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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

LORI BRAUN, an individual, and LORI
BRAUN FAMILY TRUST, an Australian
Trust,

Plaintiffs,

vs.

SEPHORA USA, INC.,

Defendant.

Case No.: **2:16-cv-1505**

COMPLAINT

Complaint Filed:

Trial Date:

Plaintiffs Lori Braun and the Lori Braun Family Trust ("Plaintiffs"), by and through their attorneys, LeClairRyan, A Professional Corporation, as and for their complaint against Defendant Sephora USA, Inc. ("Defendant"), allege as follows:

JURISDICTION AND VENUE

1. This is an action for patent infringement arising under the laws of the United States, Title 35, United States Code.

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

THE PARTIES

6. Upon information and belief, Sephora USA, Inc. is a Delaware Corporation with its principal place of business at First Market Tower, 525 Market Street, 32nd Floor, San Francisco, CA 94105-2708.

7. Plaintiff Lori Braun is the owner by assignment of all right, title and interest in United States Patent No. 5,972,360 ("the '360 Patent") (copy attached as **Exhibit A**), an issued,

1 valid, unexpired and enforceable United States patent, which was duly and properly issued by the
2 United States Patent and Trademark Office on October 26, 1999. The '360 Patent is held in trust
3 by the Lori Braun Family Trust of the beneficiaries of that trust, including Lori Braun.

4
5 8. Defendant is infringing the '360 Patent by making, using, offering to sell and
6 selling in the United States and/or importing into or exporting from the United States products
7 that practice one or more claims of the '360 Patent.

8 9. Specifically, the '360 Patent claims, among other things (column 4):

9 1. A self-tanning product in the form of a towelette
10 comprising a towel impregnated with a self-tanning composition.

11 2. The self-tanning product of claim 1 wherein said self-
12 tanning composition contains an effective amount of
dihydroxyacetone.

13 6. The self-tanning product of claim 2 wherein said self-
14 tanning composition further contains a member of the group
15 consisting of skin absorption agents, antioxidants, humectants,
preservatives and fragrances.

16 10. Defendant is selling, offering to sell, distributing, importing, exporting, and/or
17 manufacturing a self-tanning product in the form of a towelette impregnated with a self-tanning
18 composition that infringes the '360 Patent.

19 11. Specifically, Defendant is selling, offering to sell, distributing, importing,
20 exporting, and/or manufacturing a private label self-tanning towelette product named Lingette
21 Auto-Bronzante DHA Self-Tanning Wipe (picture and ingredient list from Defendant's website
22 is attached as **Exhibit B**) (the "Infringing Product"). The Infringing Product is in the form of a
23 towelette impregnated with a self-tanning composition containing dihydroxyacetone plus other
24 ingredients.
25

26 12. The Infringing Product is within the scope of and infringes at least claims 1, 2 and
27 6 of the '360 Patent.
28

1 13. Upon information and belief, Defendant purchases the Infringing Product from
2 Dermofarm, S.A., a Spanish company (“Dermofarm”). Dermofarm has no license from Plaintiffs
3 to supply the Infringing Product to Defendant.

4 14. Defendant has and, upon information and belief, continues to sell, offer to sell and
5 distribute its Infringing Product through its website and at retail.

6 15. Defendant has profited through its infringement of the ’360 Patent and has caused
7 damages to Plaintiffs from its infringement. As a result of Defendant’s unlawful infringement of
8 the ’360 Patent, Plaintiffs have suffered and will continue to suffer damages. Plaintiffs are
9 entitled to recover damages from Defendant based on Defendant’s unlawful infringement of the
10 ’360 Patent.
11

12 16. Defendant’s infringement of the ’360 Patent is willful and deliberate, entitling
13 Plaintiffs to exceptional case remedies and attorneys’ fees and costs.

14 17. Defendant has been aware of the ’360 Patent for many years through its
15 commercial interactions with Plaintiffs and entities Plaintiffs control and therefore is aware that
16 its Infringing Product infringes claims in ’360 Patent. In addition, by letter dated May 26, 2016
17 (copy attached as **Exhibit C**), Plaintiffs informed Defendant yet again in writing of the ’360
18 Patent and Defendant’s infringement of that patent.
19

20 18. Despite this notice and knowledge, Defendant has continued to sell, offer to sell,
21 import, export, distribute, and/or manufacture its Infringing Product.

22 19. On information and belief, Defendant intends to continue its unlawful infringing
23 activity, and as a result Plaintiffs will suffer and continue to suffer damages and irreparable harm
24 — for which there is no adequate remedy at law — from such unlawful infringing activity unless
25 Defendant is enjoined by this Court.
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FIRST CLAIM FOR RELIEF

INFRINGEMENT OF U.S. PATENT NO. 5,972,360

20. Plaintiffs incorporate the above allegations as if set forth in full here.

21. Plaintiffs are the owners by assignment of all right, title and interest in the '360 Patent entitled "Self- Tanning Towelette," which was duly and properly issued by the U.S. Patent and Trademark Office on October 26, 1999.

22. Defendant has been directly infringing the '360 Patent under 35 U.S.C. § 271, literally and/or under the doctrine of equivalents, by, among other things, making, using, offering to sell, selling, manufacturing, and/or distributing in the United States and/or importing into or exporting from the United States its Infringing Product that practices one or more claims of the '360 Patent.

23. Plaintiffs have been damaged by this infringement of the '360 Patent in an amount to be determined at trial. In addition, Plaintiffs are entitled an award of at least a reasonable royalty based on sales of Defendant's Infringing Product.

24. Defendant's conduct is also causing irreparable injury to Plaintiffs in an amount and nature that is not compensable in money. Therefore, Plaintiffs are also entitled to preliminary and permanent injunctive relief to enjoin Defendant's improper conduct.

25. In addition, Defendant's willful infringement of the '360 Patent makes this an exceptional case, entitling Plaintiffs to exceptional case remedies, including without limitation, treble damages and an award of Plaintiffs' attorneys' fees and costs incurred in this action.

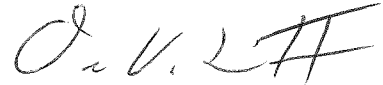
DEMAND FOR JURY TRIAL

26. Pursuant to Rule 38(b) of Federal Rules of Civil Procedure, Plaintiffs respectfully requests a trial by jury on all issues properly triable by jury.

1 DATED: June 24, 2016

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3 By:



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