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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. 2:15-cv-08364

**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”).

1 A copy of the Cease and Desist Letter is attached as Exhibit B.

2 **FIRST CLAIM FOR RELIEF**

3 **(Patent Infringement)**

4 10. Plaintiff hereby repeats and realleges paragraphs 1 through 9 as
5 though fully set forth herein.

6 11. Defendant, by itself or in concert with others, has made, used, sold or
7 offered to sell, and continues to make, use, sell or offer to sell, in this District and
8 elsewhere in the United States, the Infringing Products which infringe the '296
9 Patent. In addition, Defendant actively induces its customers to directly infringe
10 one or more claims of the '296 Patent. Defendant also contributes to the direct
11 infringement of one or more claims of the '296 Patent by Defendant's customers
12 and/or end users of the Infringing Products. The Infringing Products have no
13 substantial, noninfringing use.

14 12. The alleged infringing acts of Defendant are without right, license, or
15 authorization from Plaintiff.

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

18 14. Defendant has had actual or constructive notice of the existence of
19 the '296 Patent and despite such notice has continued to engage in acts of
20 infringement.

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

25 16. Defendant's infringement is and has been willful and Plaintiff is
26 entitled to enhanced damages against Defendant.

27 17. This is an exceptional case and Plaintiff is entitled to an award of its
28 attorneys' fees.

PRAYER

Plaintiff demands judgment against Defendant as follows:

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

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

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

4. For prejudgment interest;

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

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

DATED: October 26, 2015

Respectfully submitted,

CHRISTIE, PARKER & HALE, LLP

By /s/ Thomas J. Daly

Thomas J. Daly

Attorneys for Plaintiff,
BRAGEL INTERNATIONAL, INC.

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Patent Owner Exhibit 2005

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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 26, 2015

Respectfully submitted,

CHRISTIE, PARKER & HALE, LLP

By /s/ Thomas J. Daly

Thomas J. Daly

Attorneys for Plaintiff,
BRAGEL INTERNATIONAL, INC.

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