

1 TransPacific Law Group  
2 Pavel I. Pogodin, Ph.D., Esq. (SBN 206441)  
3 pavel@transpacificlaw.com  
4 1 Daniel Burnham Court  
5 #914  
6 San Francisco, California, 94109  
7 Telephone: (650) 954-6857  
8 Facsimile: (650) 472-8961

9 Attorneys for Plaintiff

10 **UNITED STATES DISTRICT COURT**  
11 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**  
12 **SAN FRANCISCO DIVISION**

13 Shen Ko Tseng,  
14 Plaintiff,  
15 v.  
16 Skechers U.S.A., Inc.,  
17 Defendant.

Case No. 3:16-cv-1860

**COMPLAINT FOR PATENT  
INFRINGEMENT**

**DEMAND FOR JURY TRIAL**

18 **COMPLAINT**

19 Plaintiff, Shen Ko Tseng, by and through his undersigned attorneys, for his Complaint  
20 against Skechers U.S.A., Inc. (“Skechers” or “Defendant”) alleges as follows:  
21

22 **NATURE OF ACTION**

23 1. This is an action for patent infringement arising under the patent laws of the  
24 United States, Title 35, United States Code, §§100, et seq.  
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26 **PARTIES**

27 2. Plaintiff Shen Ko Tseng is a natural person who resides in Taipei, Taiwan.  
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3. On information and belief, Defendant Skechers is a corporation organized and existing under the laws of the state of Delaware, having its principal place of business at 225 S. Sepulveda Blvd., Manhattan Beach, California.

**JURISDICTION AND VENUE**

6. This Court has jurisdiction over the subject matter of this action pursuant to 28 U.S.C. §§ 1331 and 1338(a).

7. Defendant conduct and have conducted a substantial, systematic, and continuous business of selling and distributing infringing products in this judicial district. Moreover, Defendant purposefully has offered to sell, have sold and/or have distributed infringing products in this judicial district.

8. Venue is proper in this district pursuant to 28 U.S.C. §§ 1391 and 1400(b).

**BACKGROUND**

9. On March 10, 2009, United States Patent No. 7,500,761 (“the ‘761 patent”) entitled “CIRCUIT DEVICE FOR CONTROLLING A PLURALITY OF LIGHT-EMITTING DEVICES IN A SEQUENCE” was duly and legally issued to Plaintiff. Plaintiff is the owner of all rights, title and interest in the ‘761 patent. A copy of the ‘761 patent is attached hereto as Exhibit A.

10. The ‘761 patent discloses and claims certain electronic circuits for electronically controlling multiple light emitting diodes (LEDs) causing the multiple LEDs to flash in accordance with predetermined lighting patterns based on certain external factors(s).

11. Defendant Skechers imports into the United States, and offers to sell, distribute and sell within the United States certain LED illuminated shoes, which incorporate electronic circuits infringing one or more claims of the ‘761 patent.

12. Exemplary LED illuminated shoes incorporating electronic circuits infringing one or more claims of the ‘761 patent, which are imported, offered for sale, distributed and sold by Defendant Skechers, include, but are not limited to, “Magic Lites” line of footwear including,

1 without limitation, “Magic Lites Street Lightz Spectra Sneaker” branded LED illuminated shoes,  
 2 “Skechers Magic Lites Color-Changing ON/OFF Button Velcro Sneakers” branded LED  
 3 illuminated shoes, “Skechers Kids Magic Light-up Kazam Sneaker” branded LED illuminated  
 4 shoes, “Skechers Magic Lites Super Hot-Lights” branded LED illuminated shoes as well as “Hot  
 5 Lights: Damager II - Adventurer” branded LED illuminated shoes. The foregoing shoes listed in  
 6 this paragraph will be referred to collectively herein as the “LED Illuminated Shoes.” The LED  
 7 Illuminated Shoes listed in this paragraph are merely exemplary shoes containing infringing  
 8 electronic circuits and, on information and belief, Defendant Skechers does sell, do offer for sale,  
 9 and do distribute other LED Illuminated Shoes incorporating electronic circuits infringing one or  
 10 more claims of the ‘761 patent at least in this judicial district and/or throughout the United States.  
 11

12 **FIRST CAUSE OF ACTION**  
 13 **(Infringement of the ‘761 patent)**

14 17. Plaintiff Shen Ko Tseng incorporates the allegations set forth in Paragraphs 1-12  
 15 above as if fully set forth herein.

16 18. The LED Illuminated Shoes that Defendant imports into the United States, and  
 17 distributes, offers to sell and sells within the United States incorporate electronic circuits that are  
 18 covered by one or more claims of the ‘761 patent.

19 19. Defendant’s importation, offers to sell, sales, and distribution within the United  
 20 States of the LED Illuminated Shoes incorporating electronic circuits covered by one or more  
 21 claims of the ‘761 patent is unauthorized.

22 20. Defendant’s importation, offers to sell, sales, and distribution within the United  
 23 States of LED Illuminated Shoes containing electronic circuits covered by one or more claims of  
 24 the ‘761 patent thus constitutes infringement of the '761 patent in violation of 35 U.S.C. § 271(a).

25 21. Defendant Skechers is aware of the ‘761 patent, but yet it knowingly and actively  
 26 induces third parties to offer for sale and sell the LED Illuminated Shoes incorporating electronic  
 27 circuits infringing one or more claims of the ‘761 patent within the United States. Defendant  
 28 Skechers thus actively induces infringement of the ‘761 patent in violation of 35 U.S.C. § 271(b).

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22. Defendant has profited through infringement of the ‘761 patent. As a result of Defendant’s unlawful infringement of the ‘761 patent, Plaintiff has suffered damages in an amount not yet determined and will continue to suffer damages in the future.

23. Upon information and belief, Defendant’s acts of infringement are willful. Upon information and belief, Defendant Skechers knew and knows of the ‘761 patent and that LED Illuminated Shoes incorporate electronic circuits infringing one or more claims of the ‘761 patent. Such willful acts of infringement entitle Plaintiff to an award of enhanced damages and reasonable attorney fees against Defendant Skechers.

24. Upon information and belief, Defendant Skechers intends to continue its unlawful infringing activity and Plaintiff will continue to be damaged by such infringement, unless Defendant Skechers is enjoined by this Court.

25. Defendant Skechers’ acts of infringement have caused irreparable harm to Plaintiff and Plaintiff will continue to suffer such irreparable harm unless Defendant Skechers is preliminarily and permanently enjoined by this Court.

**PRAYER**

By reason of the foregoing, Plaintiff Shen Ko Tseng respectfully requests that this Court:

- (a) enter judgment that Defendant has infringed the ‘761 patent and the ‘674 patent;
- (b) enter judgment that Defendant’s acts of patent infringement are willful;
- (c) preliminarily and permanently enjoin Defendant, its officers, subsidiaries, affiliates distributors, agents, servants, employees, attorneys, and all persons in active concert with them, from any further infringement, inducement of infringement, and contributory infringement of the ‘761 patent and the ‘674 patent;
- (d) award damages, costs, and prejudgment interest to Plaintiff Shen Ko Tseng under 35 U.S.C. § 284;
- (e) declare this case exceptional and award Plaintiff Shen Ko Tseng his reasonable

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- attorneys' fees pursuant to 35 U.S.C. § 285;
- (f) award Plaintiff Shen Ko Tseng treble damages for Defendant's willful infringement;
- and
- (g) award Plaintiff Shen Ko Tseng such other relief as this Court deems just and proper.

Dated: April 8, 2016

Respectfully submitted,

By: /s/ Pavel I. Pogodin  
Pavel I. Pogodin

Pavel I. Pogodin, Ph.D., Esq.  
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**DEMAND FOR JURY TRIAL**

Pursuant to Fed. R. Civ. P. 38, Plaintiff Shen Ko Tseng demands trial by jury of all issues triable to a jury.

Dated: April 8, 2016

Respectfully submitted,

By: /s/ Pavel I. Pogodin  
Pavel I. Pogodin

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