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BRAGEL INTERNATIONAL, INC.  
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8 UNITED STATES DISTRICT COURT  
9 CENTRAL DISTRICT OF CALIFORNIA  
10

11 BRAGEL INTERNATIONAL, INC.,

12 Plaintiff,

13 vs.

14 CHARLOTTE RUSSE, INC,

15 Defendant.  
16

Case No. 2:14-cv-7691

**COMPLAINT FOR PATENT  
INFRINGEMENT**

**DEMAND FOR JURY TRIAL**

17 For its complaint against Defendant Charlotte Russe, Inc. ("Defendant"),  
18 Plaintiff Bragel International, Inc. ("Plaintiff") alleges as follows:

19 **JURISDICTION**

20 1. This is an action for patent infringement pursuant to 35 U.S.C.  
21 Section 271. This Court has jurisdiction pursuant to 28 U.S.C. Section 1338(a).

22 2. Venue is proper under 28 U.S.C. Sections 1391(b)(2) and/or (b)(3).

23 **PARTIES**

24 3. Plaintiff is a corporation organized and existing under the laws of the  
25 State of California, having a principal place of business at 3833 Pomona Blvd,  
26 Pomona, California.  
27  
28

5. This court has personal jurisdiction over Defendant because it has conducted systematic and continuous business within California and within this district and has directed its unlawful business activities towards California and this district.

6. Plaintiff has been engaged and is presently engaged in the design and distribution of strapless bras and attachable breast forms. Plaintiff's products are sold throughout the United States and in many foreign countries including the People's Republic of China, Hong Kong, Europe, and Canada.

8. Defendant has sold and offered for sale in this District and elsewhere, and continues to sell and offer for sale in this District and elsewhere, without the consent or authorization of Plaintiff, "Oh Baby . . . Strapless, Backless, Self-Adhesive Silicone Bra" and "Silicone Fashion Bra" products that are covered by one or more claims of the '296 Patent (the "Infringing Products").

24 (Patent Infringement)

1 elsewhere in the United States, the Infringing Products which infringe the '296  
2 Patent. In addition, Defendant actively induces its customers to directly infringe  
3 one or more claims of the '296 Patent. Defendant also contributes to the direct  
4 infringement of one or more claims of the '296 Patent by Defendant's customers  
5 and/or end users of the Infringing Products. The Infringing Products have no  
6 substantial, noninfringing use.

7 11. The alleged infringing acts of Defendant are without right, license, or  
8 authorization from Plaintiff.

9 12. By its aforesaid acts, Defendant has infringed the '296 Patent  
10 entitling Plaintiff to relief pursuant to 35 U.S.C. Section 271.

11 13. Defendant has had actual or constructive notice of the existence of  
12 the '296 Patent and despite such notice has continued to engage in acts of  
13 infringement.

14 14. As a direct result of Defendant's acts complained of herein, Plaintiff  
15 has been actually damaged and irreparably harmed and Defendant has been  
16 unjustly enriched, to an extent not presently ascertained, which damage, harm and  
17 enrichment will continue until enjoined by order of this Court.

18 15. Defendant's infringement is and has been willful and Plaintiff is  
19 entitled to enhanced damages against Defendant.

20 16. This is an exceptional case and Plaintiff is entitled to an award of its  
21 attorneys' fees.

22 **PRAYER**

23 Plaintiff demands judgment against Defendant as follows:

24 1. Adjudging and decreeing that Defendant has committed acts of  
25 patent infringement by their manufacture, use, sale, and offer for sale of the  
26 infringing products and for contributory patent infringement and inducing patent  
27 infringement;

1           2.     For a temporary and permanent injunction prohibiting Defendant and  
2     their officers, agents, servants, employees and attorneys, and other persons in  
3     active concert or participation with them, from further infringing the '296 Patent  
4     and requiring Defendant to deliver up to Plaintiff for destruction any and all  
5     Infringing Products in any Defendant's possession, custody or control, along with  
6     any items of manufacture, the sole purpose of which is to manufacture such  
7     Infringing Products, as well as any promotional literature and packaging which  
8     displays or promotes such Infringing Products.

9           3.     For patent infringement damages in an amount not less than a  
10    reasonable royalty, and for those damages to be trebled, pursuant to 35 U.S.C.  
11    Section 284 and/or lost profits;

12           4.     For prejudgment interest;

13           5.     For all of Plaintiff's costs of this Action, including attorneys' fees;  
14    and

15           6.     For such other or further relief as the Court may deem just and  
16    proper.

17  
18    DATED: October 3, 2014

Respectfully submitted,  
CHRISTIE, PARKER & HALE, LLP

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21                   By /s/Thomas J. Daly  
                      Thomas J. Daly

22                   Attorneys for Plaintiff,  
23                   BRAGEL INTERNATIONAL, INC.

**DEMAND FOR JURY TRIAL**

Plaintiff Bragel International, Inc., pursuant to Federal Rule of Civil Procedure 38, hereby demands a trial by jury of all issues so triable.

DATED: October 3, 2014

Respectfully submitted,  
CHRISTIE, PARKER & HALE, LLP

By /s/Thomas J. Daly  
Thomas J. Daly

Attorneys for Plaintiff,  
BRAGEL INTERNATIONAL, INC.

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