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6	LEE TRAN & LIANG APLC	20.4)		
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10	Enoch.liang@ltlattorneys.com			
12				
13	Attorneys for Plaintiff LINDA KARECKI			
14	LINDA KARECKI			
15	UNITED STATES DISTRICT COURT			
16	FOR THE SOUTHERN DISTRICT OF CALIFORNIA			
17	I INDA KADECKI) CASE NO.: '12CV3011 JAH JMA		
18	LINDA KARECKI,) CASE NO.: 120 V 30 TT 3 ATT 3 MIA_		
19	Plaintiff,) COMPLAINT FOR PATENT		
20	V.) INFRINGEMENT)		
21	FILA U.S.A., Inc.,	DEMAND FOR JURY TRIAL		
22	Defendants.)		
23)		
24)		
25	Plaintiff Linda Karecki ("Plaintiff") complains as follows:			
26	NATURE OF ACTION			
27	1. This action arises under the Patent Laws of the United States, 35 U.S.C.			
28	§§100, et seq.			
		1		
		COMPLAINT		

2. The Court has subject matter jurisdiction of this action under 28 U.S.C. §§1331 and §1338(a) in that it arises under the United States Patent Laws.

- 3. Defendant Fila U.S.A. Inc. ("Defendant") is subject to this Court's specific and general personal jurisdiction because Defendant conducts extensive business in this Judicial District, uses distributors and retailers in this Judicial District, has committed the acts complained of in this Judicial District, and has caused injury to plaintiff within this Judicial District by virtue of the acts of patent infringement that are described herein.
- 4. Venue is proper in this Judicial District pursuant to 28 U.S.C. §§1391(b), (c) and 1400(b). Defendants are transacting, doing and/or soliciting business and committing acts of patent infringement in this judicial district and elsewhere in the United States.

THE PARTIES

- 5. Plaintiff Linda Karecki is an individual residing in Solana Beach, California.
- 6. Upon information and belief, Defendant is a Maryland corporation with its principal place of business in Sparks, Maryland.

BACKGROUND

- 7. Plaintiff Linda Karecki is an experienced athlete and independent inventor. She began a career as a national track and field competitor and Olympic hopeful at the age of 12. She developed a national reputation as a competitive athlete and a personal athletics trainer. After retiring from international competition, Plaintiff worked successfully for 10 years as a professional model, including appearing in over 15 national commercials. Additionally, Plaintiff has worked extensively as a personal trainer.
- 8. On July 10, 2001, U.S. Patent No. 6,258,014 (the '014 Patent), entitled Exercise Kit and Method of Using Same, was issued to Plaintiff for the invention of

a novel method and apparatus for the toning of muscles through the use of resistance. Plaintiff owned this patent throughout the period of Defendant's infringing acts and still owns this patent. A copy of the '014 Patent is attached hereto as Exhibit A.

- 9. Defendant Fila USA is in the business of selling sporting gear, including its "Fila Toning Resistance" apparel, which includes at least one resilient memory member as a part of the garment to create muscle resistance for the wearers of the clothing. Defendant's "Fila Toning Resistance" apparel line includes pants, capris, jackets, skorts, skort capris, and tank tops/t-shirts.
- 10. Defendant has been selling and offering to sell infringing "Fila Toning Resistance" apparel within the United States, and within this District, all without consent from Plaintiff.

CLAIM FOR RELIEF

(Patent Infringement)

- 11. Plaintiff incorporates by reference and realleges each of the allegations set forth above.
- 12. Defendant has infringed and is still infringing the '014 Patent by making, selling, and using "Fila Toning Resistance" apparel, which embodies the patented invention.
- 13. Upon information and belief, Defendant is aware of the '014 Patent, but yet it knowingly and actively induces consumers to use its infringing "Fila Toning Resistance" apparel within the United States. Defendant thus actively induces infringement of the '014 Patent in violation of 35 U.S.C. § 271(b).
- 14. Defendant's infringing "Fila Toning Resistance" apparel is not a staple article or commodity of commerce and has no substantial non-infringing use. On information and belief, Defendant knew that its "Fila Toning Resistance" apparel is specially made or especially adapted for use in an infringement of the '014 Patent. Third parties who use the infringing "Fila Toning Resistance" apparel infringe one

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or more claims of the '014 Patent. Defendant thus contributes to infringement of the '014 Patent in violation of 35 U.S.C. § 271(c).

- 15. Upon information and belief, Defendant's patent infringement has been committed willfully with full knowledge of the '014 Patent.
- Defendant's infringing acts render this an exceptional case, and 16. therefore Plaintiff should be awarded all costs and attorney's fees incurred in this action as permitted under 35 U.S.C. § 285.
- 17. Plaintiff, as the proximate result of Defendant's patent infringement, has suffered and, if Defendant is not enjoined, will continue to suffer irreparable harm, for which it has no adequate legal remedy.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for judgment:

- 1. That Defendant has infringed, contributorily infringed and/or actively induced infringement of the '014 Patent.
- 2. That Plaintiff be awarded its damages from patent infringement according to proof and ordering that such damages be multiplied up to treble their amount;
- 3. Preliminarily and permanently enjoining Defendant and all others acting in concert with Defendant from making, using, selling or offering to sell the infringing "Fila Toning Resistance" apparel line, as well as any other products infringing the '014 Patent without permission or a license from Plaintiff;
- That Defendants be ordered to deliver up to Plaintiff all products infringing the '014 patent within its ownership, possession or control, for destruction by Plaintiff or, in the alternative, that the Court award a compulsory royalty for the current and future sale of such goods;
- 5. That the Court declare this to be an exceptional case pursuant to 35 U.S.C. §285, and award Plaintiff its attorney's fees;

- 1	1	
1	6.	That Plaintiff be awarded its costs of suit, and pre- and post-judgment
2	interest or	n any money judgment;
3	7.	For such other relief as the Court deems proper.
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5	DATED:	December 18, 2012
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7		By /s/ Enoch Liang (12.18.2012)
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16 1-		
17		Attorneys for Plaintiff LINDA KARECKI
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1	JURY DEMAND
2	Plaintiff demands a jury trial on all claims as to which she has a right to a
3	jury.
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5	DATED: December 18, 2012
6	
7	By /s/ Enoch Liang (12.18.2012)
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