

UNITED STATES INTERNATIONAL TRADE COMMISSION
WASHINGTON, DC

In the Matter of
CERTAIN LASER ABRADED DENIM
GARMENTS

Investigation No. 337-TA-___

**VERIFIED COMPLAINT UNDER
SECTION 337 OF THE TARIFF ACTION OF 1930**

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Exhibit List		
Exhibit Number	Description	Designation
1	Certified Copies of the Asserted Patents	
A	U.S. Patent No. 5,990,444	Public
B	U.S. Patent No. 6,140,602	Public
C	U.S. Patent No. 6,252,196	Public
D	U.S. Patent No. 6,664,505	Public
E	U.S. Patent No. 6,819,972	Public
F	U.S. Patent No. 6,858,815	Public
2	Certified Assignment Records of the Asserted Patents	
A	Certified Assignment Record for U.S. Patent No. 5,990,444	Public
B	Certified Assignment Record for U.S. Patent No. 6,140,602	Public
C	Certified Assignment Record for U.S. Patent No. 6,252,196	Public
D	Certified Assignment Record for U.S. Patent No. 6,664,505	Public
E	Certified Assignment Record for U.S. Patent No. 6,819,972	Public
F	Certified Assignment Record for U.S. Patent No. 6,858,815	Public
3	Foreign Counterparts to Asserted Patents	
4	Licenses	
A	DVUV, LLC	Confidential
B	GST AutoLeather	Confidential
C	Lear Corp.	Confidential
D	Green Bay Decking, LLC	Confidential
5	Accused Products' Images	
A	A&F - Hollister Product	Public
B	American Eagle Product	Public
C	BlankNYC Product	Public
D	Buckle Product	Public
E	Buffalo Product	Public
F	[Reserved]	
G	Diesel Product	Public
H	DL1961 Product	Public
I	Eddie Bauer Product	Public
J	Gap Product	Public
K	Guess Product	Public
L	H&M Product	Public
M	Just Cavalli Product	Public
N	Koos - AG Jeans Product	Public
O	Koos - Big Star Product	Public

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Q	Lucky Product	Public
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S	VF (Seven for All Mankind) Product	Public
6	Importation	
A	Ryan Ripley Declaration	Public
B	A&F - Hollister Receipt	Public
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Q	Levi's Receipt	Public
R	Lucky Receipt	Public
S	Replay Receipt	Public
T	VF (Seven For All Mankind) Receipt	Public
7	Claim Analysis Against Accused Products	
A	Marcatex Flexi Manual Rev 1.3.1 _English_ FDA	Public
B	YouTube Video – Jeanologia, Flexi3 ONE MACHINE, MULTIPLE OPTIONS (https://www.youtube.com/watch?v=apPFfm78_1E&feature=c4-overview&list=UUXQ2v180qUHLWKYzvGkNMQg)	Public
C	YouTube Video – Jeanologia, Laser System_ Twin HS at Itma Barcelona 2011 (https://www.youtube.com/watch?v=CSP_ZxgIQQI)	Public
D	YouTube Video – Tonello, Laser Blaze by Tonello (https://www.youtube.com/watch?v=a2BJiDM8kpg)	Public
E	YouTube Video – Macsa ID, S.A., DENIM - LASERTEX Pro - Macsa Laser Systems (https://www.youtube.com/watch?v=IDAt9dcSMv8)	Public

F	YouTube Video – Jeanologia, Laser Technology in Siete Leguas (https://www.youtube.com/watch?v=8u4WPumH6Kg)	Public
G	YouTube Video – Jeanologia, Finishing Jeans Present And Future Trends And Technologies In Denim 02 (http://www.youtube.com/watch?v=HgxvoYgl-tM)	Public
H	YouTube Video – Replay Laserblast	Public
I	YouTube Video – Replay Laserblast - Official Teaser	Public
J	CBS This Morning, Levi’s New Stadium – Brand launches \$1.2 billion sports arena	Public
8	Abercrombie Claim Charts	
A	Abercrombie Claim Chart U.S. Patent 5,990,444	Public
B	Abercrombie Claim Chart U.S. Patent 6,140,602	Public
C	Abercrombie Claim Chart U.S. Patent 6,252,196	Public
D	Abercrombie Claim Chart U.S. Patent 6,664,505	Public
E	Abercrombie Claim Chart U.S. Patent 6,819,972	Public
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9	American Eagle Claim Charts	
A	American Eagle Claim Chart U.S. Patent 5,990,444	Public
B	American Eagle Claim Chart U.S. Patent 6,140,602	Public
C	American Eagle Claim Chart U.S. Patent 6,252,196	Public
D	American Eagle Claim Chart U.S. Patent 6,664,505	Public
E	American Eagle Claim Chart U.S. Patent 6,819,972	Public
F	American Eagle Claim Chart U.S. Patent 6,858,815	Public
10	BlankNYC Claim Charts	
A	BlankNYC Claim Chart U.S. Patent 5,990,444	Public
B	BlankNYC Claim Chart U.S. Patent 6,140,602	Public
C	BlankNYC Claim Chart U.S. Patent 6,252,196	Public
D	BlankNYC Claim Chart U.S. Patent 6,664,505	Public
E	BlankNYC Claim Chart U.S. Patent 6,819,972	Public
F	BlankNYC Claim Chart U.S. Patent 6,858,815	Public
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F	Buckle Claim Chart U.S. Patent 6,858,815	Public
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A	Buffalo Claim Chart U.S. Patent 5,990,444	Public
B	Buffalo Claim Chart U.S. Patent 6,140,602	Public

C	Buffalo Claim Chart U.S. Patent 6,252,196	Public
D	Buffalo Claim Chart U.S. Patent 6,664,505	Public
E	Buffalo Claim Chart U.S. Patent 6,819,972	Public
F	Buffalo Claim Chart U.S. Patent 6,858,815	Public
13	[Reserved]	
14	Diesel Claim Charts	
A	Diesel Claim Chart U.S. Patent 5,990,444	Public
B	Diesel Claim Chart U.S. Patent 6,140,602	Public
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15	DL1961 Claim Charts	
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E	Eddie Bauer Claim Chart U.S. Patent 6,819,972	Public
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C	Gap Claim Chart U.S. Patent 6,252,196	Public
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	E	H&M Claim Chart U.S. Patent 6,819,972	Public
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20	Just Cavalli Claim Charts		
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	D	Koos - The Matchbox (AG Jeans) Claim Chart U.S. Patent 6,664,505	Public
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	D	Koos - Big Star Claim Chart U.S. Patent 6,664,505	Public
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23	Levi's Claim Charts		
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	B	Levi's Claim Chart U.S. Patent 6,140,602	Public
	C	Levi's Claim Chart U.S. Patent 6,252,196	Public

D	Levi's Claim Chart U.S. Patent 6,664,505	Public
E	Levi's Claim Chart U.S. Patent 6,819,972	Public
F	Levi's Claim Chart U.S. Patent 6,858,815	Public
24	Lucky Brand Claim Charts	
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B	Lucky Brand Claim Chart U.S. Patent 6,140,602	Public
C	Lucky Brand Claim Chart U.S. Patent 6,252,196	Public
D	Lucky Brand Claim Chart U.S. Patent 6,664,505	Public
E	Lucky Brand Claim Chart U.S. Patent 6,819,972	Public
F	Lucky Brand Claim Chart U.S. Patent 6,858,815	Public
25	Replay Claim Charts	
A	Replay Claim Chart U.S. Patent 5,990,444	Public
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C	Replay Claim Chart U.S. Patent 6,252,196	Public
D	Replay Claim Chart U.S. Patent 6,664,505	Public
E	Replay Claim Chart U.S. Patent 6,819,972	Public
F	Replay Claim Chart U.S. Patent 6,858,815	Public
26	VF Corp. Claim Charts	
A	VF Claim Chart U.S. Patent 5,990,444	Public
B	VF Claim Chart U.S. Patent 6,140,602	Public
C	VF Claim Chart U.S. Patent 6,252,196	Public
D	VF Claim Chart U.S. Patent 6,664,505	Public
E	VF Claim Chart U.S. Patent 6,819,972	Public
F	VF Claim Chart U.S. Patent 6,858,815	Public
	Domestic Industry	
27	Linear Processing Claim Charts	
A	Linear Processing Claim Chart for U.S. Patent No. 5,990,444	Confidential
B	Linear Processing Claim Chart for U.S. Patent No. 6,140,602	Confidential
C	Linear Processing Claim Chart for U.S. Patent No. 6,252,196	Confidential
D	Linear Processing Claim Chart for U.S. Patent No. 6,664,505	Confidential
E	Linear Processing Claim Chart for U.S. Patent No. 6,819,972	Confidential
F	Linear Processing Claim Chart for U.S. Patent No. 6,858,815	Confidential
G	Video - RevoLaze Linear Processing	Public
28	Sports Logos Claim Charts	
A	Sport Logos Claim Chart for U.S. Patent No. 5,990,444	Confidential
B	Sport Logos Claim Chart for U.S. Patent No. 6,140,602	Confidential
C	Sport Logos Claim Chart for U.S. Patent No. 6,252,196	Confidential
D	Sport Logos Claim Chart for U.S. Patent No. 6,664,505	Confidential
E	Sport Logos Claim Chart for U.S. Patent No. 6,819,972	Confidential

F	Sport Logos Claim Chart for U.S. Patent No. 6,858,815	Confidential
G	Video - Chicago Bears Logo	Confidential
29	Terrain (Green Bay Decking) Claim Charts	
A	Terrain Claim Chart for U.S. Patent No. 5,990,444	Confidential
B	Terrain Claim Chart for U.S. Patent No. 6,140,602	Confidential
C	Terrain Claim Chart for U.S. Patent No. 6,252,196	Confidential
D	Terrain Claim Chart for U.S. Patent No. 6,664,505	Confidential
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F	Terrain Claim Chart for U.S. Patent No. 6,858,815	Confidential
G	Video - Plastic Lumber	Public
30	Cloth Upholstery (Lear Corp.) Claim Charts	
A	Cloth Upholstery Claim Chart for U.S. Patent No. 5,990,444	Confidential
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C	Cloth Upholstery Claim Chart for U.S. Patent No. 6,252,196	Confidential
D	Cloth Upholstery Claim Chart for U.S. Patent No. 6,664,505	Confidential
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B	Leather Upholstery Claim Chart for U.S. Patent No. 6,140,602	Confidential
C	Leather Upholstery Claim Chart for U.S. Patent No. 6,252,196	Confidential
D	Leather Upholstery Claim Chart for U.S. Patent No. 6,664,505	Confidential
E	Ram Adds New Laramie Longhorn, Outdoorsman Models to 2600/3500 Heavy Duty Lineup (Sep. 14, 2010)	Public
F	2013 Dodge Ram 1500 Brochure	Public
32	DVUV Claim Charts	
A	DVUV Claim Chart for U.S. Patent No. 5,990,444	Confidential
B	DVUV Claim Chart for U.S. Patent No. 6,140,602	Confidential
C	DVUV Claim Chart for U.S. Patent No. 6,252,196	Confidential
D	DVUV Claim Chart for U.S. Patent No. 6,664,505	Confidential
E	DVUV Claim Chart for U.S. Patent No. 6,858,815	Confidential
F	DVUV Video	Confidential
G	DVUV Cutting Shop Manual	Public
33	High Speed Abrasion Claim Charts	
A	High Speed Abrasion Claim Chart for U.S. Patent No. 5,990,444	Confidential
B	High Speed Abrasion Claim Chart for U.S. Patent No. 6,140,602	Confidential
C	High Speed Abrasion Claim Chart for U.S. Patent No. 6,252,196	Confidential
D	High Speed Abrasion Claim Chart for U.S. Patent No. 6,664,505	Confidential
E	High Speed Abrasion Claim Chart for U.S. Patent No. 6,819,972	Confidential

F	High Speed Abrasion Claim Chart for U.S. Patent No. 6,858,815	Confidential
G	High Speed Abrasion Taylor Togs Video	Public
H	High Speed Abrasion VF Jeanswear Video	Public
34	Darryl J. Costin, Ph.D. Domestic Industry Declaration	
A	Declaration of Darryl J. Costin, Ph.D.	Confidential
B	Laser Demonstration and Launch Party Video	Public
C	Video - Coach Sports Jeans	Public
D	Textile Roll Goods Brochure	Public
E	Video - Textile Roll Goods	Public
F	Confidentiality and Non-Disclosure Agreement by and between Struktol Company of America and RevoLaze, LLC	Confidential
G	RevoLaze/Cone Denim Non-Disclosure Agreement	Confidential
35	News Articles and Publications	
A	Jeanologia Seeking a Friendlier Denim Finish	Public
B	Jeanologia: Ultimate Technology for Jean Finishing	Public
C	Easy Laser - Our Customers	Public
D	fibre 2 fashion - Jeanologia dominates Mexican garment finishing market	Public
E	Jeanologia's lead in sustainable technology for garment finishing	Public
F	WWD - Panel: Industry Drives Sustainability Effort	Public
G	Koos - Ocean Bill of Lading	Public
H	Levi Strauss & Co., Environment, Health and Safety Handbook	Public
I	Bobbin, TechnoLines Debuts Laser Applications for Fabric Scribing, Sandblasting	Public
J	Laser Scribes Out Fabric Designs - Automotive Engineering	Public
	Technical Declarations	
36	Darryl J. Costin, Ph.D. Technical Declaration	
A	Declaration of Darryl J. Costin, Ph.D.	Public
B	Costin Resume	Confidential
C	Chow et al., Effect of CO2 laser treatment on cotton surface, 18 Cellulose 1635	Public
D	Table - energy density per unit area per unit time (EDPUT)	Public
37	William Murcia Technical Declaration	
A	Declaration of William Murcia	Confidential
B	Murcia Resume	Public

Appendices List		
Appendix	Description	Designation
	Certified File Wrappers and Cited References	
A	Certified File Wrapper for U.S. Patent No. 5,990,444	Public
B	Cited References for U.S. Patent No. 5,990,444	Public
C	Certified File Wrapper for U.S. Patent No. 6,140,602	Public
D	Cited References for U.S. Patent No. 6,140,602	Public
E	Certified File Wrapper for U.S. Patent No. 6,252,196	Public
F	Cited References for U.S. Patent No. 6,252,196	Public
G	Certified File Wrapper for U.S. Patent No. 6,664,505	Public
H	Cited References for U.S. Patent No. 6,664,505	Public
I	Certified File Wrapper for U.S. Patent No. 6,819,972	Public
J	Cited References for U.S. Patent No. 6,819,972	Public
K	Certified File Wrapper for U.S. Patent No. 6,858,815	Public
L	Cited References for U.S. Patent No. 6,858,815	Public

I. INTRODUCTION

1. This Complaint is filed, pursuant to Section 337 of the Tariff Act of 1930 as amended (19 U.S.C. § 1337), by RevoLaze, LLC (“RevoLaze”) and TechnoLines, LLC (“TechnoLines”) (collectively “Complainants”) based on unfair methods of competition and unfair acts in the unlawful importation into the United States, sale for importation into the United States, or sale within the United States after importation by Abercrombie & Fitch Co.; American Eagle Outfitters, Inc.; BBC Apparel Group, LLC; Gotham Licensing Group, LLC; The Buckle, Inc.; Buffalo International ULC; 1724982 Alberta ULC; Diesel S.p.A.; DL1961 Premium Denim Inc.; Eddie Bauer LLC; The Gap, Inc.; Guess?, Inc.; H&M Hennes & Mauritz AB; H&M Hennes & Mauritz LP; Roberto Cavalli S.p.A. d/b/a Just Cavalli; Koos Manufacturing, Inc. d/b/a AG Jeans and Big Star; Levi Strauss & Co.; Lucky Brand Dungarees, Inc.; Fashion Box S.p.A. d/b/a Replay Jeans; and VF Corporation d/b/a 7 for All Mankind (collectively “Respondents”) of certain laser abraded denim garments (collectively the “Accused Products”). The Accused Products manufactured, imported, offered for sale, and/or sold by Respondents are manufactured by methods directly infringing, under 19 U.S.C. § 1337(a)(1)(B)(ii), one or more claims (the “Asserted Claims”) of the following U.S. patents (the “Asserted Patents” or “Patents-in-Suit”) owned by RevoLaze.

- Claims 1-3, 8, 21, 33-34, 46, 69, 70, and 72 of U.S. Patent No. 5,990,444 (“the ’444 Patent”) (“Exhibit 1A”);
- Claims 1, 14, 15, 53, 73, 83, 85, 94, 97, 99, 112, 120, 122-125, and 141-143 of U.S. Patent No. 6,140,602 (“the ’602 Patent”) (“Exhibit 1B”);
- Claims 5, 11, 13, 14, and 16 of U.S. Patent No. 6,252,196 (“the ’196 Patent”) (“Exhibit 1C”);

- Claims 1 and 49-51 of U.S. Patent No. 6,664,505 (“the ’505 Patent”) (“Exhibit 1D”);
- Claims 1, 2, 4-6, 11, 12, 16-19, 56-59, 61, 63, 64, 72, 77, 78, 83-87, and 92-95 of U.S. Patent No. 6,819,972 (“the ’972 Patent”) (“Exhibit 1E”); and
- Claims 13 and 14 of U.S. Patent No. 6,858,815 (“the ’815 Patent”) (“Exhibit 1F”).

2. Complainants seek a permanent general exclusion order barring infringing denim garments from entry into the United States. In the alternative, Complainants seek a limited exclusion order barring the infringing denim garments manufactured by or on the behalf of Respondents and are imported, offered for sale, sold, sold for importation, or sold after importation by Respondents. Complainants also seek permanent cease-and-desist orders against each Respondent prohibiting the importation, sale, offer for sale, advertisement, or solicitation of any sale by Respondents of the Accused Products or other products encompassed by the claims of the Patents-in-Suit.

II. **THE PARTIES**

A. **Complainants**

3. RevoLaze, LLC is a Delaware limited liability company with its principal place of business at 29300 Clemens Road, Westlake, Ohio 44145. TechnoLines, LLC, a Delaware limited liability company with the same address, is the majority member of RevoLaze and invested some 20 years in the research, development, obtainment of numerous patents and commercialization of its novel laser scribing technology. Through the use of sophisticated mathematical modeling techniques, TechnoLines overcame the technical barriers to successfully laser scribe high quality graphics and patterns on a host of textile fabrics including denim, cotton, polyester, nylon, and silk, as well as vinyl, suede, and leather.

4. Complainants have made a significant long-term investment to build the textile laser scribing technology business in the United States. They have dedicated considerable technical manpower, research and development facilities (three in Ohio and one in Minnesota) and financial resources for the invention and commercialization of their unique laser scribing technology to impart graphics and patterns on myriad of substrates. Importantly, Complainants' technology answers the textile industry's cry for sustainability, eco-friendliness and is in perfect alignment with the green movement for the environment.

5. Over the course of the last 15 years, Complainants have developed the technology and associated equipment through licensing with garment manufacturers including Sights Denim Systems, Taylor Togs, Inc., VF Corporation, Gear For Sports, Inc., and Final Finish Laundry. None of these licenses is still in force. Complainants' subsidiaries also previously operated two denim jean companies offering denim apparel manufactured by the patented technology: Fractal Jean Co. and Fins Denim Co.

6. Complainants' laser abrasion technology replaces the extremely dangerous and harmful sandblasting process, which has been found to be associated with a disabling lung disease called silicosis, to create a worn look on denim jeans. Because silicosis may result in death to workers, numerous denim jean companies, including industry leaders, have banned the use of sandblasting. Complainants, through the use of their 2,500-Watt laser systems, offer a patented laser abrading technology to solve this catastrophic health problem and substantially increase throughput versus the sandblast process.

7. Complainants also have introduced linear processing technology to the market that may revolutionize the textile industry by reducing the environmental impact associated with processes like enzyme washing jeans. A worldwide concern exists regarding the

environmental hazards associated with enzyme washing jeans and other processes such as the environmentally burdensome chemical printing processes that is used to laser scribe graphics and patterns to denim jeans. Complainants' linear laser etching technology may reduce or eliminate these environmental problems.

8. Through a combination of software developed by Complainants and specifically designed material delivery systems, Complainants have created the highest speed, highest power galvanometric driven laser machines in the industry that can economically apply graphics and patterns on fabrics and other substrates. Complainants continue to invest in developing new concepts for laser scribing materials in unique ways to solve current environmental, quality and cost problems associated with manufacturing and decorating garments and textiles.

9. RevoLaze is the owner of each of the Patents-in-Suit. Exhibits 2A-2F.

B. Proposed Respondents

10. Abercrombie & Fitch Co. ("A&F") d/b/a Hollister Jeans is a Delaware corporation with its principal place of business at 6301 Fitch Path, New Albany, Ohio 43054. On information and belief, A&F makes in Guatemala, has others make in Guatemala, exports from Guatemala into the United States, and imports from Guatemala certain denim garments that are made by methods that are claimed in the Patents-in-Suit. A&F also operates multiple retail stores across the United States under both the Hollister brand and the Abercrombie & Fitch brand. *See* Abercrombie & Fitch Store Locator, <http://www.abercrombie.com/webapp/wcs/stores/servlet/StoreLocator?catalogId=10901&langId=-1&storeId=10051> (last visited July 14, 2014); Hollister Co. Store Locator, <http://www.hollisterco.com/webapp/wcs/stores/servlet/StoreLocator?catalogId=10201&langId=->

1&storeId=10251 (last visited July 14, 2014). Specifically, A&F sells to retail customers and/or wholesalers within the United States imported, infringing garments including the Hollister High Rise Super Skinny – Medium Jeans (Item No. 355-550-0184-024) (“A&F Product”). A sample of the A&F Product is shown in Exhibit 5A.

11. American Eagle Outfitters, Inc. (“AEO”) is a Delaware corporation with its principal place of business at 77 Hot Metal Street, Pittsburgh, Pennsylvania 15203. On information and belief, AEO makes in Mexico, has others make in Mexico, exports from Mexico into the United States, and imports from Mexico certain denim garments that are made by methods that are claimed in the Patents-in-Suit. AEO also operates multiple retail stores across the United States. American Eagle Outfitters Store Locator, <http://www.ae.com/web/storelocator/default.jsp> (last visited July 15, 2014). Specifically, AEO sells to retail customers and/or wholesalers within the United States imported, infringing garments including the American Eagle Men’s Original Straight – Dark Tinted Crackle Jeans (Item No. 2870) (“AEO Product”). A sample of the AEO Product is shown in Exhibit 5B.

12. BBC Apparel Group, LLC and Gotham Licensing Group, LLC d/b/a BlankNYC (collectively “BlankNYC”) are companies with their principal place of business at 1407 Broadway, New York, New York 10018. BlankNYC has a business address at 275 West 39th Street, New York, New York 10018. On information and belief, BlankNYC makes in China, has others make in China, exports from China into the United States, and imports from China certain denim garments that are made by methods that are claimed in the Patents-in-Suit. Specifically, BlankNYC sells to retail customers and/or wholesalers within the United States imported, infringing garments including the BlankNYC Polka Dot Jeans (“BlankNYC Product”). A sample of the BlankNYC Product is shown in Exhibit 5C.

13. The Buckle, Inc. (“Buckle”) is a Nebraska corporation with its principal place of business at 2407 West 24th Street, Kearney, Nebraska 68845. On information and belief, Buckle makes in Mexico, has others make in Mexico, exports from Mexico into the United States, and imports from Mexico certain denim garments that are made by methods that are claimed in the Patents-in-Suit. Buckle also operates multiple retail stores across the United States. Buckle Store Locator, <http://www.buckle.com/stores/locator.jsp;jsessionid=hDJGTFHTsYlg6gkNBn9nhBbjGHGgnn3kGNvkrvcvGnn8v2YKk2Wy!-2113174839!-695411156> (last visited July 15, 2014). Specifically, Buckle sells to retail customers and/or wholesalers within the United States imported, infringing products including the Buckle BKE Payton Bootcut – Porter Jeans (Item No. BPL1403L) (“Buckle Product”). A sample of the Buckle Product is shown in Exhibit 5D.

14. Buffalo International ULC and 1724982 Alberta ULC d/b/a Buffalo David Bitton (collectively “Buffalo”) are Quebec companies with business addresses at 400 Sauve West, Montreal, Quebec H3L 1Z8. On information and belief, Buffalo makes in Thailand, has others make in Thailand, exports from Thailand into the United States, and imports from Thailand certain denim garments that are made by methods that are claimed in the Patents-in-Suit. Specifically, Buffalo sells to retail customers and/or wholesalers within the United States imported, infringing garments including the Buffalo Driven-X (Item No. BM16324) (“Buffalo Product”). A sample of the Buffalo Product is shown in Exhibit 5E.

15. [Reserved].

16. Diesel S.p.A. (“Diesel”) is an Italian company with its principal place of business at via dell’Industria, 4/6, 36042 Breganze (VI), Italy. On information and belief, Diesel makes in Italy, has others make in Italy, exports from Italy into the United States, and imports

from Italy certain denim garments that are made by methods that are claimed in the Patents-in-Suit. Diesel also operates multiple stores across the United States. *See* Diesel Store Locator, www.diesel.com/store-locator (last visited July 14, 2014). Specifically, Diesel sells to retail customers and/or wholesalers within the United States imported, infringing garments including Diesel Shioner Skinny Fit Jeans (Item No. 117009) (“Diesel Product”). A sample of the Diesel Product is shown in Exhibit 5G.

17. DL1961 Premium Denim Inc. (“DL1961”) is a Delaware corporation with its principal place of business at 530 7th Avenue, Suite 1505, New York, New York 10018. On information and belief, DL1961 makes in Pakistan, has others make in Pakistan, exports from Pakistan into the United States, and imports from Pakistan certain denim garments that are made by methods that are claimed in the Patents-in-Suit. Specifically, DL1961 sells to retail customers and/or wholesalers within the United States imported, infringing garments including the DL1961 Emma Legging – McCarren (No. 2264) (“DL1961 Product”). A sample of the DL1961 Product is shown in Exhibit 5H.

18. Eddie Bauer LLC (“Eddie Bauer”) is a Delaware limited liability company with its principal place of business at 10401 NE 8th Street, Suite 500, Bellevue, Washington 98004. On information and belief, Eddie Bauer makes in Sri Lanka, has others make in Sri Lanka, exports from Sri Lanka into the United States, and imports from Sri Lanka certain denim garments that are made by methods that are claimed in the Patents-in-Suit. Eddie Bauer also operates multiple retail stores across the United States. Eddie Bauer Store Locator, http://www.eddiebauer.com/storelocator/store_locator.jsp? (last visited July 15, 2014). Specifically, Eddie Bauer sells to retail customers and/or wholesalers within the United States

imported, infringing garments including the Eddie Bauer Skinny Print Jeans (Style No. 2974) (“Eddie Bauer Product”). A sample of the Eddie Bauer Product is shown in Exhibit 5I.

19. The Gap, Inc. (“Gap”) is a Delaware corporation with its principal place of business at 2 Folsom Street, San Francisco, California 94105. On information and belief, Gap makes in China, has others make in China, exports from China into the United States, and imports from China certain denim garments that are made by methods that are claimed in the Patents-in-Suit. Gap also operates multiple retail stores across the United States. *See* Gap Store Locator, <http://www.gap.com/customerService/storeLocator.do?mlink=39813,6836749,StoreLocator&mlink=6836749> (last visited July 14, 2014). Specifically, Gap sells to retail customers and/or wholesalers within the United States imported, infringing garments including the Gap Floral Print Always Skinny Jeans (Item No. 600542) (“Gap Product”). A sample of the Gap Product is shown in Exhibit 5J.

20. Guess?, Inc. (“Guess?”) is a Delaware corporation with its principal place of business at 1444 South Alameda Street, Los Angeles, California 90021. On information and belief, Guess? makes in Mexico, has others make in Mexico, exports from Mexico into the United States, and imports from Mexico certain denim garments that are made by methods that are claimed in the Patents-in-Suit. Guess? also operates multiple retail stores across the United States. Guess? Store Locator, shop.guess.com/en/StoreLocator (last visited July 14, 2014). Specifically, Guess? sells to retail customers and/or wholesalers within the United States imported, infringing products including Guess? Alameda Slim Fit Shorts – Hickory Wash (Style No. M41A01D1A91) (“Guess? Product”). A sample of the Guess? Product is shown in Exhibit 5K.

21. H&M Hennes & Mauritz AB is a Swedish company with its principal place of business at Mäster Samuelsgatan 46A, SE-106 38 Stockholm, Sweden. H&M Hennes & Mauritz LP is a New York company with a business address at 110 Fifth Avenue, 11th Floor, New York, New York 10011. H&M Hennes & Mauritz AB and H&M Hennes & Mauritz LP are collectively referred to as “H&M.” On information and belief, H&M makes in Turkey, has others make in Turkey, exports from Turkey into the United States, and imports from Turkey certain denim garments that are made by methods that are claimed in the Patents-in-Suit. H&M also operates multiple stores across the United States. *See* H&M Store Locator, <http://www.hm.com/us/store-locator> (last visited July 15, 2014). Specifically, H&M sells to retail customers and/or wholesalers within the United States imported, infringing garments including the H&M Boyfriend Low Waist Tapered Leg (“H&M Product”). A sample of the H&M Product is shown in Exhibit 5L.

22. Roberto Cavalli S.p.A. d/b/a Just Cavalli (“Just Cavalli”) is an Italian company with its principal place of business at Piazza San Babila 3 - 0122 Milan, Italy. On information and belief, Just Cavalli makes in Romania, has others make in Romania, exports from Romania into the United States, and imports from Romania certain denim garments that are made by methods that are claimed in the Patents-in-Suit. Just Cavalli operates two retail stores, one at One Borgata Way, Atlantic City, New Jersey, and a second at 434 West Broadway, New York, New York. Roberto Cavalli Store Locator, http://www.robertocavalli.com/store_locator/ (last visited July 15, 2014). Specifically, Just Cavalli sells to retail customers and/or wholesalers within the United States imported, infringing garments including the Just Cavalli Laser Croc Denim Shirt (“Just Cavalli Product”). A sample of the Just Cavalli Product is shown in Exhibit 5M.

23. Koos Manufacturing, Inc. d/b/a AG Jeans and Big Star Jeans (“Koos”) is a California corporation with its principal place of business at 2741 Seminole Avenue, South Gate, California 90280. On information and belief, Koos makes in Mexico, has others make in Mexico, exports from Mexico into the United States, and imports from Mexico certain denim garments that are made by methods that are claimed in the Patents-in-Suit. Koos also operates multiple retail stores across the United States under the AG Adriano Goldschmied name. AG Jeans Store Locator, <http://www.agjeans.com/store/storelocator.aspx> (last visited July 15, 2014). Specifically, Koos sells to retail customers and/or wholesalers within the United States imported, infringing garments including the AG Jeans, The Matchbox – Skinny Straight LON (Style No. 11311MALON) and the Big Star – Alex Skinny Pattern Jeans (Style No. SWALXFS) (collectively “Koos Products”). Samples of the Koos Products are shown in Exhibit 5N and 5O.

24. Levi Strauss & Co. (“Levi’s”) is a Delaware corporation with its principal place of business at 1155 Battery Street, San Francisco, California. On information and belief, Levi’s makes in Mexico, has others make in Mexico, exports from Mexico into the United States, and imports from Mexico certain denim garments that are made by methods that are claimed in the Patents-in-Suit. Levi’s also operates multiple stores across the United States. See Levi’s Store Locator, us.levi.com/storeLocator/ (last visited July 14, 2014). Specifically, Levi’s sells to retail customers and/or wholesalers within the United States imported, infringing garments including Levi’s 501 Original Fit Broken Black (Item No. 005011480) (“Levi’s Product”). A sample of the Levi’s Product is shown in Exhibit 5P.

25. Lucky Brand Dungarees, Inc. (“Lucky”) is a Delaware corporation with its principal place of business at 540 South Santa Fe Avenue, Los Angeles, California 90013. On information and belief, Lucky makes in Mexico, has others make in Mexico, exports from

Mexico into the United States, and imports from Mexico certain denim garments that are made by methods that are claimed in the Patents-in-Suit. Lucky also operates multiple retail stores across the United States. Lucky Brand Store Locator, <http://www.luckybrand.com/stores> (last visited July 15, 2014). Specifically, Lucky sells to retail customers and/or wholesalers within the United States imported, infringing garments including the Lucky Brand 363 New Vintage Straight Jeans (Style No. 7M11649) (“Lucky Product”). A sample of the Lucky Product is shown in Exhibit 5Q.

26. Fashion Box S.p.A. d/b/a Replay Jeans (“Replay”) is an Italian company with its principal place of business at Via Marcouli 1 - 31011 Localita Casella, Asolo (Treviso) Italy. On information and belief, Replay makes in Tunisia, has others make in Tunisia, exports from Tunisia into the United States, and imports from Tunisia certain denim garments that are made by methods that are claimed in the Patents-in-Suit. On information and belief, Replay previously operated retail stores at 860 Collins Avenue, Miami Beach, Florida 33139 and 109 Prince Street, New York, New York 10012. Specifically, Replay sells to retail customers and/or wholesalers within the United States imported, infringing garments including the Replay Re-Army 335 906 – Slim Bootcut Fit Jeans (Item Number WV676.000.335 906) (“Replay Product”). A sample of the Replay Product is shown in Exhibit 5R.

27. VF Corporation d/b/a 7 for All Mankind (“VF”) is a Pennsylvania corporation with its principal place of business at 105 Corporate Center Boulevard, Greensboro, North Carolina 27408. On information and belief, VF makes in Mexico, has others make in Mexico, exports from Mexico into the United States, and imports from Mexico certain denim garments that are made by methods that are claimed in the Patents-in-Suit. VF also operates multiple stores in the United States under the 7 for All Mankind name. 7 for All Mankind Store

Locator, <https://www.7forallmankind.com/store/storelocator.aspx> (last visited July 15, 2014).

Specifically, VF sells to retail customers and/or wholesalers within the United States imported, infringing garments including the Seven for All Mankind Austyn Jeans (Item No. JTA046702S) (“VF Product”). A sample of the VF Product is shown in Exhibit 5S.

III. THE PATENTS AT ISSUE

A. The '444 Patent – Laser Method and System of Scribing Graphics

28. The '444 Patent, entitled “Laser Method and System of Scribing Graphics,” was issued to Costin on November 23, 1999. A certified copy of the '444 Patent is attached to the Complaint as Exhibit 1A. U.S. Application No. 08/729,493, which issued as the '444 Patent, was filed on October 11, 1996 and claims priority as a continuation-in-part to U.S. Patent Application No. 08/550,339. The '444 Patent has 72 claims including 19 independent claims. RevoLaze became the owner of the '444 Patent by assignment. Exhibit 2A.

29. Complainants have filed a certified copy and three additional copies of the prosecution history for the '444 Patent as Appendix A. Complainants have filed four copies of each patent and technical reference identified in the prosecution history of the application from which the '444 Patent issued as Appendix B.

B. The '602 Patent – Marking of Fabrics and Other Materials Using a Laser

30. The '602 Patent, entitled “Marking of Fabrics and Other Materials Using a Laser,” was issued to Costin on October 31, 2000. A certified copy of the '602 Patent is attached to the Complaint as Exhibit 1B. U.S. Application No. 08/844,114, which issued as the '602 Patent, was filed on April 29, 1997. The '602 Patent has 154 claims including 22 independent claims. RevoLaze became the owner of the '602 Patent by assignment. Exhibit 2B.

31. Complainants have filed a certified copy and three additional copies of the prosecution history for the '602 Patent as Appendix C. Complainants have filed four copies of each patent and technical reference identified in the prosecution history of the application from which the '602 Patent issued as Appendix D.

C. The '196 Patent – Laser Method of Scribing Graphics

32. The '196 Patent, entitled "Laser Method of Scribing Graphics," was issued to Costin, et al. on June 26, 2001. A certified copy of the '196 Patent is attached to the Complaint as Exhibit 1C. U.S. Application No. 09/390,956, which issued as the '196 Patent, was filed on September 7, 1999 and claims priority as a divisional application to U.S. Patent Application No. 08/729,493, which issued as the '444 Patent. The '196 Patent has 16 claims including six independent claims. RevoLaze became the owner of the '196 Patent by assignment. Exhibit 2C.

33. Complainants have filed a certified copy and three additional copies of the prosecution history for the '196 Patent as Appendix E. Complainants have filed four copies of each patent and technical reference identified in the prosecution history of the application from which the '196 Patent issued as Appendix F.

D. The '505 Patent – Laser Processing of Materials Using Mathematical Tools

34. The '505 Patent, entitled "Laser Processing of Materials Using Mathematical Tools," was issued to Martin on December 16, 2003. A certified copy of the '505 Patent is attached to the Complaint as Exhibit 1D. U.S. Application No. 09/730,497, which issued as the '505 Patent, was filed on December 5, 2000 and claims priority to Provisional U.S. Patent Application No. 60/169,096. The '505 Patent has 115 claims including nine independent claims. RevoLaze became the owner of the '505 Patent by assignment. Exhibit 2D.

35. Complainants have filed a certified copy and three additional copies of the prosecution history for the '505 Patent as Appendix G. Complainants have filed four copies of each patent and technical reference identified in the prosecution history of the application from which the '505 Patent issued as Appendix H.

E. The '972 Patent – Material Surface Processing with a Laser that has a Scan Modulated Effective Power to Achieve Multiple Worn Looks

36. The '972 Patent, entitled “Material Surface Processing with a Laser that has a Scan Modulated Effective Power to Achieve Multiple Worn Looks,” was issued to Martin, et al. on November 16, 2004. A certified copy of the '972 Patent is attached to the Complaint as Exhibit 1E. U.S. Application No. 09/653,997, which issued as the '972 Patent, was filed on September 1, 2000 and claims priority to Provisional U.S. Patent Application No. 60/157,904. The '972 Patent has 95 claims including 12 independent claims. RevoLaze became the owner of the '972 Patent by assignment. Exhibit 2E.

37. Complainants have filed a certified copy and three additional copies of the prosecution history for the '972 Patent as Appendix I. Complainants have filed four copies of each patent and technical reference identified in the prosecution history of the application from which the '972 Patent issued as Appendix J.

F. The '815 Patent – Denim Designs from Laser Scribing

38. The '815 Patent, entitled “Denim Designs from Laser Scribing,” was issued to Costin on February 22, 2005. A certified copy of the '815 Patent is attached to the Complaint as Exhibit 1F. U.S. Application No. 10/319,163, which issued as the '815 Patent, was filed on December 14, 2002 and claims priority as a continuation of U.S. Application No. 09/408,131 and to Provisional U.S. Patent Application No. 60/102,363. The '815 Patent has 17

claims including three independent claims. RevoLaze became the owner of the '815 Patent by assignment. Exhibit 2F.

39. Complainants have filed a certified copy and three additional copies of the prosecution history for the '815 Patent as Appendix K. Complainants have filed four copies of each patent and technical reference identified in the prosecution history of the application from which the '815 Patent issued as Appendix L.

G. Foreign Counterparts

40. The Patents-in-Suit have the following foreign counterpart patents or patent applications:

- The '444 Patent – PCT Publication No. 1997/016279, Canadian Patent App. No. 2236480 (abandoned), European Patent No. 0954404 (Nationalized in Italy, Spain, France, Germany, Great Britain, and Ireland; currently undergoing opposition proceedings before the European Patent Office), Mexican Patent No. 204894 (expired), Australian Patent App. No. 19960074655 (abandoned);
- The '602 Patent – None;
- The '196 Patent – The '196 Patent is a divisional application filed from the '444 Patent. The foreign counterparts to the '196 Patent are the same as those filed from the '444 Patent;
- The '505 Patent – PCT Publication No. 2001/042554, Australian Patent App. No. 20010047119 (abandoned);
- The '972 Patent – PCT Publication No. 2001/025824, Turkish Patent No. 200201254 (issued), Chinese Patent No. 08816659.5 (issued), Mexican Patent No. 237135 (issued), Mexican Patent No. 202403 (abandoned), Australian Patent App.

No. 20000077306 (abandoned), Canadian Patent No. 2386786 (abandoned), European Patent Publication No. 1242962 (withdrawn from examination), Japanese Patent App. No. 2003511242 (abandoned), South Korean Patent No. 564715 (abandoned);

- The '815 Patent – None.

H. Licensees

41. The Asserted Patents are currently licensed to Lear Corporation; Green Bay Decking LLC; GST AutoLeather, Inc.; Nike, Inc.; DVUV, LLC; and Fins Denim Co. The Asserted Patents were previously licensed to GFSI, Inc. (Gear for Sports); Sights Denim Systems; Taylor Togs, Inc.; Final Finish Laundry, and VF Corporation, but these licenses are no longer in force.

I. Non-Technical Description of the Patented Technologies

42. For the last two decades, the denim market has demanded jeans with a worn appearance. This is achieved by abrading the denim jeans along the thighs and buttocks to give the appearance of jeans that have been worn for a long period of time. The process of choice to create this abraded or worn look had been the sandblast process, in which workers blast sand in the thigh and buttock areas to abrade the denim. In recent years, however, it has been confirmed that sandblasting denim can cause a disabling, and sometimes fatal, lung disease called silicosis for the workers.

43. Because of this deadly process, Turkey, once a predominant manufacturing country for sandblasting denim jeans, has completely banned sandblasting denim country-wide. Furthermore, all major denim apparel companies, such as Levi's, Gap, VF, and H&M, have banned the use of sandblasting in the creation of denim jeans with a worn look. The

two most acceptable alternative methods to create the worn look are hand sanding and laser abrading. This sandblasting ban has thus increased the demand for lasers to abrade denim to help satisfy the market demand for denim featuring the worn look.

44. Accordingly, denim apparel companies and their jean manufacturers are rapidly scaling up laser abrading processes to produce the denim with a worn look.

Complainants have developed laser technology to abrade denim and sought patent protection for their technology.

45. The '444 Patent is drawn to a method of scribing with a laser on material such as denim. Avoidance of undesired carbonization, melting or burn-through is achieved by controlling continuous power output, spot size of the laser beam on the material and speed of the laser relative to the material.

46. The '602 Patent is drawn to a method and apparatus for forming a design on material such as denim with a laser. Speed of the laser relative to the material is controlled between a maximum speed that will provide a perceivable change to the material and a minimum speed below which carbonization, undesired burn-through or undesired melting will occur.

47. The '196 Patent is drawn to a method to prevent over etching of material such as denim with a laser. Before the laser beam is output, the laser is set in motion relative to the material so that it is moving when the beam is output to the material.

48. The '972 Patent is drawn to a method and apparatus for changing the power of the laser beam "on the fly." A worn look on jeans has areas, for example, in the middle that appear more worn or lighter than areas on the sides or margins that appear less worn or darker. As the laser scribes the worn look it does so one line at a time (scan line), with each line above or below the next as the pattern is developed. The effective power output of the laser

changes during the course of a single scan line to provide the variation in intensity to achieve the feathering or variation in color called for by the pattern design.

49. The '505 Patent is drawn to a method of forming images on a material such as denim with a laser. The images to be formed are subdivided into picture elements called pixels. Each specific pixel has an x,y coordinate and is associated with a color or grayscale. Each grayscale is associated with a specified amount of energy from the laser to achieve the grayscale. The amount of energy that is assigned to a grayscale is determined by a mathematical operation.

50. The '815 Patent is drawn to laser scribing material such as denim. The amount of energy applied by the laser is controlled to alter the surface chemistry of a denim article without undesirably damaging the denim article. The laser thus modifies an entire width of the denim article.

IV. THE PRODUCTS AT ISSUE

A. Complainants Products

51. Complainants are innovators in laser scribing of high quality graphics and patterns on a variety of materials including denim, cotton, polyester, nylon, and silk for use in apparel and upholstery, as well as in polymer composites and natural building materials. Complainants have spent years developing and licensing the technology to partners such as Lear Corporation, a global leader in automobile seating and upholstery, Nike, Inc., Green Bay Decking, a manufacturer of composite decking, DVUV, LLC, a manufacturer of powder coated medium density fiberboard. See *infra*, Paragraphs 92 – 104 and associated Exhibits.

B. Respondent's Infringing Products

52. Respondents are each manufacturers, retailers, and/or wholesalers who make or have made and sell denim garments abraded using the Complainants' patented

technology. After investigation, Complainants have reason to believe that the Respondents' garments are abraded using a CO₂ laser, Technical Declaration of Darryl Costin ("Costin Technical Declaration"), ¶¶ 8-31 (attached as Exhibit 36A), in order to create designs on the garments or to simulate worn sections that are desirable to consumers. On information and belief, Respondents process their garments using a laser system such as that created by Jeanologia – GFK and Easy Laser. Declaration of William Murcia ("Murcia Declaration"), ¶¶ 7-11 (attached as Exhibit 37A).

V. UNLAWFUL AND UNFAIR ACTS OF THE RESPONDENTS

A. **A&F**

53. A&F manufactures for import, has others manufacture for import, imports into the United States, offers for sale, and/or sells in the United States after importation infringing denim garments including, but not limited to the A&F Product. The A&F Product is manufactured by a method that infringes one or more of the Asserted Claims. On information and belief, the A&F Product includes laser abrasion pores formed from a CO₂ laser using the patented method such as that used by Easy Laser and Jeanologia – GFK. Exhibit 36A, Costin Technical Declaration, ¶ 12; Exhibit 37A, Murcia Declaration, ¶¶ 7-11. On information and belief, A&F uses Easy Laser and Jeanologia – GFK technology to manufacture its products. *See* Exhibit 35A, Cynthia Martens, Jeanologia: Seeking a Friendlier Denim Finish, *Women's Wear Daily* (Nov. 9, 2011); Exhibit 35B, Jeanologia: Ultimate technology for jean finishing, *The Indian Textile Journal* (June 2012).

54. The A&F Product is made by a method infringing the Asserted Claims. Claim charts applying the Asserted Claims to the A&F Product are attached as Exhibits 8A-8F.

The claims charts demonstrate how the A&F Product meets every limitation of the Asserted Claims.

B. American Eagle Outfitters

55. AEO manufactures for import, has others manufacture for import, imports into the United States, offers for sale, and/or sells in the United States after importation infringing denim garments including, but not limited to the AEO Product. The AEO Product is manufactured by a method that infringes one or more of the Asserted Claims. On information and belief, the AEO Product includes laser abrasion pores formed from a CO₂ laser using the patented method such as that used by Easy Laser and Jeanologia – GFK. Exhibit 36A, Costin Technical Declaration, ¶ 13; Exhibit 37A, Murcia Declaration, ¶¶ 7-11. On information and belief, AEO uses Easy Laser and Jeanologia – GFK lasers and methods to create the AEO Product. *See* Exhibit 35C, Easy Laser, Our Customers.

56. The AEO Product is made by a method infringing the Asserted Claims. Claim charts applying the Asserted Claims to the AEO Product are attached as Exhibits 9A-9F. The claims charts demonstrate how the AEO Product meets every limitation of the Asserted Claims.

C. BlankNYC

57. BlankNYC manufactures for import, has others manufacture for import, imports into the United States, offers for sale, and/or sells in the United States after importation infringing denim garments including, but not limited to the BlankNYC Product. The BlankNYC Product is manufactured by a method that infringes one or more of the Asserted Claims. On information and belief, the BlankNYC Product includes laser abrasion pores formed from a CO₂

laser using the patented method such as that used by Easy Laser and Jeanologia – GFK. Exhibit 36A, Costin Technical Declaration, ¶ 14; Exhibit 37A, Murcia Declaration, ¶¶ 7-11.

58. The BlankNYC Product is made by a method infringing the Asserted Claims. Claim charts applying the Asserted Claims to the BlankNYC Product are attached as Exhibits 10A-10F. The claims charts demonstrate how the BlankNYC Product meets every limitation of the Asserted Claims.

D. Buckle

59. Buckle manufactures for import, has others manufacture for import, imports into the United States, offers for sale, and/or sells in the United States after importation infringing denim garments including, but not limited to the Buckle Product. The Buckle Product is manufactured by a method that infringes one or more of the Asserted Claims. On information and belief, the Buckle Product includes laser abrasion pores formed from a CO₂ laser using the patented method such as that used by Easy Laser and Jeanologia – GFK. Exhibit 36A, Costin Technical Declaration, ¶ 15; Exhibit 37A, Murcia Declaration, ¶¶ 7-11. On information and belief, Buckle uses Easy Laser and Jeanologia – GFK lasers and methods to create the Buckle Product. *See* Exhibit 35D, Jeanologia dominates Mexican garment finishing market, fibre 2 fashion (Mar. 11, 2014).

60. The Buckle Product is made by a method infringing the Asserted Claims. Claim charts applying the Asserted Claims to the Buckle Product are attached as Exhibits 11A-11F. The claims charts demonstrate how the Buckle Product meets every limitation of the Asserted Claims.

E. **Buffalo**

61. Buffalo manufactures for import, has others manufacture for import, imports into the United States, offers for sale, and/or sells in the United States after importation infringing denim garments including, but not limited to the Buffalo Product. The Buffalo Product is manufactured by a method that infringes one or more of the Asserted Claims. On information and belief, the Buffalo Product includes laser abrasion pores formed from a CO₂ laser using the patented method such as that used by Easy Laser and Jeanologia – GFK. Exhibit 36A, Costin Technical Declaration, ¶ 16; Exhibit 37A, Murcia Declaration, ¶¶ 7-11.

62. The Buffalo Product is made by a method infringing the Asserted Claims. Claim charts applying the Asserted Claims to the Buffalo Product are attached as Exhibits 12A-12F. The claims charts demonstrate how the Buffalo Product meets every limitation of the Asserted Claims.

F. **[Reserved]**

63. [Reserved].

64. [Reserved].

G. **Diesel**

65. Diesel manufactures for import, has others manufacture for import, imports into the United States, offers for sale, and/or sells in the United States after importation infringing denim garments including, but not limited to the Diesel Product. The Diesel Product is manufactured by a method that infringes one or more of the Asserted Claims. On information and belief, the Diesel Product includes laser abrasion pores formed from a CO₂ laser using the patented method such as that used by Easy Laser and Jeanologia – GFK. Exhibit 36A, Costin Technical Declaration, ¶ 18; Exhibit 37A, Murcia Declaration, ¶¶ 7-11. On information and

belief, Diesel uses Easy Laser and Jeanologia – GFK lasers and methods to create the Diesel Product. *See* Exhibit 35C, Easy Laser, Our Customers.

66. The Diesel Product is made by a method infringing the Asserted Claims. Claim charts applying the Asserted Claims to the Diesel Product are attached as Exhibits 14A-14F. The claims charts demonstrate how the Diesel Product meets every limitation of the Asserted Claims.

H. **DL1961**

67. DL1961 manufactures for import, has others manufacture for import, imports into the United States, offers for sale, and/or sells in the United States after importation infringing denim garments including, but not limited to the DL1961 Product. The DL1961 Product is manufactured by a method that infringes one or more of the Asserted Claims. On information and belief, the DL1961 Product includes laser abrasion pores formed from a CO₂ laser using the patented method such as that used by Easy Laser and Jeanologia – GFK. Exhibit 36A, Costin Technical Declaration, ¶ 19; Exhibit 37A, Murcia Declaration, ¶¶ 7-11. DL1961 admits that it uses Jeanologia – GFK equipment in the production of its jeans. Exhibit 35F, Panel: Industry Drives Sustainability Effort, Women’s Wear Daily at 8 (July 24, 2013) (“DL1961 has employed both Lenzing fibers and, in its parent company’s plant in Pakistan, Jeanologia’s equipment.”).

68. The DL1961 Product is made by a method infringing the Asserted Claims. Claim charts applying the Asserted Claims to the DL1961 Product are attached as Exhibits 15A-15F. The claims charts demonstrate how the DL1961 Product meets every limitation of the Asserted Claims.

I. **Eddie Bauer**

69. Eddie Bauer manufactures for import, has others manufacture for import, imports into the United States, offers for sale, and/or sells in the United States after importation infringing denim garments including, but not limited to the Eddie Bauer Product. The Eddie Bauer Product is manufactured by a method that infringes one or more of the Asserted Claims. On information and belief, the Eddie Bauer Product includes laser abrasion pores formed from a CO₂ laser using the patented method such as that used by Easy Laser and Jeanologia – GFK. Exhibit 36A, Costin Technical Declaration, ¶ 20; Exhibit 37A, Murcia Declaration, ¶¶ 7-11.

70. The Eddie Bauer Product is made by a method infringing the Asserted Claims. Claim charts applying the Asserted Claims to the Eddie Bauer Product are attached as Exhibits 16A-16F. The claims charts demonstrate how the Eddie Bauer Product meets every limitation of the Asserted Claims.

J. **Gap**

71. Gap manufactures for import, has others manufacture for import, imports into the United States, offers for sale, and/or sells in the United States after importation infringing denim garments including, but not limited to the Gap Product. The Gap Product is manufactured by a method that infringes one or more of the Asserted Claims. On information and belief, the Gap Product includes laser abrasion pores formed from a CO₂ laser using the patented method such as that used by Easy Laser and Jeanologia – GFK. Exhibit 36A, Costin Technical Declaration, ¶ 21; Exhibit 37A, Murcia Declaration, ¶¶ 7-11. On information and belief, Gap uses Easy Laser and Jeanologia – GFK lasers and methods to create the Gap Product. *See* Exhibit 35B, Jeanologia: Ultimate technology for jean finishing, The Indian Textile Journal (June 2012); Exhibit 35C, Easy Laser, Our Customers.

72. The Gap Product is made by a method infringing the Asserted Claims. Claim charts applying the Asserted Claims to the Gap Product are attached as Exhibits 17A-17F. The claims charts demonstrate how the Gap Product meets every limitation of the Asserted Claims.

K. Guess?

73. Guess? manufactures for import, has others manufacture for import, imports into the United States, offers for sale, and/or sells in the United States after importation infringing denim garments including, but not limited to the Guess? Product. The Guess? Product is manufactured by a method that infringes one or more of the Asserted Claims. On information and belief, the Guess? Product includes laser abrasion pores formed from a CO₂ laser using the patented method such as that used by Easy Laser and Jeanologia – GFK. Exhibit 36A, Costin Technical Declaration, ¶ 22; Exhibit 37A, Murcia Declaration, ¶¶ 7-11. On information and belief, Guess? uses Easy Laser and Jeanologia – GFK lasers and methods to create the Guess? Product. *See* Exhibit 35D, Jeanologia dominates Mexican garment finishing market, fibre 2 fashion (Mar. 11, 2014).

74. The Guess? Product is made by a method infringing the Asserted Claims. Claim charts applying the Asserted Claims to the Guess? Product are attached as Exhibits 18A-18F. The claims charts demonstrate how the Guess? Product meets every limitation of the Asserted Claims.

L. H&M

75. H&M manufactures for import, has others manufacture for import, imports into the United States, offers for sale, and/or sells in the United States after importation infringing denim garments including, but not limited to the H&M Product. The H&M Product is

manufactured by a method that infringes one or more of the Asserted Claims. On information and belief, the H&M Product includes laser abrasion pores formed from a CO₂ laser using the patented method such as that used by Easy Laser and Jeanologia – GFK. Exhibit 36A, Costin Technical Declaration, ¶ 23; Exhibit 37A, Murcia Declaration, ¶¶ 7-11. On information and belief, H&M uses Easy Laser and Jeanologia – GFK technology to manufacture the H&M Product. *See* Exhibit 35A, Cynthia Martens, Jeanologia: Seeking a Friendlier Denim Finish, *Women’s Wear Daily* (Nov. 9, 2011).

76. The H&M Product is made by a method infringing the Asserted Claims. Claim charts applying the Asserted Claims to the H&M Product are attached as Exhibits 19A-19F. The claims charts demonstrate how the H&M Product meets every limitation of the Asserted Claims.

M. Just Cavalli

77. Just Cavalli manufactures for import, has others manufacture for import, imports into the United States, offers for sale, and/or sells in the United States after importation infringing denim garments including, but not limited to the Just Cavalli Product. The Just Cavalli Product is manufactured by a method that infringes one or more of the Asserted Claims. On information and belief, the Just Cavalli Product includes laser abrasion pores formed from a CO₂ laser using the patented method such as that used by Easy Laser and Jeanologia – GFK. Exhibit 36A, Costin Technical Declaration, ¶ 24; Exhibit 37A, Murcia Declaration, ¶¶ 7-11.

78. The Just Cavalli Product is made by a method infringing the Asserted Claims. Claim charts applying the Asserted Claims to the Just Cavalli Product are attached as Exhibits 20A-20F. The claims charts demonstrate how the Just Cavalli Product meets every limitation of the Asserted Claims.

N. Koos

79. Koos manufactures for import, has others manufacture for import, imports into the United States, offers for sale, and/or sells in the United States after importation infringing denim garments including, but not limited to the Koos Products. The Koos Products are manufactured by a method that infringes one or more of the Asserted Claims. On information and belief, the Koos Products include laser abrasion pores formed from a CO₂ laser using the patented method such as that used by Easy Laser and Jeanologia – GFK. Exhibit 36A, Costin Technical Declaration, ¶¶ 25-26; Exhibit 37A, Murcia Declaration, ¶¶ 7-11. On information and belief, Koos uses Easy Laser and Jeanologia – GFK lasers and methods to create the Koos Products. *See* Exhibit 35D, Jeanologia dominates Mexican garment finishing market, fibre 2 fashion (Mar. 11, 2014). In addition, Koos has purchased Jeanologia equipment. Exhibit 35G, Ocean Bill of Lading for Koos (showing importation of Jeanologia equipment by Koos Manufacturing). On information and belief, Koos uses the Jeanologia equipment to manufacture the Koos Products.

80. The Koos Products are made by a method infringing the Asserted Claims. Claim charts applying the Asserted Claims to the Koos Products are attached as Exhibits 21A-21F and 22A-22F. The claims charts demonstrate how the Koos Products meet every limitation of the Asserted Claims.

O. Levi's

81. Levi's manufactures for import, has others manufacture for import, imports into the United States, offers for sale, and/or sells in the United States after importation infringing denim garments including, but not limited to the Levi's Product. The Levi's Product is manufactured by a method that infringes one or more of the Asserted Claims. On information

and belief, the Levi's Product includes laser abrasion pores formed from a CO₂ laser using the patented method such as that used by Easy Laser and Jeanologia – GFK. Exhibit 36A, Costin Technical Declaration, ¶ 27; Exhibit 37A, Murcia Declaration, ¶¶ 7-11. On information and belief, Levi's uses Easy Laser and Jeanologia – GFK lasers and methods to create the Levi's Product. See Exhibit 35C, Easy Laser, Our Customers. Levi's also provides instructions to its employees on a laser etching process "involv[ing] the use of lasers to fade dyes, giving garments a worn and abraded appearance. This technique may also be used to create faded images or letters." Exhibit 35H, Environment, Health and Safety Handbook, Levi Strauss & Co. at 87 (v2.0 April 2007).

82. The Levi's Product is made by a method infringing the Asserted Claims. Claim charts applying the Asserted Claims to the Levi's Product are attached as Exhibits 23A-23F. The claims charts demonstrate how the Levi's Product meets every limitation of the Asserted Claims.

P. Lucky

83. Lucky manufactures for import, has others manufacture for import, imports into the United States, offers for sale, and/or sells in the United States after importation infringing denim garments including, but not limited to the Lucky Product. The Lucky Product is manufactured by a method that infringes one or more of the Asserted Claims. On information and belief, the Lucky Product includes laser abrasion pores formed from a CO₂ laser using the patented method such as that used by Easy Laser and Jeanologia – GFK. Exhibit 36A, Costin Technical Declaration, ¶ 28; Exhibit 37A, Murcia Declaration, ¶¶ 7-11. On information and belief, Lucky uses Easy Laser and Jeanologia – GFK lasers and methods to create the Lucky

Product. *See* Exhibit 35D, Jeanologia dominates Mexican garment finishing market, fibre 2 fashion (Mar. 11, 2014).

84. The Lucky Product is made by a method infringing the Asserted Claims. Claim charts applying the Asserted Claims to the Lucky Product are attached as Exhibits 24A-24F. The claims charts demonstrate how the Lucky Product meets every limitation of the Asserted Claims.

Q. Replay

85. Replay manufactures for import, has others manufacture for import, imports into the United States, offers for sale, and/or sells in the United States after importation infringing denim garments including, but not limited to the Replay Product. The Replay Product is manufactured by a method that infringes one or more of the Asserted Claims. Replay admits that it manufactures, has manufactured, and/or distributes these products using laser-abrading technology. Exhibit 7H, Replay Laserblast – Official Teaser Video *available at* <https://www.youtube.com/watch?v=csHda3aEqIk&index=7&list=PLFFE50865E37B4517>. On information and belief, Replay uses Easy Laser and Jeanologia – GFK lasers and methods to create the Replay Product. *Id.* On information and belief, the Replay Product includes laser abrasion pores formed from a CO₂ laser using the patented method such as that used by Easy Laser and Jeanologia – GFK. Exhibit 36A, Costin Technical Declaration, ¶ 29; Exhibit 37A, Murcia Declaration, ¶¶ 7-11.

86. The Replay Product is made by a method infringing the Asserted Claims. Claim charts applying the Asserted Claims to the Replay Product are attached as Exhibits 25A-25F. The claims charts demonstrate how the Replay Product meets every limitation of the Asserted Claims.

R. VF Corp.

87. VF manufactures for import, has others manufacture for import, imports into the United States, offers for sale, and/or sells in the United States after importation infringing denim garments including, but not limited to the VF Product. The VF Product is manufactured by a method that infringes one or more of the Asserted Claims. On information and belief, the VF Product includes laser abrasion pores formed from a CO₂ laser using the patented method such as that used by Easy Laser and Jeanologia – GFK. Exhibit 36A, Costin Technical Declaration, ¶ 30; Exhibit 37A, Murcia Declaration, ¶¶ 7-11. On information and belief, VF uses Easy Laser and Jeanologia – GFK lasers and methods to create the VF Product. *See* Exhibit 35D, Jeanologia dominates Mexican garment finishing market, fibre 2 fashion (Mar. 11, 2014).

88. The VF Product is made by a method infringing the Asserted Claims. Claim charts applying the Asserted Claims to the VF Product are attached as Exhibits 26A-26F. The claims charts demonstrate how the VF Product meets every limitation of the Asserted Claims.

VI. SPECIFIC INSTANCES OF IMPORTATION AND SALE

89. Each Accused Product is marked as having been made outside of the United States and was sold in the United States after importation or sold for importation into the United States. Exhibit 6A, Ripley Declaration ¶¶ 4-58. The A&F Product was manufactured in Guatemala. *Id.* ¶ 6. The Koos Products, AEO Product, Buckle Product, Guess? Product, Levi's Product, Lucky Product, and VF Product were manufactured in Mexico. *Id.* ¶¶ 9, 15, 36, 49, 52, and 58. The BlankNYC Product and Gap Product were manufactured in China. *Id.* ¶ 12 and 33. The Buffalo Product was manufactured in Thailand. *Id.* ¶ 18. The Diesel Product was manufactured in Italy. *Id.* ¶ 24. The DL1961 Product was manufactured in Pakistan. *Id.* ¶ 27.

The Eddie Bauer Product was manufactured in Sri Lanka. *Id.* ¶ 30. The H&M Product was manufactured in Turkey. *Id.* ¶ 39. The Just Cavalli Product was manufactured in Romania. *Id.* ¶ 42. The Replay Product was manufactured in Tunisia. *Id.* ¶ 55.

VII. CLASSIFICATION OF THE INFRINGING PRODUCTS UNDER THE HARMONIZED TARIFF SCHEDULE OF THE UNITED STATES.

90. The Accused Products are believed to fall within at least the following classifications of the harmonized tariff schedules of the United States: 6203.42.4011 and 6204.62.4011. These classifications are intended for illustrative purposes only and are not intended to restrict the scope or type of product accused of infringing the Asserted Patents.

VIII. RELATED LITIGATION

91. Complainant RevoLaze has filed complaints alleging patent infringement in the U.S. District Court for the Northern District of Ohio on August 15, 2014, styled as RevoLaze, LLC, v. Abercrombie & Fitch Co. (Case No. 1:14-cv-01797-PAG), RevoLaze, LLC, v. American Eagle Outfitters, Inc. (Case No. 1:14-cv-01799-PAG), RevoLaze, LLC, v. BBC Apparel Group, LLC, et al. (Case No. 1:14-cv-01800-DCN), RevoLaze, LLC, v. The Buckle, Inc. (Case No. 1:14-cv-01801-PAG), RevoLaze, LLC, v. Buffalo International ULC, et al. (Case No. 1:14-cv-01803-JG), RevoLaze, LLC, v. Diesel S.p.A. (Case No. 1:14-cv-01806-DAP), RevoLaze, LLC, v. DL1961 Premium Denim Inc. (Case No. 1:14-cv-01807-DCN), RevoLaze, LLC, v. Eddie Bauer LLC (Case No. 1:14-cv-01809-DCN), RevoLaze, LLC, v. The Gap, Inc. (Case No. 1:14-cv-01821), RevoLaze, LLC, v. Guess?, Inc. (Case No. 1:14-cv-01818), RevoLaze, LLC, v. H&M Hennes & Mauritz AB, et al. (Case No. 1:14-cv-01812-PAG), RevoLaze, LLC, v. Roberto Cavalli S.p.A. (Case No. 1:14-cv-01819), RevoLaze, LLC, v. Koos Manufacturing, Inc. (Case No. 1:14-cv-01814), RevoLaze, LLC, v. Levi Strauss & Co. (Case No. 1:14-cv-01816), RevoLaze, LLC, v. Lucky Brand Dungarees, Inc. (Case No. 1:14-cv-01817),

RevoLaze, LLC, v. Fashion Box S.p.A. (Case No. 1:14-cv-01815), and RevoLaze, LLC, v. VF Corporation (Case No. 1:14-cv-01820), accusing each Respondent of infringing one or more of the Asserted Patents.

IX. DOMESTIC INDUSTRY

92. A domestic industry exists and is in the process of being established within the United States as defined by 19 U.S.C. §§1337(a)(3)(A)-(C) relating to significant investments in plant and equipment, significant employment of labor and capital, and significant investment in the exploitation of the Asserted Patents, including engineering and development of domestic industry products. The identified domestic industry products covered by one or more Asserted Claim include the domestic industry of Complainants and their licensees.

A. Technical Prong

93. RevoLaze is currently in the process of establishing a domestic industry by utilizing linear processing of rolls of denim or other materials using at least one embodiment of the invention as claimed in the '444 Patent, the '602 Patent, the '196 Patent, the '505 Patent, the '972 Patent, and the '815 Patent. Complainants have attached claim charts detailing how the linear processing industry practices the Asserted Patents. Exhibits 27A-27F.

94. Complainants are currently in the process of developing a domestic industry for sports apparel marking. By this industry, consumers will be able to purchase apparel having their favorite sports team's logo, likeness, name, or other mark laser etched into an item of apparel. The sports apparel marking process utilizes at least one embodiment of the invention as claimed in the '444 Patent, the '602 Patent, the '196 Patent, the '505 Patent, the '972 Patent, and the '815 Patent. Complainants have attached claim charts detailing how the sports apparel industry practices the Asserted Patents. Exhibits 28A-28F.

95. Complainants have licensed the claimed technology to Green Bay Decking LLC to scribe simulated wood grain patterns on composite decking to make it appear more realistic like natural wood decking. Exhibit 4D, Green Bay Decking LLC License. The decking industry utilizes at least one embodiment of the invention as claimed in the '444 Patent, the '602 Patent, the '196 Patent, the '505 Patent, the '972 Patent, and the '815 Patent. Complainants have attached claim charts detailing how the composite decking material industry practices the Asserted Patents. Exhibits 29A-29F.

96. Complainants have licensed the claimed technology to Lear Corporation to scribe graphics and patterns on automotive products. Exhibit 4C, Lear Corp. License. Lear's use of the patented technology for automotive cloth interiors utilizes at least one embodiment of the invention as claimed in the '444 Patent, the '602 Patent, the '196 Patent, the '505 Patent, the '972 Patent, and the '815 Patent. Complainants have attached claim charts detailing how Lear's automotive upholstery industry practices the Asserted Patents. Exhibits 30A-30F.

97. Complainants have licensed the claimed technology to GST AutoLeather, Inc. to scribe graphics and patterns on leather upholstery products. Exhibit 4B, GST AutoLeather, Inc. License. GST's use of the patented technology for leather upholstery utilizes at least one embodiment of the invention as claimed in the '444 Patent, the '602 Patent, the '196 Patent, and the '505 Patent. Complainants have attached claim charts detailing how GST's leather upholstery industry practices the Asserted Patents. Exhibits 31A-31D.

98. Complainants have licensed the claimed technology to DVUV, LLC to scribe graphic and patterns on medium density fiberboard. Exhibit 4A, DVUV, LLC License. The laser etched medium density fiberboard industry utilizes at least one embodiment of the invention as claimed in the '444 Patent, the '602 Patent, the '196 Patent, the '505 Patent, and

the '815 Patent. Complainants have attached claim charts detailing how DVUV's fiberboard industry practices the Asserted Patents. Exhibits 32A-32E.

99. RevoLaze is currently in the process of developing a domestic industry by utilizing high-speed laser abrasion of denim jeans using at least one embodiment of the invention as claimed in the '444 Patent, the '602 Patent, the '196 Patent, the '505 Patent, the '972 Patent, and the '815 Patent. Complainants have attached claim charts detailing how the high-speed abrasion industry practices the Asserted Patents. Exhibits 33A-33F.

B. Economic Prong

100. Both Complainants and their licensees have made in the past and are continuing to make substantial investments in plants and equipment, labor and capital, and exploitation of the Asserted Patents and products manufactured utilizing the methods and systems claimed in the Asserted Patents. *See* Exhibit 34A, Domestic Industry Declaration of Darryl J. Costin, Ph.D. ("Costin Domestic Industry Declaration") and associated Exhibits.

101. Specifically, RevoLaze has made significant investments to operate offices, research and development, and manufacturing facilities in Westlake, Ohio and St. Paul, Minnesota. In the Westlake, Ohio facility, Complainants operate approximately

of office space and of research and development space. Exhibit 34A, Costin Domestic Industry Declaration, ¶ 10. In the St. Paul facility, Complainants operate approximately of manufacturing and research and development space in conjunction with LasX Industries. Exhibit 34A, Costin Domestic Industry Declaration, ¶ 12-13. RevoLaze is in the process of opening a linear processing system at its Westlake facility for which approximately has been contracted for the development and initial operation of the linear processing system. Exhibit 34A, Costin Domestic Industry Declaration, ¶ 16. Over

the past five years, Complainants have also invested approximately [redacted] for other laser equipment, manufacturing and office space, maintenance and repairs, and equipment rental. Exhibit 34A, Costin Domestic Industry Declaration, ¶ 22.

102. RevoLaze, TechnoLines, their affiliates, and their licensees have invested significant resources in labor and capital as well. Between 2010 and 2014, they invested approximately [redacted] for the research, development, and commercialization of the patented technology including the various products identified in Exhibits 29A-29F, 30A-30F, 31A-31D, 32A-32E, and 33A-33F. Exhibit 34A, Costin Domestic Industry Declaration, ¶ 30-130. In addition, personnel costs between 2010 and May 31, 2014 have totaled approximately [redacted] for Complainants. Exhibit 34A, Costin Domestic Industry Declaration, ¶ 29.

103. Complainants have worked to exploit the claimed technology continuously since the Asserted Patents were filed. Complainants have participated in numerous trade shows showcasing the patented technology at a cost of approximately [redacted] over the past two years. Exhibit 34A, Costin Domestic Industry Declaration, ¶¶ 36-63. Complainants have also licensed the Asserted Patents and Complainants' technical know-how to multiple licensees over the course of the last several years, and are continuing to explore new market potential and partners. Exhibit 34A, Costin Domestic Industry Declaration ¶¶ 64-130.

104. Complainants have developed hundreds of graphic files for laser etching for numerous customers, including one or more of the Respondents, throughout Complainants history in response to sample requests. Exhibit 34A, Costin Domestic Industry Declaration ¶¶ 119-130.

X. GENERAL EXCLUSION ORDER

105. There is a pattern of violation of the 19 U.S.C. § 1337, as evidenced by the large number of respondents, and it is difficult to identify all sources of infringing products.

Many manufacturing facilities in many different countries manufacture infringing garments for apparel companies, including the Respondents. It is difficult for Complainants to identify all apparel companies whose apparel is manufactured by the infringing processes. Likewise, it is difficult for Complainants to identify all manufacturing facilities that apparel companies use to manufacture infringing garments. Accordingly, Complainants request a general exclusion order be entered by the United States International Trade Commission.

XI. RELIEF REQUESTED

106. Complainants respectfully request that the United States International Trade Commission:

a) institute an immediate investigation pursuant to Section 337(b)(1) of the Tariff Act of 1930 (19 U.S.C. § 1337(b)(1)) into the violations by Respondents of Section 337 arising from the unlawful importation into the United States, sale for importation, and/or sale within the United States after importation of Respondents denim garments that are made and/or processed by methods that infringe the Asserted Claims of the Asserted Patents.

b) schedule and conduct a hearing pursuant to Section 337(c) for purposes of receiving evidence and hearing argument whether there has been a violation of Section 337, and, following the hearing, determine that there has been a violation of Section 337;

c) issue a permanent general exclusion order pursuant to 19 U.S.C. § 1337(d)(2)(B) forbidding entry into the United States of all denim garments manufactured or processed by methods that infringe the Asserted Patents ; or, in the alternative;

d) issue a limited exclusion order pursuant to 19 U.S.C. §1337(d)(1) forbidding entry of denim garments imported, sold for importation, or sold in the United State following importation by Respondents that infringe the Asserted Patents;

e) issue permanent cease-and-desist orders pursuant to 19 U.S.C. §1337(f) directing Respondents to cease and desist from the importation, sale, offer for sale, advertising, or solicitation for sale by Respondents of denim garments that are manufactured or processed by methods that infringe one or more of the Asserted Patents;

f) grant such other relief as the Commission deems just and proper based on the facts determined by the investigation.

Dated: August 18, 2014

Respectfully submitted,



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