

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

KISS NAIL PRODUCTS, INC.,

Plaintiff,

v.

ENTRECAP CORP., PACIFIC WORLD
CORPORATION, and
NEW COSMAR CORPORATION,

Defendants,

CV 02 _____

SEYBERT, J.

BOYLE, M.J.

U.S. DISTRICT COURT
EASTERN DISTRICT
OF NEW YORK
2002 APR 19 P 4:11
4/23/02

CV 02 2373
COMPLAINT

Plaintiff Kiss Nail Products, Inc., for its Complaint herein, avers as follows:

Jurisdiction

1. This is an action for a judgment of patent infringement arising under the patent laws of the United States, Title 35, United States Code. This Court has original jurisdiction over the subject matter of this action pursuant to 28 U.S.C. 1331 and 1338(a).

Parties

2. Plaintiff Kiss Nail Products, Inc. is a corporation organized and existing under the laws of the State of New York, having a place of business at 2 Harbor Park Drive, Port Washington, New York.

3. Upon information and belief, defendant Entrecap Corp. ("Entrecap") is a corporation organized and existing under the laws of the State of California, having a place of business at 853 Vio Alondra, Camarillo, California, 93012, and is currently transacting business in this Judicial District through its "Fing'rs" division by making, selling and shipping into this

Judicial District, or using or offering to sell, or causing others to use, sell or offer to sell, artificial fingernail products. Defendant Entrecap derives substantial revenue from interstate or international commerce, including substantial revenue from goods used or consumed or services rendered in the State of New York and in this Judicial District. Defendant Entrecap has committed, and unless enjoined will continue to commit, tortious acts without the State of New York that Entrecap expects or should reasonably expect to have consequences in the State of New York.

4. Upon information and belief, defendant Pacific World Corporation ("Pacific") is a corporation organized and existing under the laws of the State of California, having a place of business at 25791 Commercentre Drive, Lake Forest, California, 92630, and is currently transacting business in this Judicial District by making, selling and shipping into this Judicial District, or using or offering to sell, or causing others to use, sell or offer to sell, artificial fingernail products. Defendant Pacific derives substantial revenue from interstate or international commerce, including substantial revenue from goods used or consumed or services rendered in the State of New York and in this Judicial District. Defendant Pacific has committed, and unless enjoined will continue to commit, tortious acts without the State of New York that Pacific expects or should reasonably expect to have consequences in the State of New York.

5. Upon information and belief, defendant New Cosmar Corporation. ("Cosmar") is a corporation organized and existing under the laws of the State of Delaware, having a place of business at 16331 Gothard Street, Suite D, Huntington Beach, California, 92647-3664, by making, selling and shipping into this Judicial District, or using or offering to

sell, or causing others to use, sell or offer to sell, artificial fingernail products. Defendant Cosmar derives substantial revenue from interstate or international commerce, including substantial revenue from goods used or consumed or services rendered in the State of New York and in this Judicial District. Defendant Cosmar has committed, and unless enjoined will continue to commit, tortious acts without the State of New York that Cosmar expects or should reasonably expect to have consequences in the State of New York.

The Patent In Suit

6. United States Patent No. 6,354,304, entitled "Artificial Nail Having Clear Nail Bed Portion And French Manicure" ("Chang '304 patent") a copy of which is attached hereto as Exhibit A, was duly and legally issued on March 12, 2002, naming Yong Jin Chang as the inventor.

7. Plaintiff is the lawful owner of all right, title and interest in and to the Chang '304 patent, including all right to sue and to recover for past infringement thereof.

Infringement Of The Patent In Suit

8. The manufacture, use and sale of Entrecap's "Fing'rs" "California Girl" nails are acts of infringement of the Chang '304 patent under the United States Patent Law, 35 U.S.C. 271.

9. Upon information and belief, defendant Entrecap has been aware of the existence of the Chang '304 patent but nevertheless has been and is now infringing and causing others to infringe the Chang '304 patent by continuing to sell its "Fing'rs" "California Girl" nails in the United States. This infringement by defendant Entrecap has been willful and deliberate

and in total disregard of plaintiff's lawful rights under the Chang '304 patent thus rendering this case "exceptional" as that term is set forth in 35 U.S.C. 285.

10. The manufacture, use and sale of Pacific's "Nailene" brand "Completely Airbrush Nails" and "Airbrush Color Express" nails are acts of infringement of the Chang '304 patent under 35 U.S.C. 271.

11. Upon information and belief, defendant Pacific has been aware of the existence of the Chang '304 patent but nevertheless has been and is now infringing and causing others to infringe the Chang '304 patent by continuing to sell its "Nailene" brand "Completely Airbrush Nails" and "Airbrush Color Express" nails in the United States. This infringement by defendant Pacific has been willful and deliberate and in total disregard of plaintiff's lawful rights under the Chang '304 patent thus rendering this case "exceptional" as that term is set forth in 35 U.S.C. 285.

12. The manufacture, use and sale of Cosmar's "Twist And Go" nails are acts of infringement of the Chang '304 patent under 35 U.S.C. 271.

13. Upon information and belief, defendant Cosmar has been aware of the existence of the Chang '304 patent but nevertheless has been and is now infringing and causing others to infringe the Chang '304 patent by continuing to sell its "Twist And Go" nails in the United States. This infringement by defendant Cosmar has been willful and deliberate and in total disregard of plaintiff's lawful rights under the Chang '304 patent thus rendering this case "exceptional" as that term is set forth in 35 U.S.C. 285.

Prayer For Relief

WHEREFORE, plaintiff prays for judgment:A. Adjudging that the Chang '304 patent is valid and enforceable;

A. Adjudging that defendant Entrecap has infringed the Chang '304 patent and that such infringement has been willful and deliberate;

B. Permanently enjoining defendant Entrecap, its officers, agents, servants, employees, parents, subsidiaries, affiliate corporations, other related business entities and all other persons acting in concert, participation or in privity with it, and its successors and assigns, from any commercial manufacture, use, offer to sell or sale within the United States, or importation into the United States, of any product that infringes the Chang '304 patent;

C. Adjudging that defendant Pacific has infringed the Chang '304 patent and that such infringement has been willful and deliberate;

D. Permanently enjoining defendant Pacific, its officers, agents, servants, employees, parents, subsidiaries, affiliate corporations, other related business entities and all other persons acting in concert, participation or in privity with it, and its successors and assigns, from any commercial manufacture, use, offer to sell or sale within the United States, or importation into the United States, of any product that infringes the Chang '304 patent;

E. Adjudging that defendant Cosmar has infringed the Chang '304 patent and that such infringement has been willful and deliberate;

F. Permanently enjoining defendant Cosmar, its officers, agents, servants, employees, parents, subsidiaries, affiliate corporations, other related business entities and all

other persons acting in concert, participation or in privity with it, and its successors and assigns, from any commercial manufacture, use, offer to sell or sale within the United States, or importation into the United States, of any product that infringes the Chang '304 patent;

G. Awarding plaintiff damages, together with prejudgment interest and costs, against each of Entrecap, Pacific and Cosmar to the extent provided by 35 U.S.C.

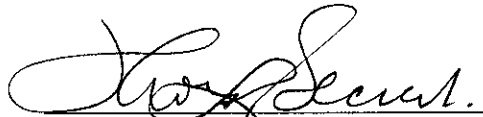
H. Trebling the damages awarded against each defendant, as provided by 35 U.S.C. 284;

I. Declaring this an exceptional case and awarding plaintiff its attorneys fees, as provided by 35 U.S.C. 285; and

J. Awarding plaintiff such other and further relief as this Court may deem just and proper.

Respectfully submitted,

Dated: April 18, 2002



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US006354304B1

(12) **United States Patent**
Chang

(10) **Patent No.:** US 6,354,304 B1
(45) **Date of Patent:** Mar. 12, 2002

(54) **ARTIFICIAL NAIL HAVING CLEAR NAIL BED PORTION AND FRENCH MANICURE**

(75) **Inventor:** Yong Jin Chang, Manhasset, NY (US)

(73) **Assignee:** Kiss Products, Inc., Port Washington, NY (US)

(*) **Notice:** Subject to any disclaimer, the term of this patent is extended or adjusted under 35 U.S.C. 154(b) by 0 days.

(21) **Appl. No.:** 09/616,404

(22) **Filed:** Jul. 14, 2000

(51) **Int. Cl.7** A45D 29/00

(52) **U.S. Cl.** 132/200; 132/73

(58) **Field of Search** 132/73, 73.5, 285, 132/200, 74.5; 206/581, 813, 81

(56) **References Cited**

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Primary Examiner—Todd E. Manahan

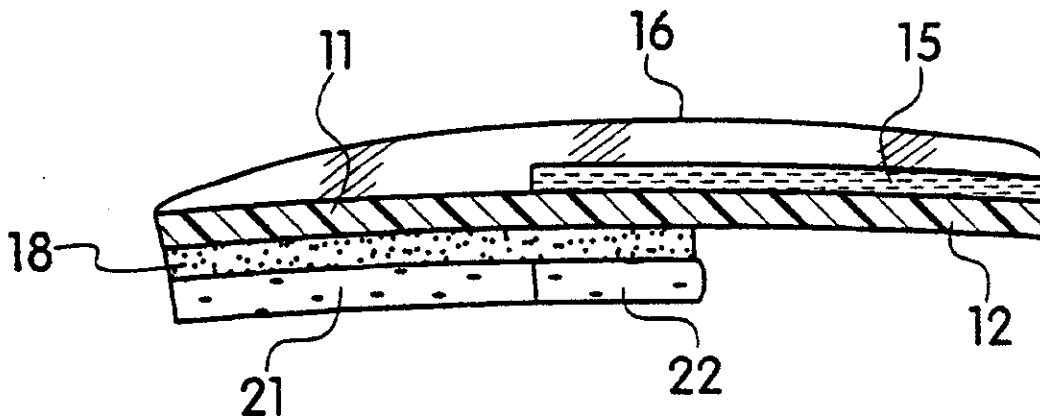
Assistant Examiner—David C. Comstock

(74) *Attorney, Agent, or Firm*—Hoffmann & Baron, LLP

(57) **ABSTRACT**

An artificial fingernail, fingernail kit and a method of applying the artificial fingernails to natural nails. The artificial fingernail comprises a nail body made from transparent plastic and having a nail bed portion and a nail tip portion. The nail bed portion corresponds in size and shape to the nail bed of a natural fingernail and is applied over a natural fingernail. The nail tip portion contains opaque decorations that obscure a natural nail tip when the artificial fingernail is applied over a natural fingernail. The artificial fingernail is applied to the natural nail with a translucent pink adhesive. This way, the artificial fingernail has the color and appearance of a natural fingernail. This is especially important when doing a french manicure.

6 Claims, 1 Drawing Sheet



U.S. Patent

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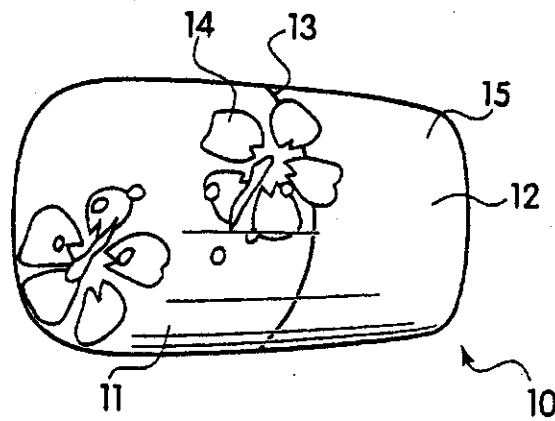


FIG. 1

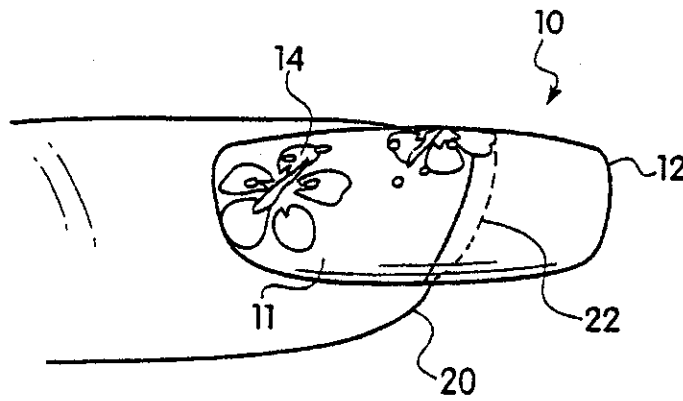


FIG. 2

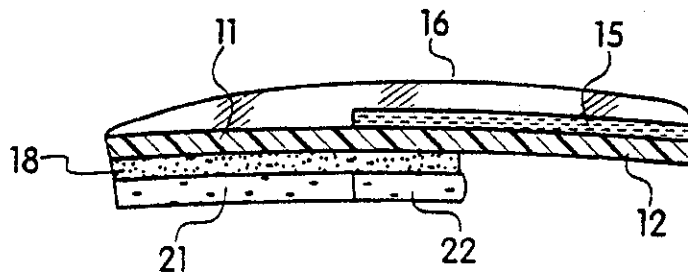


FIG. 3

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ARTIFICIAL NAIL HAVING CLEAR NAIL BED PORTION AND FRENCH MANICURE

BACKGROUND OF THE INVENTION

1. Field of the Invention

This invention relates to an artificial nail and to a method of applying the artificial nail to a natural fingernail. In particular, the invention relates to an artificial nail that has the appearance of a natural nail once it is applied.

2. The Prior Art

Traditional artificial fingernails are made of an opaque hard, flexible plastic. They are applied over natural nails with an adhesive and then covered with nail polish. These nails look like natural nails only when covered with polish, because the artificial nails completely obscure the natural nail bed underneath.

Because of the opacity of the artificial nails, a french-style manicure is impossible. A french manicure is one in which only the nail tip is colored, (usually white) and the nail bed is left a natural color or tinted only slightly pink. Attempts at a french manicure with artificial nails do not look natural, because the opaque artificial nail bed portion cannot be made to look like a natural nail bed.

SUMMARY OF THE INVENTION

It is therefore an object of the invention to provide an artificial nail and a method for applying the nail, in which the natural nail bed is visible, and the entire nail looks as if it were a natural nail.

It is another object of the invention to provide an artificial nail that can be easily applied by a consumer without the need for an experienced nail technician.

It is a further object of the invention to provide an artificial nail that is simple and inexpensive to manufacture.

These and other objects of the invention are accomplished by an artificial fingernail comprising a nail body made from transparent material and having a nail bed portion and a nail tip portion. The nail bed portion corresponds in size and shape to the nail bed of a natural fingernail and is applied over a natural fingernail. The nail tip portion contains opaque decorations that obscure a natural nail tip when the artificial fingernail is applied over a natural fingernail. This way, the artificial fingernail has the color and appearance of a natural fingernail. This is especially important when doing a french manicure.

The artificial nail is preferably made from ABS (acrylonitrile butadiene styrene) plastic. However, other materials could also be used.

To give the appearance of a french manicure, the opaque decorations comprise white paint over the entire nail tip portion. Other decorations could also be done. To give an even more decorative appearance, decorative designs can be applied over all or a portion of the nail. Such designs can include air-brushed or printed flowers, birds, or any other designs. These designs are used in addition to the decoration that covers the area corresponding to a natural nail tip. It is important that the natural nail tip not be visible through the artificial nail, because the artificial nail would not look natural. Only the natural nail bed is visible through the artificial nail.

The artificial nail is preferably coated with a top coat of transparent sealer to protect the decoration and designs. Thus, the nail comes pre-finished and does not need any additional polish once it is applied to the natural fingernails.

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The invention also includes an artificial fingernail fingernail kit, comprising at least 10 of the artificial nails described above, along with a portion of a translucent pink adhesive. The adhesive is preferably an ethylcyanoacrylate, but other adhesives could also be used. The natural nail color is visible through both the adhesive and artificial nail when the artificial nail is applied to a natural nail with the adhesive.

The invention also comprises a method of applying artificial fingernails, comprising applying the translucent pink adhesive to the artificial nail described above, and placing the artificial nail over a natural nail, so that the natural nail bed is visible through the artificial nail and the adhesive.

BRIEF DESCRIPTION OF THE DRAWINGS

Other objects and features of the present invention will become apparent from the following detailed description considered in connection with the accompanying drawings. It is to be understood, however, that the drawings are designed as an illustration only and not as a definition of the limits of the invention.

In the drawings, wherein similar reference characters denote similar elements throughout the several views:

FIG. 1 shows a top view of the artificial nail according to the invention;

FIG. 2 shows a side view of the artificial nail as applied to a natural fingernail; and

FIG. 3 shows a schematic cross-sectional view of the layers of natural nail, artificial nail and paint according to the invention.

DETAILED DESCRIPTION OF THE PREFERRED EMBODIMENT

Referring now in detail to the drawings FIGS. 1 and 2 show the artificial nail 10 according to the invention. Artificial nail 10 is made of a transparent plastic and comprises a nail bed portion 11, and a nail tip portion 12. The dividing line 13 between bed portion 11 and tip portion 12 corresponds to the transition of a natural nail from bed to tip. Tip portion 12 is painted with an opaque white paint 15 to resemble a french manicure. Additional designs 14 are applied over the bed portion 11 and tip portion 12 to enhance the nail's appearance.

To apply nail 10 to a natural fingernail, a translucent pink adhesive 18, shown in FIG. 3, is applied to nail bed portion 11, in a conventional manner. Nail 10 is then placed on top of a natural nail 21 on finger 20, as shown in FIGS. 2 and 3. The natural nail tip 22 extends out under tip portion 12, but is not visible through nail 10, due to the decoration painted on nail tip 12. However, nail bed portion 11 is transparent, and the natural nail bed 21 is visible through bed portion 11. This way, artificial nail 10 resembles a natural nail. Preferably, a transparent top coat easier 16 is applied over the entire artificial nail to protect decoration 15.

The artificial nails 10 according to the invention preferably made of ABS plastic, and can be trimmed and ed to a desired size and shape. Accordingly, while only a single embodiment of the sent invention has been shown and described, it is obvious that many changes and modifications may be made thereunto without departing from the spirit and scope of the invention.

What is claimed is:

1. An artificial fingernail, comprising a nail body made from transparent material and having a nail bed portion and a nail tip portion that generally corresponds to the transition of a natural nail from bed to tip, the nail bed portion being

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entirely substantially clear and transparent and corresponding in size and shape to the nail bed of a natural fingernail, and adapted to be adhered to a natural fingernail to display substantially of the natural nail bed therethrough, all and said nail tip portion being painted with an opaque decoration 5 that obscures a natural nail tip when said artificial fingernail is applied over a natural fingernail.

2. The artificial fingernail according to claim 1, wherein the opaque decoration comprises white paint covering the entire nail tip portion, to give the appearance of a french 10 manicure.

3. The artificial fingernail according to claim 1, further comprising decorative designs applied over the entire fingernail.

4. The artificial fingernail according to claim 1, further comprising a transparent sealer applied over the artificial nail, to protect the decoration.

5. An artificial fingernail kit, comprising:

at least ten artificial fingernails, each nail comprising a nail body made from transparent plastic and having a nail bed portion and a nail tip portion and a dividing line between the nail bed portion and the nail tip portion that generally corresponds to the transition of a natural nail from bed to tip, the nail bed portion being entirely substantially clear and transparent and corresponding 25 in size and shape to the nail bed of a natural fingernail, and adapted to be adhered to a natural fingernail to display substantially all of the natural nail bed to be visible therethrough, wherein said nail tip portion contains an opaque decoration painted thereon that

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obscures a natural nail tip when said artificial fingernail is applied over a natural fingernail; and

a translucent pink adhesive, wherein the natural nail color is visible through the adhesive and artificial nail when the artificial nail is applied to a natural nail with the adhesive.

6. A method of applying artificial fingernails, comprising: applying a translucent pink adhesive to an artificial nail, said artificial nail comprising a nail body made from transparent material and having a nail bed portion and a nail tip portion and a dividing line between the nail bed portion and the nail tip portion that generally corresponds to the transition of a natural nail from bed to tip, the nail bed portion corresponding in size and shape to the nail bed of a natural fingernail, and said nail tip portion being entirely substantially clear and transparent and being painted with an opaque decoration that obscures a natural nail tip when said artificial fingernail is applied over a natural fingernail, wherein said adhesive is applied to the nail bed portion only; and

placing the nail bed portion over a natural nail bed, such that the dividing line of the artificial nail is substantially aligned with the transition of the natural nail from bed to tip wherein the artificial nail adheres to the natural nail bed and the natural nail bed is visible through the adhesive and the nail bed portion of the artificial nail.

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