

1 TransPacific Law Group
2 Pavel I. Pogodin, Ph.D., Esq. (SBN 206441)
3 pavel@transpacificlaw.com
4 530 Lytton Avenue
5 2nd Floor
6 Palo Alto, California, 94301
7 Telephone: (650) 954-6857
8 Facsimile: (650) 472-8961

9 Attorneys for Plaintiff

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12 **UNITED STATES DISTRICT COURT**
13 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
14 **SAN JOSE DIVISION**

15 Shen Ko Tseng,

16 Plaintiff,

17 v.

18 Stride Rite Children's Group LLC,
19 Amazon.com, Inc. and Zappos IP, Inc.,

20 Defendants.

Civil Action No. 5:13-cv-5538

**COMPLAINT FOR PATENT
INFRINGEMENT**

DEMAND FOR JURY TRIAL

21 **COMPLAINT**

22 Plaintiff, Shen Ko Tseng, by and through his undersigned attorneys, for his Complaint
23 against Stride Rite Children's Group LLC (Stride Rite), Amazon.com, Inc. ("Amazon") and
24 Zappos IP, Inc. ("Zappos") (each "Defendant" and collectively "Defendants") alleges as follows:

25 **NATURE OF ACTION**

26 1. This is an action for patent infringement arising under the patent laws of the
27 United States, Title 35, United States Code, §§100, et seq.
28

1 **PARTIES**

2 2. Plaintiff Shen Ko Tseng is a natural person who resides in Taipei, Taiwan.

3 3. On information and belief, Defendant Stride Rite is a limited liability company
4 organized and existing under the laws of the state of Massachusetts, having its principal place of
5 business at 191 Spring Street, Lexington, Massachusetts 02421.

6 4. On information and belief, Defendant Amazon is a corporation organized and
7 existing under the laws of the state of Delaware, having its principal place of business at 1200
8 12th Avenue South, Suite 1200, Seattle, Washington 98144.

9 5. On information and belief, Defendant Zappos is a corporation organized and
10 existing under the laws of the state of Delaware, having its principal place of business at 2280
11 Corporate Circle, Suite 100, Henderson, Nevada, 89074.

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13 **JURISDICTION AND VENUE**

14 6. This Court has jurisdiction over the subject matter of this action pursuant to 28
15 U.S.C. §§ 1331 and 1338(a).

16 7. Defendants conduct and have conducted a substantial, systematic, and continuous
17 business of selling and distributing infringing products in this judicial district. Moreover,
18 Defendants purposefully have offered to sell, have sold and/or have distributed infringing
19 products in this judicial district.

20 8. Venue is proper in this district pursuant to 28 U.S.C. §§ 1391 and 1400(b).

21
22 **BACKGROUND**

23 9. On March 10, 2009, United States Patent No. 7,500,761 (“the ‘761 patent”)
24 entitled “CIRCUIT DEVICE FOR CONTROLLING A PLURALITY OF LIGHT-EMITTING
25 DEVICES IN A SEQUENCE” was duly and legally issued to Plaintiff. Plaintiff is the owner of
26 all rights, title and interest in the ‘761 patent. A copy of the ‘761 patent is attached hereto as
27 Exhibit A.

28 10. The ‘761 patent discloses and claims certain electronic circuits for electronically

1 controlling multiple light emitting diodes (LEDs) causing the multiple LEDs to flash in
2 accordance with predetermined lighting patterns based on certain external factors(s).

3 11. Defendant Stride Rite imports into the United States, and all Defendants offer to
4 sell, distribute and sell within the United States certain LED illuminated shoes, which incorporate
5 electronic circuits infringing one or more claims of the '761 patent.

6 12. Exemplary LED illuminated shoes incorporating electronic circuits infringing one
7 or more claims of the '761 patent, which are imported, offered for sale, distributed and sold by
8 one or more Defendants, include, but are not limited to, "STRIDE RITE STAR WARS™
9 MORPHING LIGHTSABER" branded LED illuminated shoes and "STRIDE RITE STAR
10 WARS JEDI TO SITH" branded LED illuminated shoes. The foregoing shoes listed in this
11 paragraph will be referred to collectively herein as the "LED Illuminated Shoes." The LED
12 Illuminated Shoes listed in this paragraph are merely exemplary shoes containing infringing
13 electronic circuits and, on information and belief, Defendants do sell, do offer for sale, and do
14 distribute other LED Illuminated Shoes incorporating electronic circuits infringing one or more
15 claims of the '761 patent at least in this judicial district and/or throughout the United States.

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17 **FIRST CAUSE OF ACTION**
(Infringement of the '761 patent)

18 13. Plaintiff Shen Ko Tseng incorporates the allegations set forth in Paragraphs 1-12
19 above as if fully set forth herein.

20 14. The LED Illuminated Shoes that Defendants import into the United States, and
21 distribute, offer to sell and sell within the United States incorporate electronic circuits that are
22 covered by one or more claims of the '761 patent.

23 15. Defendants' importation, offers to sell, sales, and distribution within the United
24 States of the LED Illuminated Shoes incorporating electronic circuits covered by one or more
25 claims of the '761 patent is unauthorized.

26 16. Defendants' importation, offers to sell, sales, and distribution within the United
27 States of LED Illuminated Shoes containing electronic circuits covered by one or more claims of
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1 the '761 patent thus constitutes infringement of the '761 patent in violation of 35 U.S.C. § 271(a).

2 17. Defendant Stride Rite is aware of the '761 patent, but yet it knowingly and actively
3 induces third parties to offer for sale and sell the LED Illuminated Shoes incorporating electronic
4 circuits infringing one or more claims of the '761 patent within the United States. Defendant
5 Stride Rite thus actively induces infringement of the '761 patent in violation of 35 U.S.C. §
6 271(b).

7 18. Defendants have profited through infringement of the '761 patent. As a result of
8 Defendants' unlawful infringement of the '761 patent, Plaintiff has suffered damages in an
9 amount not yet determined and will continue to suffer damages in the future.

10 19. Upon information and belief, Defendants' acts of infringement are willful.
11 Defendants knew and know of the '761 patent and that LED Illuminated Shoes incorporate
12 electronic circuits infringing one or more claims of the '761 patent. Such willful acts of
13 infringement entitle Plaintiff to an award of enhanced damages and reasonable attorney fees
14 against Defendants.

15 20. Upon information and belief, Defendants intend to continue their unlawful
16 infringing activity and Plaintiff will continue to be damaged by such infringement, unless
17 Defendants are enjoined by this Court.

18 21. Defendants' acts of infringement have caused irreparable harm to Plaintiff and
19 Plaintiff will continue to suffer such irreparable harm unless Defendants are preliminarily and
20 permanently enjoined by this Court.

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22 **PRAYER**

23 By reason of the foregoing, Plaintiff Shen Ko Tseng respectfully requests that this Court:

- 24 (a) enter judgment that Defendants have infringed the '761 patent;
25 (b) enter judgment that Defendants' acts of patent infringement are willful;
26 (c) preliminarily and permanently enjoin Defendants, their officers, subsidiaries, affiliates
27 distributors, agents, servants, employees, attorneys, and all persons in active concert
28 with them, from any further infringement, inducement of infringement, and

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- contributory infringement of the '761 patent;
- (d) award damages, costs, and prejudgment interest to Plaintiff Shen Ko Tseng under 35 U.S.C. § 284;
- (e) declare this case exceptional and award Plaintiff Shen Ko Tseng his reasonable attorneys' fees pursuant to 35 U.S.C. § 285;
- (f) award Plaintiff Shen Ko Tseng treble damages for Defendants' willful infringement; and
- (g) award Plaintiff Shen Ko Tseng such other relief as this Court deems just and proper.

Dated: November 28, 2013

Respectfully submitted,
By: /s/ Pavel I. Pogodin
Pavel I. Pogodin

Pavel I. Pogodin, Ph.D., Esq.
TransPacific Law Group
530 Lytton Avenue
2nd Floor
Palo Alto, California, 94301
Attorneys for Plaintiff

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DEMAND FOR JURY TRIAL

Pursuant to Fed. R. Civ. P. 38, Plaintiff Shen Ko Tseng demands trial by jury of all issues triable to a jury.

Dated: November 28, 2013

Respectfully submitted,

By: /s/ Pavel I. Pogodin
Pavel I. Pogodin

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Attorneys for Plaintiff