

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK  
MANHATTAN DIVISION**

<b>Jezign Licensing, LLC,</b>  Plaintiff,  v.  <b>Maxima Apparel Corp.,</b>  Defendant.	Case No. _____  Patent Case  Jury Trial Demanded
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**COMPLAINT FOR PATENT INFRINGEMENT**

Plaintiff Jezign Licensing, LLC (“Jezign”), through its attorney, Isaac Rabicoff, complains against Maxima Apparel Corp. (“Defendant”) and alleges the following:

**PARTIES**

1. Plaintiff Jezign Licensing, LLC is a limited liability company organized and existing under the laws of New York with its principal place of business at 287 Bowman Avenue, Purchase, NY 10577.

2. Defendant Maxima Apparel Corp. is a corporation organized and existing under the laws of New York with its principal place of business at 463 7th Avenue, Suite 802, New York, NY 10018.

**JURISDICTION**

3. This is an action for patent infringement arising under the patent laws of the United States, Title 35 of the United States Code.

4. This Court has exclusive subject matter jurisdiction under 28 U.S.C. §§ 1331 and 1338(a).

5. This Court has personal jurisdiction over Defendant because it has engaged in systematic and continuous business activities in the Southern District of New York. Specifically, Defendant provides its full range of services to residents in this District and, is incorporated in New York. As described below, Defendant has committed acts of patent infringement giving rise to this action within this District.

#### **VENUE**

6. Venue is proper in this District under 28 U.S.C. § 1400(b) because Defendant has committed acts of patent infringement in this District, maintains a regular and established business in this District, and is incorporated in New York. In addition, Jezign has suffered harm in this District.

#### **PATENT-IN-SUIT**

7. Jezign is the assignee of all right, title, and interest in United States Design Patent No. 554,848 (the “’848 Patent,” or the “Patent-in-Suit”), including all rights to enforce and prosecute actions for infringement and to collect damages for all relevant times against infringers of the Patent-in-Suit. Accordingly, Jezign possesses the exclusive right and standing to prosecute the present action for infringement of the Patent-in-Suit by Defendant. On November 13, 2007, the United States Patent and Trademark Office issued the ’848 Patent. The ’848 Patent is titled “Illuminated Shoe Lower.” The application leading to the ’848 Patent was filed on November 15, 2004, which was a continuation of U.S. Application No. 10/386,509; which was a continuation-in-part of U.S. Application No. 09/963,787. A true and correct copy of the ’848 Patent is attached hereto as Exhibit A and incorporated herein by reference.

**COUNT I: INFRINGEMENT OF THE '848 PATENT**

8. Jezign owns the exclusive rights in the ornamental designs claimed in the '848 Patent.

9. The '848 Patent is valid and enforceable.

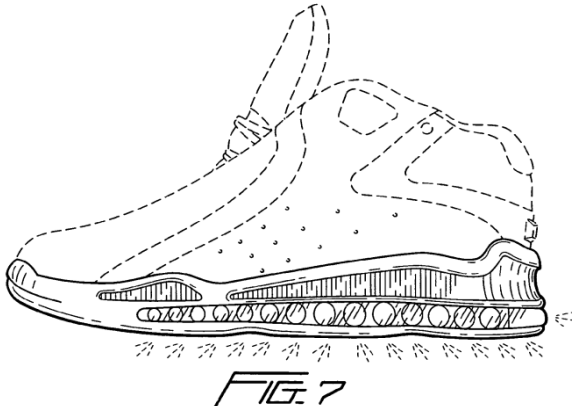

10. Without Jezign's authorization, Defendant made, used, offered for sale, sold and/or imported into the United States shoes having designs that infringe the '848 Patent (the "Infringing Shoes"). The Infringing Shoes include at least the model named Metallic Super Nova and shoes bearing the same or substantially similar infringing designs, regardless of model name.

11. The overall appearance and placement of the Infringing Shoes' illumination system within the sole is substantially the same as the design claimed in the '848 Patent.

12. The overall appearance and placement of the Infringing Shoes' illumination system within the sole is substantially the same as the design claimed in the '848 Patent.

13. An ordinary observer will perceive the substantial similarity of Jezign's '848 Patent and the corresponding design of Defendant's Infringing Shoes.

14. The table below illustrates Defendant's infringement by comparing a figure from the '848 Patent with an exemplary image of Defendant's Infringing Shoes.

'848 Patent Figures	Exemplary Infringing Shoes
 <p>FIG. 7</p>	

*See* <https://hoverkicks.com/collections/big-kids/products/metallic-super-nova?variant=45692001294> (Exemplary Infringing Shoes)

15. Jezign has been and will continue to be irreparably harmed by Defendant's infringement of the '848 Patent.

**PRAYER FOR RELIEF**

WHEREFORE, Jezign respectfully requests the following relief:

- A. A judgment that Defendant has infringed the ornamental designs claimed in the '848 Patent;
- B. A judgment that the '848 Patent is valid and enforceable.
- C. An accounting of all damages not presented at trial;
- D. A judgment that awards Jezign Licensing all appropriate damages under 35 U.S.C. § 284 for Defendant's past infringement, and any continuing or future infringement of the '848 Patent, up until the date such judgment is entered, including pre- or post-judgment interest, costs, and disbursements as justified under 35 U.S.C. § 284 and, if necessary, to adequately compensate Jezign Licensing for Defendant's infringement, an accounting:
  - i. that this case be declared exceptional within the meaning of 35 U.S.C. § 285 and that Jezign Licensing be awarded its reasonable attorneys' fees against Defendant that it incurs in prosecuting this action;
  - ii. that Jezign Licensing be awarded costs, and expenses that it incurs in prosecuting this action; and

- iii. that Jezign Licensing be awarded such further relief at law or in equity as the Court deems just and proper.

Dated: May 29, 2019

Respectfully submitted,

/s/ Isaac Rabicoff

Isaac P. Rabicoff

*(Pro Hac Vice Admission Pending)*

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**Counsel for Plaintiff**