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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CTK Co., LTD, a Korean Corporation, Plaintiff v. Bare Escentuals Beauty, Inc., a Delaware Coproration; and DOES 1 through 10, inclusive, Defendants	CASE NO.: 2:16 CV-3153 COMPLAINT FOR: PATENT INFRINGEMENT Jury Trial Demanded

COMPLAINT

NOW COME the Plaintiffs, CTK Co., LTD, a Korean corporation, ("PLAINTIFF"), by and through its undersigned counsel, for its Complaint against the Defendant, Bare Escentuals Beauty, Inc., a California Corporation, ("BEB") and Defendant DOES (collectively as "Defendants") allege as follows:

NATURE OF ACTION

1. This action concerns Defendants' PATENT infringement under the patent laws of the United States of America, Title 35 of the United States Code §271, *et seq*. Jurisdiction is founded on 28 U.S.C. §§ 1331 and 1338(a).

JURISDICTION AND VENUE

2. This is an action for patent infringement, arising under the patent laws of the United States of America, Title 35 of the United States Code. Jurisdiction is founded on 28 U.S.C. § 1331 (actions arising under the laws of the United States), 28 U.S.C. § 1332(a) (diversity of citizenship between the parties), and § 1338(a) (actions arising under an Act of Congress relating to patents).

3. This Court has personal jurisdiction over Defendants in that one or more of them have, directly or through agents and/or intermediaries, committed acts within California giving rise to this action and/or have established minimum contacts with California such that the exercise of jurisdiction would not offend traditional notions of fair play and justice.

4. Upon information and belief, Plaintiff alleges that Defendants regularly conduct business in California, and purposefully availed

themselves of the privileges of conducting business in California. In particular, upon information and belief, Plaintiff alleges that Defendants, directly and/or through their agents and/or intermediaries, make, use, import, offer for sale, sell, and/or advertises their infringing products and affiliated services in California.

5. Upon information and belief, Plaintiff alleges that Defendants have committed patent infringement in California that has led to harm, foreseeable harm and injury to Plaintiff. Upon information and belief, Defendants derive substantial revenue from the sale of infringing products distributed within California and/or expects or should reasonably expect its actions to have consequences within California. In addition, upon information and belief, Defendants knowingly induced, and continue to knowingly induce, infringement within California by offering for sale, selling, and/or contracting with others to market infringing products with the knowledge and intent to facilitate infringing use of the products by others within Illinois and by creating, importing, distributing and/or selling product information and other materials providing instruction for infringing use.

6. Upon information and belief, Plaintiff alleges that Defendant BEB has several distributors and/or retailers throughout the Los Angeles

county, including but not limited to the city of Los Angeles.

7. Venue is proper in this Court under 28 U.S.C. §§ 1391(b), (c), and 28 U.S.C. § 1400(b).

PARTIES

8. Plaintiff is a corporation duly organized and existing under the laws of Korea, with its principal place of business in Korea.

9. Upon information and belief, at all times relevant, Defendant BEB a Delaware corporation, with its principal place of business with its principal place of business in San Francisco, California.

FACTUAL BACKGROUND

10. Plaintiff is the owner of U.S. Patent No. 8,807,147, entitled "Cosmetic Powder Container" (hereafter referred as the " '147 Patent"). Exhibit A.

11. Plaintiff acquired the ownership of the '147 Patent via an assignment of the full and complete rights. Exhibit B.

Count I

FEDERAL PATENT INFRINGEMENT, TITLE 35 U.S.C. §271.

12. Plaintiffs incorporate paragraphs 1 through 11 herein by reference and further allege as follows:

13. Upon information and belief, Plaintiff alleges that, at all times relevant, Defendant BEB makes, imports, uses, advertises, and/or offers for sale in the United States one or more cosmetic products that infringe Claim 10 of the '147 Patent under the doctrine of equivalents. A specimen of allegedly infringing products is shown in Exhibit C. Moreover, an initial draft of an alleged infringement chart, subject to modifications upon further analysis and discovery, is attached as Exhibit D.

14. Upon information and belief, at all times relevant, Defendant BEB actively targets customers of Plaintiff with the intent to induce and contribute to the infringement of Claim 10 of the '147 Patent under the doctrine of equivalents.

15. Upon information and belief, Plaintiff alleges that, at all times relevant, even after full knowledge of the '147 Patent and its infringement thereof, Defendant BEB willfully and wantonly continued to import, make, use, advertise, offer for sale, and/or sold allegedly infringing products in the United States.

16. Upon information and belief, Plaintiff alleges that, at all times relevant, Defendant DOES make, import, use, advertise, and/or offer for

sale in the United States one or more cosmetic products that infringe Claim 10 of the '147 Patent under the doctrine of equivalents.

17. Upon information and belief, at all times relevant, Defendant DOES actively target customers of Plaintiff with the intent to induce and contribute to the infringement of Claim 10 of the '147 Patent under the doctrine of equivalents.

18. Upon information and belief, Plaintiff alleges that, at all times relevant, even after full knowledge of the '147 Patent and their infringement thereof, at least some of Defendant DOES willfully and wantonly continued to import, make, use, advertise, offer for sale, and/or sold allegedly infringing products in the United States.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that:

A. Defendant BEB be declared and adjudged to have directly infringed, engaged in the contributory infringement of, and/or actively induced others to infringe Claim 10 of the '147 Patent under the doctrine of equivalents;

B. Each of Defendants' infringement, contributory infringement, and/or active inducement of infringement of Claim 10 of the '147 Patent under the doctrine of equivalents be declared and adjudged to be willful and deliberate;

C. Each of Defendants, and any of its officers, directors, agents, servants, employees, successors, assigns, and all those controlled by them or in active participation with them, be preliminarily and permanently enjoined from further acts of infringement of Claim 10 of the '147 Patent under the doctrine of equivalents;

D. Each of Defendants be required to account for and pay over to Plaintiff all actual damages suffered by Plaintiff by reason of Defendants' infringement, including without limitation lost profits and/or a reasonable royalty;

E. By reason of the willful and deliberate nature of the aforesaid infringing acts, such damages be trebled pursuant to 35 U.S.C. § 284;

F. By reason of the exceptional nature of this case within the meaning of 35 U.S.C. § 285, Plaintiff be awarded their attorneys' fees;

G. Each of Defendants be ordered to pay to Plaintiff' prejudgment and postjudgment interest, and costs; and

H. This Court grants Plaintiff such other further legal and equitable relief as the Court deems just and proper.

DEMAND FOR TRIAL BY JURY

Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, Plaintiff requests a trial by jury in this matter.

Dated: May 6, 2016

Respectfully submitted,

CTK Co., LTD,
a Korean Corporation

Attorneys for Plaintiffs

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