

1 Brent H. Blakely (SBN 157292)
2 bblakely@blakelylawgroup.com
3 Cindy Chan (SBN 247495)
4 cchan@blakelylawgroup.com
5 Jessica C. Covington (SBN 301816)
6 jcovington@blakelylawgroup.com
7 **BLAKELY LAW GROUP**
8 1334 Parkview Avenue, Suite 280
9 Manhattan Beach, California 90266
10 Telephone: (310) 546-7400
11 Facsimile: (310) 546-7401

12 ***Attorneys for Plaintiff***
13 ***Deckers Outdoor Corporation***

14 UNITED STATES DISTRICT COURT
15 CENTRAL DISTRICT OF CALIFORNIA

16 DECKERS OUTDOOR
17 CORPORATION, a Delaware
18 Corporation,

19 Plaintiff,

20 v.

21 TARGET CORPORATION, a Minnesota
22 Corporation; NINA FOOTWEAR
23 CORP. dba NINA SHOES, a Delaware
24 Corporation; and DOES 1-10, inclusive,

25 Defendants.

26 CASE NO. 2:16-cv-06925-BRO (ASx)

27 **FIRST AMENDED COMPLAINT FOR**
28 **PATENT INFRINGEMENT U.S.**
PATENT NO. D599,999

JURY TRIAL DEMANDED

29 **Plaintiff Deckers Outdoor Corporation** for its claims against **Defendants**
30 **Target Corporation** and **Nina Footwear Corp. dba Nina Shoes** (hereinafter,
31 collectively, “Defendants”) respectfully alleges as follows:

32 **JURISDICTION AND VENUE**

33 1. Plaintiff files this action against Defendants for patent infringement
34 arising under the patent laws of the United States. This Court has subject matter
35 jurisdiction over the claims alleged in this action pursuant to 28 U.S.C. §§ 1331, 1338.

8. Deckers is informed and believes, and based thereon alleges, that at all relevant times herein, Defendants and DOES 1 through 10, inclusive, knew or reasonably should have known of the acts and behavior alleged herein and the damages caused thereby, and by their inaction ratified and encouraged such acts and behavior. Deckers further alleges that Defendants and DOES 1 through 10, inclusive, have a non-delegable duty to prevent or not further such acts and the behavior described herein, which duty Defendants and DOES 1 through 10, inclusive, failed and/or refused to perform.

ALLEGATIONS COMMON TO ALL CAUSES OF ACTION

A. Deckers' UGG® Brand

9. Deckers has been engaged in the design, distribution, marketing, offering for sale, and sale of footwear since 1975. Deckers owns several brands of footwear including UGG®, Koolaburra®, Teva®, Sanuk® and Hoka One One®.

10. Deckers' UGG® brand remains one of the most recognized and relevant comfort shoe brands in the industry. Since 1978, when the UGG® brand was founded, the popularity of UGG® boots has steadily grown across the nation and even the globe. The UGG® brand has always been and remains highly coveted by consumers. This commitment to quality has helped to propel the UGG® brand to its current, overwhelming level of popularity and cemented its status as a luxury brand.

11. It has now been sixteen years since UGG® boots were first featured on Oprah's Favorite Things® in the year 2000, and Oprah emphatically declared on national television how much she "LOOOOOVES her UGG boots." The popularity of UGG® brand footwear has grown exponentially since then with celebrities including Kate Hudson and Sarah Jessica Parker among a myriad of others regularly donning them. UGG® sheepskin boots have become a high fashion luxury item and can be found on fashion runways around the world.

12. Deckers' UGG® products are distributed and sold to consumers through authorized retailers throughout the United States at point-of-sale and on the Internet,

1 including through its UGG® Concept Stores and its website www.ugg.com.

2 **B. Defendants' Infringing Activities**

3 13. Upon information and belief, Target is engaged in the retail sale of a wide
4 range of apparel and footwear. Target's retail stores are located nationwide, including
5 within this judicial district. Target's products can also be purchased online at
6 www.target.com (the "Target Website"), which is also available to consumers
7 nationwide.

8 14. Upon information and belief, Nina Shoes manufactures, designs,
9 advertises, markets, distributes, offers for sale and/or sells footwear for women. Nina
10 Shoes sells its products to various retail customers as well as through its own online
11 retail store, www.ninashoes.com, which is available to consumers nationwide.

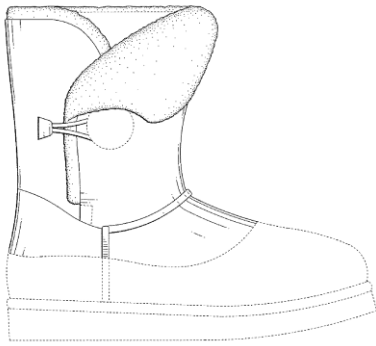
12 15. The present lawsuit arises from Defendants' willful infringement of
13 Deckers' UGG® "Bailey Button" boot design, to which Deckers owns design patent
14 rights, by certain of Defendants' footwear products ("Accused Products"), an example
15 of which is shown below.



22 ***Defendants' Accused Product***

23 16. Upon information and belief, Deckers hereon avers that Nina Shoes sold
24 the Accused Products to Target.

25 17. Deckers is informed and believes and herein alleges that Defendants are
26 competitors and have copied Deckers' boot design in an effort to exploit Deckers'
27 reputation in the market.

**Design Patent D599,999****UGG® Bailey Button Boot****Defendants' Accused Product**

25. Defendants' aforesaid infringing acts are without Deckers' permission or authority and are in total disregard of Deckers' right to control its intellectual property.

26. As a direct and proximate result of Defendants' infringing conduct, Deckers has been injured and will continue to suffer injury to its business and reputation unless Defendants are restrained by this Court from infringing Deckers' '999 Patent.

27. Defendants' acts have damaged and will continue to damage Deckers, and Deckers has no adequate remedy at law.

28. Deckers marks all footwear products embodying the design of the '999 Patent with "Pat. No. 599,999" on a product label in compliance with 35 U.S.C. § 287.

29. Given the widespread popularity and recognition of Deckers' Bailey Button boot and the patent notice provided on the products themselves, Deckers avers and hereon alleges that Defendants had pre-suit knowledge of Deckers' rights to the '999 Patent and has intentionally copied said design on its own brand of products in an effort to pass them off as if they originated, are associated with, are affiliated with, are sponsored by, are authorized by, and/or are approved by Deckers.

30. In fact, Deckers has previously sued Target for infringement of the '999 Patent. Target's pattern of infringing on the '999 design patent is further evidence of willfulness and the intent to unfairly trade off of the goodwill established by Deckers in its intellectual property.

1 4. Ordering Defendants to file with this Court and serve on Deckers within
2 thirty (30) days after entry of the injunction a report in writing, under oath setting forth
3 in detail the manner and form in which Defendants have complied with the injunction;

4 5. Ordering an accounting by Defendants of all gains, profits and advantages
5 derived from their wrongful acts pursuant to 35 U.S.C. § 289;

6 6. Awarding Deckers all of Defendants' profits and all damages sustained by
7 Deckers as a result of Defendants' wrongful acts, and such other compensatory
8 damages as the Court determines to be fair and appropriate;

9 7. Awarding treble damages in the amount of Defendants' profits or
10 Deckers' damages, whichever is greater, for willful infringement;

11 8. Awarding applicable interest, costs, disbursements and attorneys' fees;

12 9. Such other relief as may be just and proper.

13 Dated: November 23, 2016 BLAKELY LAW GROUP
14

15 By: /s/ Jessica C. Covington
16 Brent H. Blakely
17 Cindy Chan
18 Jessica C. Covington
 Attorneys for Plaintiff
 Deckers Outdoor Corporation

19 **DEMAND FOR JURY TRIAL**

20 Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, Plaintiff Deckers
21 Outdoor Corporation hereby demands a trial by jury as to all claims in this litigation.

22
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 Attorneys for Plaintiff
 Deckers Outdoor Corporation