

1 Peter J. Corcoran, III (SBN 224181)  
2 CORCORAN IP LAW, PLLC  
3 2019 Richmond Road, Suite 380  
4 Texarkana, Texas 75503  
5 Tel: (903) 701-2481  
6 Fax: (844) 362-3291  
7 Email: peter@corcoranip.com

8 Counsel for Plaintiff  
9 SHOE CARE INNOVATIONS, INC.

10 UNITED STATES DISTRICT COURT  
11 FOR THE NORTHERN DISTRICT OF CALIFORNIA

12 SHOE CARE INNOVATIONS, INC.,

13 Plaintiff,

14 v.

15 PEDIFIX, INC.,

16 Defendant.

No. 5:17-cv-2112

**ORIGINAL COMPLAINT FOR  
PATENT INFRINGEMENT**

**DEMAND FOR JURY TRIAL**

1 Plaintiff Shoe Care Innovations, Inc., by and through its undersigned counsel, files its  
2 Original Complaint for Patent Infringement and alleges based on knowledge as to itself and  
3 information and belief as to the Defendant as follows.

4 **NATURE OF THE ACTION**

5 1. This is an action for patent infringement arising under the U.S. patent laws, 35  
6 U.S.C. §§ 100, *et seq.*

7 **THE PARTIES**

8 1. Plaintiff Shoe Care Innovations, Inc., is a Delaware corporation with a principal  
9 office at 101 Jefferson Dr., Menlo Park, CA, 94025.

10 2. Defendant Pedifix, Inc., is a New York corporation with a principal office at 281  
11 Fields Lane, Suite 1, Brewster, NY 0509. Defendant may be served with process via its Chief  
12 Executive Officer, Dennis Case, at 4 Columbus Avenue, Mount Kisco, New York 10549.

13 **JURISDICTION AND VENUE**

14 3. This action arises under the Patent Act, 35 U.S.C. § 1, *et seq.*

15 4. Subject matter jurisdiction is proper in this Court under 28 U.S.C. §§ 1331 and  
16 1338.

17 5. Upon information and belief, this Court has personal jurisdiction over Defendant  
18 because (i) Defendant conducts business in this Judicial District, directly or through  
19 intermediaries; (ii) at least a portion of the alleged infringements occurred in this Judicial  
20 District; and (iii) Defendant regularly solicits business, engages in other persistent courses of  
21 conduct, or derives revenue from goods and services provided to individuals in this Judicial  
22 District.

23 6. Venue is proper in this Judicial District under 28 U.S.C. §§ 1391(b), (c), and  
24 1400(b).

25 **THE ASSERTED PATENTS**

26 7. On October 20, 2015, the U.S. Patent and Trademark Office issued U.S. Patent  
27 No. 9,162,000 (“the 000 Patent”), titled “Footwear Sanitizing and Deodorizing System,” to the  
28 inventor, Adam Ullman, and assignee, Shoe Care Innovations, Inc. A true and correct copy of  
the 000 Patent is attached at Exhibit A.

10. Plaintiff is the owner and assignee of all substantial rights, title, and interest in the Asserted Patents.

12. Since December 2008, Plaintiff has manufactured and sold in this District and the U.S. its SteriShoe® UV shoe sanitizing products that are covered by numerous U.S. patents. In 2014 and in 2015, Shoe Care Innovations, Inc. announced its next generation products, the SteriShoe®+ and the SteriShoe® Essential that are covered by the Asserted Patents.

ORIGINAL COMPLAINT FOR PATENT INFRINGEMENT



<http://www.sterishoe.com/sterishoe-essential/> (last visited April 1, 2017).

14. Since about December 2014, Defendant has manufactured, used (at least by testing before selling), sold, offered for sale, or imported in this District and the U.S. its ShoeZap® Ultra Violet Shoe Sanitizer (hereafter “Accused Product”) that directly competes with Plaintiff’s SteriShoe® products.

15. The following are images of Defendant’s ShoeZap® Ultra Violet Shoe Sanitizer from its website at <http://www.pedifix.com/p-372-shoezap-15-minute-uv-shoe-sanitizer-p3410.aspx> (last visited April 1, 2017):





Copyright PediFix, Inc.

16. Plaintiff first contacted Defendant on or about November 2013 to discuss a potential business partnership between the two companies and for Defendant to be Plaintiff's distributor of its SteriShoe® products.

17. Plaintiff communicated with Defendant for approximately two years and met with Defendant at two trade shows in January 2014 and 2015 to discuss their potential partnership.

18. After efforts to form a partnership with Defendant began to wane seriously, Plaintiff notified Defendant of its 000 Patent on or about October 19, 2015, and provided Defendant with a detailed claim chart outlining Defendant's infringement of the 000 Patent on or about November 16, 2015.

19. Defendant has notice of the 020 Patent and its infringement of the 020 Patent at least as of the filing date of this Complaint.

20. Defendant has rejected all of Plaintiff's efforts to establish a business partnership between the companies and has denied that it infringes Plaintiff's patents.

### **COUNT I**

#### **DIRECT INFRINGEMENT OF U.S. PATENT NO. 9,162,000**

21. Plaintiff incorporates by reference each of its foregoing allegations.

22. Without license or authorization and in violation of 35 U.S.C. § 271(a), Defendant directly infringes one or more claims of the 000 Patent in this District and throughout the United States, literally or under the doctrine of equivalents.

23. Defendant directly infringes at least Claim 1, as representative, of the 000 Patent in violation of 35 U.S.C. § 271(a) by, among other things, making, using (including at least by testing before selling), offering for sale, selling, or importing within this District and the United States its Accused Product as shown and described in Exhibit C.

24. Claim 1 is understandable to a person of ordinary skill in the art who has the requisite education, training, and experience with the technology at issue in this case.

25. A person of ordinary skill in the art understands Plaintiff's theory of how Defendant's Accused Product infringes Claim 1 upon a plain reading of this Complaint, the 000 Patent, and Claim 1.

26. Plaintiff reserves the right to modify its infringement theory as discovery progresses in this case, and it shall not be estopped for claim construction purposes by its preliminary infringement analysis as provided in this Complaint. Plaintiff's preliminary infringement analysis is not representative of its final claim construction positions.

27. Defendant has willfully infringed the 000 Patent since at least its issue date on October 20, 2015, after Plaintiff first notified Defendant of the Patent on October 19, 2015, and provided Defendant with a detailed claim chart regarding its infringement on or about November 16, 2015.

## **COUNT II**

### **DIRECT INFRINGEMENT OF U.S. PATENT NO. 9,302,020**

28. Plaintiff incorporates by reference each of its foregoing allegations.

29. Without license or authorization and in violation of 35 U.S.C. § 271(a), Defendant directly infringes one or more claims of the 020 Patent in this District and throughout the United States, literally or under the doctrine of equivalents.

30. Defendant directly infringes at least Claim 1, as representative, of the 020 Patent in violation of 35 U.S.C. § 271(a) by, among other things, making, using (including at least by

1 testing before selling), offering for sale, selling, or importing within this District and the United  
2 States its Accused Product as shown and described in Exhibit D.

3 31. Claim 1 is understandable to a person of ordinary skill in the art who has the  
4 requisite education, training, and experience with the technology at issue in this case.

5 32. A person of ordinary skill in the art understands Plaintiff's theory of how  
6 Defendant's Accused Product infringes Claim 1 upon a plain reading of this Complaint, the 020  
7 Patent, and Claim 1.

8 33. Plaintiff reserves the right to modify its infringement theory as discovery  
9 progresses in this case, and it shall not be estopped for claim construction purposes by its  
10 preliminary infringement analysis as provided in this Complaint. Plaintiff's preliminary  
11 infringement analysis is not representative of its final claim construction positions.

12 34. Since at least the date that Defendant was served with a copy of this Complaint,  
13 Defendant has known that its Accused Product directly infringes one or more claims of the 020  
14 Patent.

#### 15 **PRAYER FOR RELIEF**

16 Plaintiff requests the following relief:

17 A. Judgment that Defendant has infringed the 000 and 020 Patents under 35 U.S.C. §  
18 271(a);

19 B. An accounting of all infringing acts including, but not limited to, those acts not  
20 presented at trial;

21 C. An award of damages, including enhanced damages up to three times the amount  
22 found or assessed, under 35 U.S.C. § 284 adequate to compensate Plaintiff for Defendant's past  
23 and future infringement, including any infringement from the date of filing of this Complaint  
24 through the date of judgment, together with interest and costs;

25 D. An injunction permanently barring Defendant from further infringing the 000 and  
26 020 Patents;

27 E. Judgment that this case is exceptional under 35 U.S.C. § 285 and an award of  
28 Plaintiff's reasonable attorneys' fees and costs; and

F. Such further relief at law or in equity that this Court deems just and proper.

**DEMAND FOR JURY TRIAL**

Plaintiff demands a trial by jury on all claims and issues so triable under Federal Rule of Civil Procedure 38(b).

Dated: April 16, 2017

Respectfully submitted,

CORCORAN IP LAW, PLLC



By: \_\_\_\_\_  
Peter J. Corcoran, III

Counsel for Plaintiff  
SHOE CARE INNOVATIONS, INC.