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7 **UNITED STATES DISTRICT COURT**
8 **SOUTHERN DISTRICT OF CALIFORNIA**

9 **JEZIGN LICENSING, LLC**, a New
10 York company,

11 Plaintiff,

12 v.

13 **4Q ENTERPRISE LTD. d/b/a**
14 **SAUCE AVENUE, d/b/a SBEEZY**
LIGHTS, a Nevada company,

15 Defendant.

Case No. 3:20-cv-01435-DMS-JLB

**FIRST AMENDED COMPLAINT
FOR PATENT INFRINGEMENT**

DEMAND FOR JURY TRIAL

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17 For its Complaint, Jezign Licensing, LLC (“Jezign”) alleges as follows:

18 **Nature of This Action**

19 1. This is a design patent infringement action brought by Jezign against
20 4Q Enterprise LTD. d/b/a Sauce venue (“4Q”) based on Defendant’s ongoing willful
21 infringement of U.S. Design Patent No. D554,848 (“the ‘848 patent”). Attached
22 hereto as Exhibit A is a true and correct copy of the ‘848 patent, which was issued
23 November 13, 2007, is entitled “Illuminated shoe lower”, and is owned by Jezign.

24 **Jurisdiction and Venue**

25 2. Jezign is a New York company with a principal place of business in
26 Silver Spring, Maryland.
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3. Defendant 4Q is a Nevada company with a principal place of business in Las Vegas, Nevada.

4. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. § 1338.

5. This Court has personal jurisdiction over Defendant because 4Q regularly conducts business in California and has incurred the liability complained of herein in California.

6. Venue is proper in this District pursuant to 28 U.S.C. §§ 1391(b)(1)-(2) and 1400.

Factual Background

7. Jezign is an innovative footwear company started by Jez Marston, the named inventor of the patent-in-suit. Since at least 2000, Jezign and/or its affiliates have been perfecting the design and technology of its unique illuminated footwear. Jezign’s shoes and patent differ from previous patents and shoes as a result of the design and placement of the illumination system, whereas other patents and shoes have a different design and placement of their lights.

8. Upon information and belief, Sbeezy Lights is d/b/a of 4Q, as shown in 4Q’s profile on the Better Business Bureau’s website.

9. Upon information and belief, Sbeezy Lights is an apparel company that sells and/or previously sold the Sbeezy Lights brand of shoes.

10. Upon information and belief, Defendant sells and/or previously sold Sbeezy Lights shoes via its website www.sbeezylights.com.

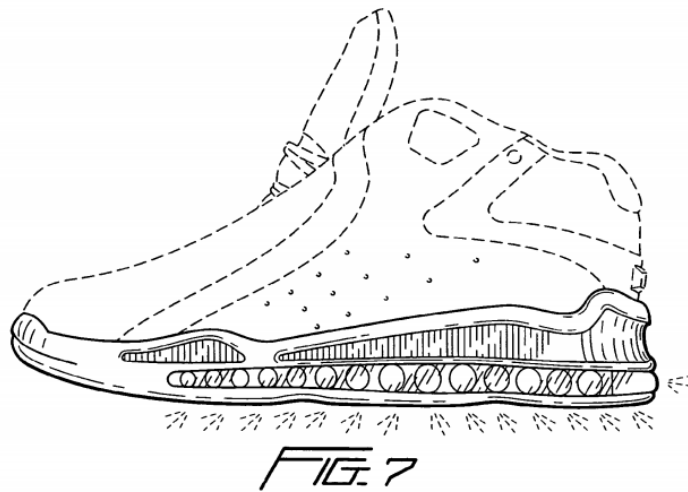
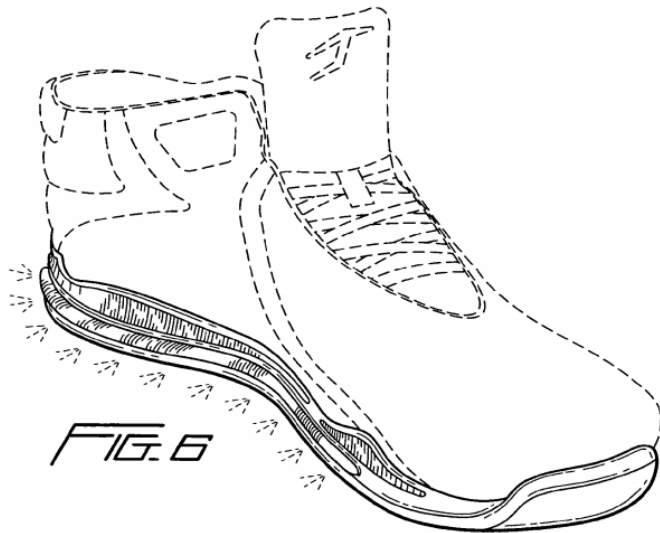
11. Upon information and belief, www.sbeezylights.com sold Sbeezy Lights shoes to consumers in California.

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Infringement of U.S. Design Patent No D554,848

12. Jezign lawfully owns U.S. Design Patent No. D554,848 and holds all rights, title, and interest in the patent. The patent-in-suit is valid, enforceable, and currently in full force and effect.

13. The claimed design of the patent-in-suit is shown in Figures 1-9 of the patent. Representative images are below:



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14. Defendant sells and/or previously sold products including the Sbeezy Lights shoes for sale via online retailers (“the Infringing Products”). Images of 4Q’s shoes are shown below:



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15. In the eye of the ordinary observer familiar with the relevant prior art, giving such attention as a purchaser usually gives, the claimed design of the patent-in-suit and the design of the Sbeezy Lights shoes are substantially the same, such that the ordinary observer would be deceived into believing that the design of the Sbeezy Lights shoes is the design claimed in the patent-in-suit.

16. Defendant has directly infringed, and continue to directly infringe, the patent-in-suit by making, using, offering to sell, selling and/or importing shoes, including the Sbeezy Lights shoes, having substantially the same ornamental design as the design claimed in the patent-in-suit, in violation of 35 U.S.C. §§ 271(a) and 289.

17. Defendant has had actual knowledge of the patent-in-suit since at least the date on which Defendant received service of the complaint in this action.

18. Upon information and belief, Defendant has sold and/or continues to sell, offered to sell, distributed and marketed shoes that infringe the patent-in-suit to end consumers and/or resellers with the intent that these parties will use, market, offer to sell and/or sell the products in the United States in a manner that infringes the patent-in-suit.

19. Upon information and belief, Defendant knew or should have known that the use, marketing, offering to sell, and selling of the infringing products by Defendant or its resellers and/or customers would directly infringe on the patent-in-suit.

20. Defendant's direct and induced infringement of the patent-in-suit has caused and will continue to cause damage to Jezign.

21. Defendant's direct and induced infringement has also caused and will continue to cause irreparable harm to Jezign unless and until such infringing conduct is enjoined pursuant to 35 U.S.C. § 283 and/or the equitable powers of this Court.

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22. Upon information and belief, Defendant’s acts of infringement have been undertaken with knowledge of the patent-in-suit. Such acts constitute willful infringement and make this case exceptional pursuant to 35 U.S.C. §§ 284 and 285, and entitle Jezign to enhanced damages and reasonable attorney fees.

Prayer for Relief

Plaintiff prays for judgment as follows:

A. An Order preliminarily and permanently enjoining and restraining Defendant from manufacturing, distributing, licensing, using, copying, reproducing, displaying, adapting, offering for sale, and/or selling any product (including, but not limited to, the Infringing Products) that infringes the patent-in-suit;

B. An Order directing an accounting to determine Defendant’s profits resulting from their unlawful activities;

C. An Order awarding Jezign compensation for any and all damages, injury or harm pursuant to 35 U.S.C. §§ 284 and 289;

D. An Order directing Defendant to pay full restitution and/or disgorgement of all profits, including any lost profits, and benefits that may have been obtained by Defendant as a result of its wrongful conduct pursuant to 35 U.S.C. §§ 284 and 289;

E. An Order awarding Jezign treble damages resulting from Defendant’s willful and intentional conduct pursuant to 35 U.S.C. §§ 284 and 289;

F. An Order awarding Jezign punitive and exemplary damages;

G. An Order awarding Jezign its reasonable costs and attorneys’ fees, and a Declaration that this case is “exceptional” within the meaning of 35 U.S.C. § 285; and

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H. Such further relief as this Court deems just and proper.

Dated: June 17, 2021

Respectfully submitted,

SML Avvocati P.C.

By: /s/ Stephen M. Lobbin
Attorneys for Plaintiff

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JURY TRIAL DEMAND

Pursuant to Fed. R. Civ. P. 38(b)(1) and (c), Plaintiff hereby demands a jury trial on all the issues in this action so triable of right by a jury.

Dated: June 17, 2021

Respectfully submitted,

SML Avvocati P.C.

By: /s/ Stephen M. Lobbin
Attorneys for Plaintiff

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CERTIFICATE OF SERVICE

I hereby certify that on June 17, 2021, I electronically transmitted the foregoing document using the CM/ECF system for filing, which will transmit the document electronically to all registered participants as identified on the Notice of Electronic Filing, and paper copies have been served on those indicated as non-registered participants.

/s/ Stephen M. Lobbin