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10 PETJAMAS LLC

11 UNITED STATES DISTRICT COURT
12 FOR THE SOUTHERN DISTRICT OF CALIFORNIA

13 PETJAMAS LLC, a Delaware Limited Liability
14 Company,

15 Plaintiff,

16 v.

17 JORDAN DREW CORPORATION, a New York
18 corporation, and SAS GROUP, INC., a New York
19 corporation,

20 Defendants.

Case No.: '12CV2708 WQHVMC

**COMPLAINT FOR PATENT
INFRINGEMENT IN VIOLATION
OF 35 U.S.C. § 271**

DEMAND FOR JURY TRIAL

21 Plaintiff Petjamas LLC (hereinafter “Plaintiff” or “Petjamas”), by and through its
22 undersigned counsel, hereby brings this action against Defendants JORDAN DREW
23 CORPORATION and SAS GROUP, INC. (collectively “Defendants”), and alleges as follows:

24 The Parties

25 1. Plaintiff Petjamas LLC (“Plaintiff” or “Petjamas”) is a corporation organized
26 under the laws of the State of Delaware, and has a principal place of business at 525 B St.,
27 Suite 2200, San Diego, California 92101.

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1 **FIRST CLAIM**

2 **(Infringement of U.S. Design Patent No. D670,123)**

3 11. U.S. Design Patent No. D670,123 was duly and lawfully issued on November 6,
4 2012 (“the ‘123 Pillowcase Patent”). A true and correct copy of this patent is attached hereto as
5 Exhibit 1.

6 12. Plaintiff Petjamas LLC is the owner of the ‘123 Pillowcase Patent, and has
7 standing to sue for infringement of the ‘123 Pillowcase Patent.

8 13. Plaintiff is informed and believes and based thereon alleges that Defendant has
9 been, and is currently, infringing the ‘123 Pillowcase Patent in violation of 35 U.S.C. § 271 under
10 the doctrine of equivalents and/or by direct infringement, by making, using, offering for sale
11 and/or selling pillowcases by the claim of the ‘123 Pillowcase Patent, and/or inducing others to
12 do the same.

13 14. Plaintiff is informed and believes and based thereon alleges that Defendant’s acts
14 of infringement will continue after service of this complaint, and as such is willful and deliberate,
15 rendering this case appropriate for treble damages under 35 U.S.C. § 284, additional damages to
16 the extent of Defendant’s total profit under 35 U.S.C. § 289, and making this an exceptional case
17 under 35 U.S.C. § 285.

18 15. As a result of Defendant’s infringement, Plaintiff has suffered, and will continue
19 to suffer, damages in the form of, among other things, lost profits, and is entitled to recover at a
20 minimum a reasonable royalty. Unless Defendant is enjoined by this Court from continuing its
21 infringement of the ‘123 Pillowcase Patent, Plaintiff will suffer additional irreparable damages
22 and impairment of the value of its patent rights. Thus, an injunction against further infringement
23 is appropriate.

24 **SECOND CLAIM**

25 **(Infringement of U.S. Design Patent No. D670,121)**

26 16. U.S. Design Patent No. D670,121 was duly and lawfully issued on November 6,
27 2012 (“the ‘121 Pillowcase Patent”). A true and correct copy of this patent is attached hereto as
28 Exhibit 2.

1 and/or selling pillowcases by the claim of the ‘823 Pillowcase Patent, and/or inducing others to
2 do the same.

3 31. Plaintiff is informed and believes and based thereon alleges that Defendant’s acts
4 of infringement will continue after service of this complaint, and as such is willful and deliberate,
5 rendering this case appropriate for treble damages under 35 U.S.C. § 284, additional damages to
6 the extent of Defendant’s total profit under 35 U.S.C. § 289, and making this an exceptional case
7 under 35 U.S.C. § 285.

8 32. As a result of Defendant’s infringement, Plaintiff has suffered, and will continue
9 to suffer, damages in the form of, among other things, lost profits, and is entitled to recover at a
10 minimum a reasonable royalty. Unless Defendant is enjoined by this Court from continuing its
11 infringement of the ‘823 Pillowcase Patent, Plaintiff will suffer additional irreparable damages
12 and impairment of the value of its patent rights. Thus, an injunction against further infringement
13 is appropriate.

14 **PRAYER FOR RELIEF**

15 WHEREFORE, Plaintiff Petjamas LLC prays for judgment as follows:

16 **AS TO THE FIRST CLAIM:**

17 A. That judgment be entered that Defendants Jordan Drew Corporation and SAS
18 Group, Inc. have willfully infringed Petjamas LLC’s ‘123 Pillowcase Patent, U.S. Design Patent
19 No. D670,123;

20 B. That Defendants, their agents, servants, employees, successors and assignors, and
21 all those acting under the authority of, or in privity or concert with them, and each of them, be
22 permanently enjoined from directly or indirectly infringing the ‘123 Pillowcase Patent, or
23 inducing others to do the same;

24 C. That judgment be entered for damages, together with prejudgment interest, to
25 compensate Plaintiff for Defendant’s infringement of the ‘123 Pillowcase Patent;

26 D. That judgment be entered for treble damages pursuant to 35 U.S.C. § 284;

27 E. That judgment be entered that this case is an exceptional case within the meaning
28 of 35 U.S.C. § 285, and for an award of reasonable attorney’s fees to Plaintiff;

- 1 F. That judgment be entered for costs to be awarded to Plaintiff; and
2 G. For such other and further relief as the Court may deem proper under the
3 circumstances.

4 **AS TO THE SECOND CLAIM:**

5 A. That judgment be entered that Defendants Jordan Drew Corporation and SAS
6 Group, Inc. have willfully infringed Petjamas LLC's '121 Pillowcase Patent, U.S. Design Patent
7 No. D670,121;

8 B. That Defendants, their agents, servants, employees, successors and assignors, and
9 all those acting under the authority of, or in privity or concert with them, and each of them, be
10 permanently enjoined from directly or indirectly infringing the '121 Pillowcase Patent, or
11 inducing others to do the same;

12 C. That judgment be entered for damages, together with prejudgment interest, to
13 compensate Plaintiff for Defendant's infringement of the '121 Pillowcase Patent;

14 D. That judgment be entered for treble damages pursuant to 35 U.S.C. § 284;

15 E. That judgment be entered that this case is an exceptional case within the meaning
16 of 35 U.S.C. § 285, and for an award of reasonable attorney's fees to Plaintiff;

17 F. That judgment be entered for costs to be awarded to Plaintiff; and

18 G. For such other and further relief as the Court may deem proper under the
19 circumstances.

20 **AS TO THE THIRD CLAIM:**

21 A. That judgment be entered that Defendants Jordan Drew Corporation and SAS
22 Group, Inc. have willfully infringed Petjamas LLC's '069 Pillowcase Patent, U.S. Design Patent
23 No. D660,069;

24 B. That Defendants, their agents, servants, employees, successors and assignors, and
25 all those acting under the authority of, or in privity or concert with them, and each of them, be
26 permanently enjoined from directly or indirectly infringing the '069 Pillowcase Patent, or
27 inducing others to do the same;

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1 C. That judgment be entered for damages, together with prejudgment interest, to
2 compensate Plaintiff for Defendant’s infringement of the ‘069 Pillowcase Patent;

3 D. That judgment be entered for treble damages pursuant to 35 U.S.C. § 284;

4 E. That judgment be entered that this case is an exceptional case within the meaning
5 of 35 U.S.C. § 285, and for an award of reasonable attorney’s fees to Plaintiff;

6 F. That judgment be entered for costs to be awarded to Plaintiff; and

7 G. For such other and further relief as the Court may deem proper under the
8 circumstances.

9 **AS TO THE FOURTH CLAIM:**

10 A. That judgment be entered that Defendants Jordan Drew Corporation and SAS
11 Group, Inc. have willfully infringed Petjamas LLC’s ‘823 Pillowcase Patent, U.S. Design Patent
12 No. D649,823 ;

13 B. That Defendants, their agents, servants, employees, successors and assignors, and
14 all those acting under the authority of, or in privity or concert with them, and each of them, be
15 permanently enjoined from directly or indirectly infringing the ‘823 Pillowcase Patent, or
16 inducing others to do the same;

17 C. That judgment be entered for damages, together with prejudgment interest, to
18 compensate Plaintiff for Defendant’s infringement of the ‘823 Pillowcase Patent;

19 D. That judgment be entered for treble damages pursuant to 35 U.S.C. § 284;

20 E. That judgment be entered that this case is an exceptional case within the meaning
21 of 35 U.S.C. § 285, and for an award of reasonable attorney’s fees to Plaintiff;

22 F. That judgment be entered for costs to be awarded to Plaintiff; and

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G. For such other and further relief as the Court may deem proper under the circumstances.

DATED: November 6, 2012

Respectfully submitted,
PROCOPIO, CORY, HARGREAVES &
SAVITCH LLP

By: s/ Stephen C. Beuerle
Stephen C. Beuerle
Attorneys for Plaintiff
PETJAMAS LLC

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DEMAND FOR JURY TRIAL

Pursuant to the Federal Rules of Civil Procedure, Rule 38, Plaintiff Petjamas LLC respectfully demands a trial by jury.

DATED: November 6, 2012

Respectfully submitted,

PROCOPIO, CORY, HARGREAVES &
SAVITCH LLP

By: s/ Stephen C. Beuerle
Stephen C. Beuerle
Attorneys for Plaintiff
PETJAMAS LLC