stud Trademarks”). A copy of the Registration Certificate for the Registered Brick Trademark is attached as Exhibit R.



USPTO Registration No. 2,922,658

70. The LEGO Group has common law trademark rights in the Registered Cylinder Trademarks set forth in Exhibits P and Q by virtue of its continuous use of the marks in commerce throughout the United States since 1961.

71. The LEGO Group has common law trademark rights in the Registered Brick Trademark set forth in Exhibit R, by virtue of its continuous use of the marks in commerce throughout the United States since 1987.

72. The LEGO Group has established valuable trademark rights and goodwill in the Stud Trademarks by virtue of its long use and registration of the trademarks, the substantial promotional and marketing efforts under the trademarks, the expenditure of vast sums in advertising and promotional activities under those trademarks, and third-party licensing agreements.

73. The products and services offered, sold, and advertised in connection with the Stud Trademarks have generated substantial revenue. Such revenue has exceeded over one billion dollars (USD) internationally.

74. As a result of the long and extensive use of the Stud Trademarks, and the significant sales, promotion, advertising, third-party licensing, and commercial success under those marks, the Stud Trademarks have achieved such widespread public exposure and recognition that it is distinctive and is well-known and famous among the general consuming public of the United States and abroad.

ZURU'S INFRINGEMENT OF THE LEGO GROUP'S STUD TRADEMARKS

75. ZURU uses cylindrical protrusions and construction bricks as source identifiers (the "Infringing Stud Trademarks"), that are confusingly similar to the LEGO Group's Stud Trademarks.

76. ZURU uses a three “stud” construction brick in its Max Build More logo (the “Max Logo”), shown below:



Max Logo Infringing Stud Trademarks

77. ZURU uses the Max Logo in connection with the sale of a line of construction brick toys, currently comprising: the Max Build More Building Bricks Value Set (759 Bricks), Max Build More Building Bricks Value Set (253 Bricks), the Max Build More Building Bricks Accessories and Wheels Value Set (250 Pieces), and Max Build More Base Plates.

78. ZURU uses a three-dimensional, eight-stud brick as a source identifier on the following sets: the Max Build More Building Bricks Value Set (759 Bricks), Max Build More Building Bricks Value Set (253 Bricks), the Max Build More Building Bricks Accessories and Wheels Value Set (250 Pieces). An example is provided below:



ZURU's Infringing Eight-stud Brick Source Identifier



ZURU's Infringing Eight-stud Brick Source Identifier



USPTO Registration No. 2,922,658

79. ZURU uses a repeating “stud” pattern on all products in its Max Build More and Mayka Toy Block Tape lines of construction toys. Examples are provided below:



Infringing Stud Trademarks



Infringing Stud Trademarks

80. ZURU uses lettering with cylindrical protrusions in its MAYKA logo, as shown below:



Infringing Stud Trademarks

81. ZURU uses a three-dimensional, four-stud brick as a source identifier on its Infringing Figurines set. An example is provided below:



82. ZURU uses a three-dimensional repeating stud pattern on the lids of the containers in the following sets: the Max Build More Building Bricks Value Set (759 Bricks), Max Build More Building Bricks Value Set (253 Bricks), the Max Build More Building Bricks Accessories and Wheels Value Set (250 Pieces). An example is provided below:



ZURU's Infringing Stud Trademarks

83. ZURU's use of cylindrical protrusions and construction bricks as source identifiers for toy figures and construction toy products is confusingly similar to the Stud Trademarks.

84. The LEGO Group has no agreement of any kind with ZURU that would authorize the use of the Stud Trademarks.

THE LEGO GROUP'S TRADE DRESS

85. Since as early as 1959, the LEGO Group has used a color scheme consisting of the colors red, yellow, black, and white (the "Color Scheme"). While company indicia has evolved and modernized over time, this color scheme has remained constant for nearly 60 years.

86. The Color Scheme is present in the LEGO Group's world-famous LEGO[®] logo (the "Red Square Logo"), and used in connection with product packaging for a number of construction toys and figurines, retail store interior design, retail store bags, amongst many other uses.



LEGO[®] Red Square Logo

87. Through continuous use for more than half a century, the Color Scheme has acquired distinctiveness as a brand identifier for the LEGO Group and signifies the high quality goods and services consumers expect from them.

88. The Color Scheme has no function other than to serve as a brand identifier for the LEGO Group.

89. The LEGO Group has common law trade dress rights (the “Trade Dress”) in the Color Scheme by virtue of its continuous use in commerce throughout the United States for nearly 60 years.

ZURU’S INFRINGEMENT OF THE LEGO GROUP’S TRADE DRESS

90. ZURU has adopted a color scheme that is not only confusingly similar, but is identical, to the LEGO Group’s Trade Dress.

91. ZURU has adopted the colors red, yellow, black, and white (the “Infringing Trade Dress”) for its Max Build More and Mayka Toy Block Tape lines of construction toys.

92. ZURU uses the Infringing Trade Dress in connection with each product in its Max Build More and Mayka Toy Block Tape lines of construction toys. Examples of the Infringing Trade Dress are shown below:



ZURU Max Build More logo and the LEGO® Red Square logo



ZURU's Infringing Trade Dress



ZURU's Infringing Trade Dress

93. ZURU's use of the Infringing Trade Dress in connection with toy figures and construction toy products is confusingly similar to the Trade Dress.

94. The LEGO Group has no agreement of any kind with ZURU that would authorize the use of the Trade Dress.

COUNT I

(Copyright Infringement of Minifigure figurine)

95. The LEGO Group hereby repeats and realleges paragraphs 1 through 94 of this Complaint as if fully set forth herein.

96. The copyrighted Minifigure figurine comprises, in whole or in part, wholly original works of authorship that are copyrightable subject matter under the copyright laws of the United States, 17 U.S.C. §§ 101, *et seq.* The LEGO Group has complied in all respects with the laws governing copyright and has secured the rights and privileges in, to, and under the Minifigure Copyrights in the Minifigure figurine.

97. In violation of the LEGO Group's exclusive rights in the Minifigure figurine and the Minifigure Copyrights, ZURU has sold, and continues to sell, Infringing Figurines that are strikingly and substantially similar to the overall look and feel of the Minifigure figurine.

98. ZURU's unlawful conduct constitutes infringement of the LEGO Group's exclusive rights in the Minifigure Copyrights, including without limitation the LEGO Group's rights under 17 U.S.C. § 106.

99. Upon information and belief, as a direct and proximate result of ZURU's wrongful conduct, ZURU has realized and continues to realize profits and other benefits rightfully belonging to the LEGO Group.

100. As a result of ZURU's unlawful conduct, the LEGO Group has suffered and will continue to suffer damages.

101. The LEGO Group has suffered and will continue to suffer irreparable harm from ZURU's infringing acts, unless ZURU's infringement is enjoined.

COUNT II

(Trademark Infringement Under Section 32(a) of the Lanham Act, 15 U.S.C. § 1114(a))

102. The LEGO Group hereby repeats and realleges paragraphs 1 through 94 of this Complaint as if fully set forth herein.

103. Without the LEGO Group's consent, ZURU used and continues to use in commerce the Infringing Figurines, and the Infringing Stud Trademarks, as described above, in connection with the offering, sale, and advertising of toy figures and construction toy products, which are likely to cause confusion, or to cause mistake, or to deceive, in violation of Section 32 of the Lanham Act, 15 U.S.C. § 1114.

104. Upon information and belief, the actions of ZURU described above have at all times relevant to this action been willful.

105. As a direct and proximate result of the actions of ZURU alleged above, the LEGO Group has been damaged and will continue to be damaged.

106. The LEGO Group has suffered and will continue to suffer irreparable harm from ZURU's infringing acts, unless ZURU's infringement is enjoined.

COUNT III

(Trademark Infringement, False Designation of Origin, and Unfair Competition Under Section 43(a)(1)(A) of the Lanham Act, 15 U.S.C. § 1125(a)(1)(A))

107. The LEGO Group hereby repeats and realleges paragraphs 1 through 94 of this Complaint as if fully set forth herein.

108. The actions of ZURU relating to the Infringing Figurines and Infringing Stud Trademarks are likely to cause confusion, mistake, or deception as to the origin, sponsorship, or

approval of the products and services and commercial activities of ZURU, and thus constitute trademark infringement, false designation of origin, and unfair competition with respect to the Minifigure Trademarks and Stud Trademarks, in violation of Section 43(a)(1)(A) of the Lanham Act, 15 U.S.C. § 1125(a)(1)(A).

109. Upon information and belief, the actions of ZURU described above have at all times relevant to this action been willful.

110. As a direct and proximate result of the actions of ZURU alleged above, the LEGO Group has been damaged and will continue to be damaged.

111. The LEGO Group has suffered and will continue to suffer irreparable harm from ZURU's infringing acts, unless ZURU's infringement is enjoined.

COUNT IV

(Common Law Trademark and Trade Dress Infringement, Unfair Competition, and Misappropriation)

112. The LEGO Group hereby repeats and realleges paragraphs 1 through 94 of this Complaint as if fully set forth herein.

113. ZURU's actions described above, including its manufacture, sale, offer for sale, display and distribution of the Infringing Products constitute common law trademark infringement, trade dress infringement, unfair competition, and misappropriation of the LEGO Group's goodwill under the common law of Connecticut and other states.

114. Upon information and belief, the actions of ZURU described above have at all times relevant to this action been willful.

115. As a direct and proximate result of the actions of ZURU alleged above, the LEGO Group has been damaged and will continue to be damaged.

116. The LEGO Group has suffered and will continue to suffer irreparable harm from ZURU's infringing acts, unless ZURU's infringement is enjoined.

COUNT V

(Copyright Infringement of Friends figurine)

117. The LEGO Group hereby repeats and realleges paragraphs 1 through 94 of this Complaint as if fully set forth herein.

118. The copyrighted Friends figurine comprises, in whole or in part, wholly original works of authorship that are copyrightable subject matter under the copyright laws of the United States, 17 U.S.C. §§ 101, *et seq.* The LEGO Group has complied in all respects with the laws governing copyright and has secured the rights and privileges in, to, and under the Friends Copyrights in the Friends figurine.

119. In violation of the LEGO Group's exclusive rights in the Friends figurine and the Friends Copyrights, ZURU has sold, and continues to sell, products including an Infringing Friends Image that is strikingly and substantially similar to the overall look and feel of the Friends figurine.

120. ZURU's unlawful conduct constitutes infringement of the LEGO Group's exclusive rights in the Friends Copyrights, including without limitation the LEGO Group's rights under 17 U.S.C. § 106.

121. Upon information and belief, as a direct and proximate result of ZURU's wrongful conduct, ZURU has realized and continues to realize profits and other benefits rightfully belonging to the LEGO Group.

122. As a result of ZURU's unlawful conduct, the LEGO Group has suffered and will continue to suffer damages.

123. The LEGO Group has suffered and will continue to suffer irreparable harm from ZURU's infringing acts, unless ZURU's infringement is enjoined.

COUNT VI

(Infringement of Asserted Patents Under 35 U.S.C. §§ 271 and 289)

124. The LEGO Group hereby repeats and realleges paragraphs 1 through 94 of this Complaint as if fully set forth herein.

125. ZURU has been and presently is infringing the Asserted Patents within this judicial district and elsewhere by making and selling Infringing Bricks that embody the patented designs disclosed in the Asserted Patents. ZURU's Infringing Bricks are included in at least certain sets identified in the Max Build More line of construction toy products: the Max Build More Building Bricks Value Set (759 Bricks), Max Build More Building Bricks Value Set (253 Bricks), and the Max Build More Building Bricks Accessories and Wheels Value Set (250 Pieces).

126. ZURU's Infringing Bricks so closely resemble the Asserted Patents that an ordinary observer would be deceived into purchasing the above-referenced ZURU Max Build More construction toy sets, displaying the Infringing Bricks on their product packaging, in the mistaken belief that it includes toy elements disclosed in the Asserted Patents. ZURU's Infringing Bricks infringe the Asserted Patents in violation of 35 U.S.C. §§ 271 and 289.

127. Upon information and belief, ZURU's infringement of the Asserted Patents is and has been willful.

128. The LEGO Group is entitled to recover damages adequate to compensate it for ZURU's infringement.

129. The LEGO Group has suffered and will continue to suffer irreparable harm from ZURU's infringing acts, unless ZURU's infringement is enjoined.

COUNT VII

(Violation of the Connecticut Unfair Trade Practices Act)

130. The LEGO Group hereby repeats and realleges paragraphs 1 through 94 of this Complaint as if fully set forth herein.

131. By engaging in the acts alleged above, ZURU has willfully and maliciously engaged in conduct offensive to public policy, governing statutes, common law principles, and established concepts of fairness.

132. ZURU's willful and malicious conduct was and is immoral, unethical, oppressive, and unscrupulous.

133. ZURU's conduct has caused and will continue to cause substantial injury to the LEGO Group and to the public interest.

134. ZURU committed such acts, and continues to commit such acts, in the conduct of trade or commerce.

135. The LEGO Group has suffered, and if ZURU is not enjoined will continue to suffer, an ascertainable loss of money or property as a result of ZURU's actions.

136. By virtue of the conduct above, ZURU has engaged in unfair competition and unfair or deceptive acts or practices in the conduct of trade or commerce in violation of the Connecticut Unfair Trade Practices Act, Conn. Gen. Stat. § 42-110a, *et seq.*

PRAYER FOR RELIEF

WHEREFORE, the LEGO Group requests judgment in its favor and against ZURU as follows:

1. A judgment that ZURU has infringed the Minifigure Copyrights;
2. A judgment that ZURU has infringed the Minifigure Trademarks;
3. A judgment that ZURU has infringed the Asserted Patents;
4. A judgment that ZURU has infringed the Friends Copyrights;
5. A judgment that ZURU has infringed the Stud Trademarks;
6. A judgment that ZURU has infringed the Trade Dress;
7. For a temporary restraining order, preliminary and permanent injunction restraining ZURU, its employees, and all persons in active concert or participation with ZURU or with any of the foregoing from:
 - a. manufacturing, selling, offering for sale, displaying or authorizing the sale of products, including the Infringing Products, containing unauthorized reproductions of the copyrighted and trademarked Minifigure figurine, including any figurine or image that is substantially similar to the Minifigure Copyrights or likely to be confused with the Minifigure Trademarks;
 - b. manufacturing, selling, offering for sale, or authorizing the sale of construction toy elements that are substantially similar to the Asserted Patents, including in the Infringing Products, or applying the patent design or any colorable imitation thereof to any article of manufacture for the purpose of sale;
 - c. manufacturing, selling, offering for sale, displaying or authorizing the sale of products that make use of the Infringing Stud Trademarks including use of any trademarks that are confusingly similar to the Stud Trademarks;
 - d. manufacturing, selling, offering for sale, displaying, or authorizing the sale of products and product packaging that make use of the Infringing Trade Dress including use of any trade dress that is confusingly similar to the LEGO Group's Trade Dress;
 - e. manufacturing, selling, offering for sale, displaying or authorizing the sale of products, including the Infringing Products, containing unauthorized

reproductions of the copyrighted Friends figurine including any figurine or image that is substantially similar to the Friends Copyrights;

8. An order that ZURU be directed to file with this Court and serve on the LEGO Group within thirty days after the service of an injunction, a report, in writing and under oath, confirming all copies of the Infringing Figurines, Infringing Bricks, Infringing Images, Infringing Friends Images, products and product packaging using the Infringing Trade Dress and Infringing Stud Trademarks and means for copying the same, have been destroyed;

9. Awarding the LEGO Group its actual damages and ZURU's profits in an amount to be determined at trial or statutory damages pursuant to 17 U.S.C. § 504, 35 U.S.C. § 284, and 15 U.S.C. § 1117 and other applicable laws;

10. Awarding the LEGO Group its reasonable attorney's fees and costs; and

11. Such other and further relief as the Court deems appropriate.

DEMAND FOR JURY TRIAL

Pursuant to Rule 38 of the Federal Rules of Civil Procedure, the LEGO Group demands trial by jury in this action of all issues triable by jury in this matter.

Dated: December 13, 2018

Respectfully submitted,

/s/ Elizabeth A. Alquist
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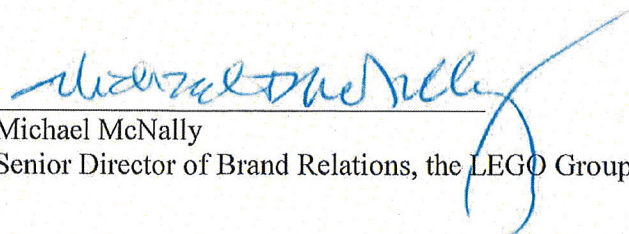
LEGO A/S, LEGO SYSTEMS, INC., and
LEGO Juris A/S

VERIFICATION

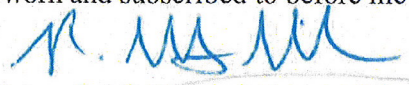
STATE OF CONNECTICUT)
)
COUNTY OF HARTFORD)

SS.

I, Michael McNally, being duly sworn, depose and say I am employed by the LEGO Group as Senior Director of Brand Relations, that I have read the foregoing Verified Complaint, and that the allegations set forth therein are true and correct to the best of my knowledge and information.


Michael McNally
Senior Director of Brand Relations, the LEGO Group

Sworn and subscribed to before me this 13th day of December, 2018.


Notary Public/Commissioner of the Superior Court
My Commission Expires on:

CERTIFICATION

I hereby certify that on December 13, 2018, a copy of the foregoing was filed electronically and served by mail on anyone unable to accept electronic filing. Notice of this filing will be sent by e-mail to all parties by operation of the Court's electronic filing system or by mail to anyone unable to accept electronic filing as indicated on the Notice of Electronic Filing. Parties may access this filing through the Court's CM/ECF System.

/s/ Elizabeth A. Alquist

Elizabeth A. Alquist