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13 Attorneys for Plaintiffs
14 RESTORATION HARDWARE, INC.
15 and RH US, LLC

16 **UNITED STATES DISTRICT COURT**
17 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

18 RESTORATION HARDWARE, INC.,
19 a Delaware corporation, and RH US,
20 LLC, a Delaware limited liability
21 company,

22 Plaintiffs,

23 vs.

24 TARGET CORPORATION,
25 a Minnesota corporation,

26 Defendant.

Case No.: 3:18-cv-00770

COMPLAINT

27 Plaintiffs Restoration Hardware, Inc. and RH US, LLC (together, "RH")
28 allege the following:

NATURE OF THIS ACTION

1. This is an action by RH against Target Corporation ("Target") for patent infringement arising out of Target's infringement of RH's patented furniture designs. Specifically, Target is selling lounge chairs, sofas, armchairs and chaises that infringe four (4) of RH's design patents. RH seeks injunctive relief and damages, including all of Target's profits generated from the sale of the infringing products.

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1 **PARTIES**

2 2. Plaintiff Restoration Hardware, Inc. is a Delaware corporation
3 whose principal place of business is located at 15 Koch Road, Corte Madera,
4 California 94925. Restoration Hardware, Inc. is the exclusive licensee of the
5 patents in suit.

6 3. Plaintiff RH US, LLC is a Delaware limited liability company
7 whose principal place of business is located at 15 Koch Road, Corte Madera,
8 California 94925. RH US, LLC is the owner of the patents in suit.

9 4. Defendant Target Corporation is a Minnesota corporation with its
10 principal place of business at 1000 Nicollet Mall, Minneapolis, Minnesota
11 55403.

12 **JURISDICTION AND VENUE**

13 5. This Court has subject matter jurisdiction over this action pursuant
14 to 28 U.S.C. §§ 1331 and 1338 because this action involves claims for patent
15 infringement in violation of 35 U.S.C. § 1, *et seq.*

16 6. This Court has personal jurisdiction over Defendant because,
17 among other things, Defendant has purposefully directed its activities at
18 residents of the forum, including, upon information and belief, by offering for
19 sale and selling the infringing products to residents of this district. Plaintiff's
20 claims for patent infringement claim arise out of or relate to Defendant's
21 offering for sale and sales of the infringing products in this district. The
22 assertion of personal jurisdiction over Defendant in this district is fair and
23 reasonable.

24 7. Venue is proper in this district under 28 U.S.C. §1400(b) because
25 Target has committed acts of infringement in this district through the sale and
26 offering for sale of infringing products, and has a regular and established place
27 of business in this district. Venue is proper in the Northern District of this
28 court, San Francisco division.

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INTRADISTRICT ASSIGNMENT

8. Pursuant to Civil Rule 3-2(c), this is an Intellectual Property Action assignable on a district-wide basis.

GENERAL ALLEGATIONS

9. RH is an innovative and popular luxury brand in the home furnishings marketplace. RH designs, manufactures, and sells a wide variety of home furnishings, including outdoor furniture. One of RH’s most popular outdoor collections is known as “Provence.” Pieces in the Provence collection embody the design in the RH Patents identified in Paragraphs 13-16.

10. RH owns four (4) design patents registered with the United States Patent and Trademark Office for products in its Provence collection including:
11 (a) US D663,966 (“D’966 Patent”) for the ornamental design of a lounge chair;
12 (b) US D663,967 (the “D’967 Patent”) for the ornamental design of a sofa;
13 (c) US D664,782 (the “D’782 Patent”) for the ornamental design of an
14 armchair; and (d) US D651,012 (the “D’012 Patent”) for the ornamental design
15 of a chaise (collectively, “RH Patents”).

11. The RH Patents are valid and subsisting.

12. RH has practiced the RH Patents in connection with commercialization of the Provence collection.

LOUNGE CHAIR DESIGN

13. The D’966 Patent claims the ornamental design of a lounge chair as shown in the figures below.

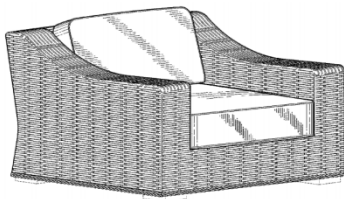


FIG. 1

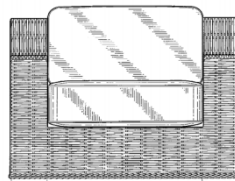


FIG. 2

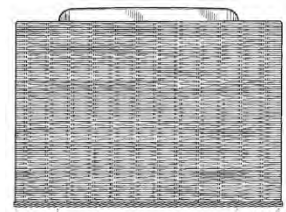
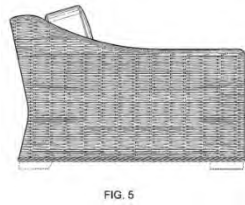
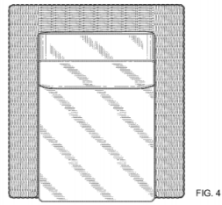


FIG. 3

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SOFA DESIGN

14. The D'967 Patent claims the ornamental design of a sofa as shown in the figures below.

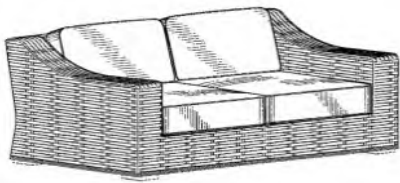


FIG. 1

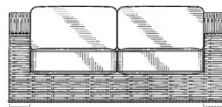


FIG. 2

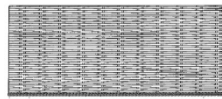


FIG. 3

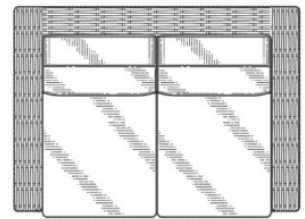


FIG. 4

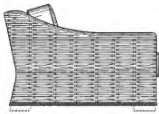


FIG. 5

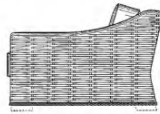


FIG. 6

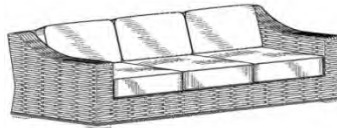


FIG. 7

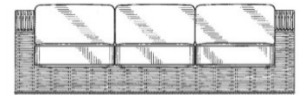


FIG. 8

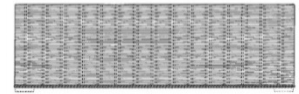


FIG. 9



FIG. 10

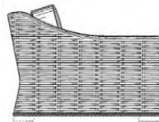


FIG. 11

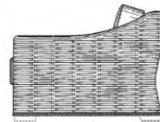


FIG. 12

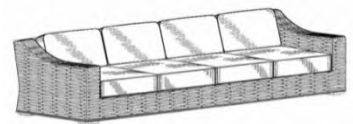


FIG. 13



FIG. 14



FIG. 16



FIG. 15

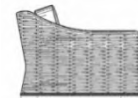


FIG. 17



FIG. 18

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ARMCHAIR DESIGN

15. The D'782 Patent claims the ornamental design of an armchair as shown in the figures below.

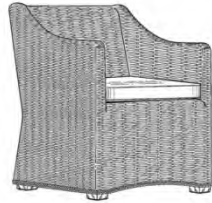


FIG. 1

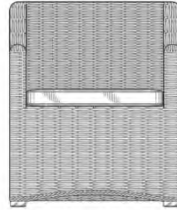


FIG. 2

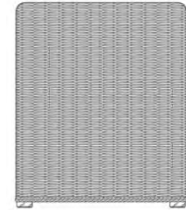


FIG. 3

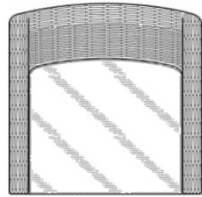


FIG. 4

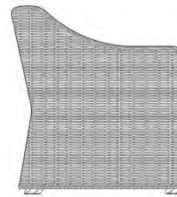


FIG. 5

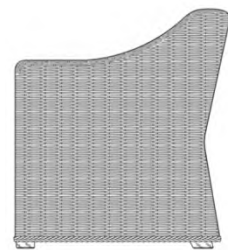


FIG. 6

CHAISE DESIGN

16. The D'012 Patent claims the ornamental design of a chaise as shown in the figures below.

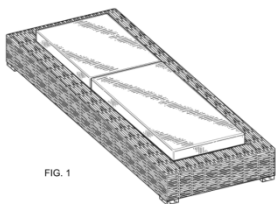


FIG. 1

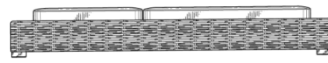


FIG. 2



FIG. 3

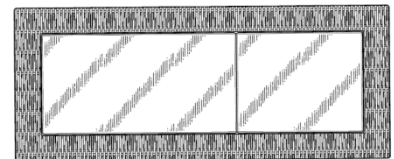


FIG. 4



FIG. 5



FIG. 6

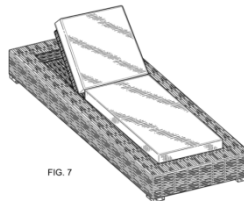


FIG. 7

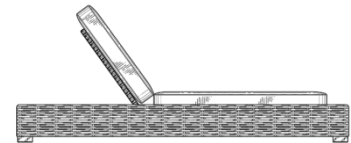


FIG. 8

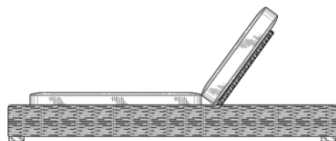


FIG. 9

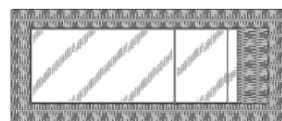


FIG. 10

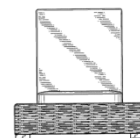


FIG. 11



FIG. 12

1 **Target’s Infringing Conduct**

2 17. Target owns and operates 1,834 stores in the United States and an
3 ecommerce store at <Target.com>.

4 18. In or around November 2017, RH learned that Target was selling
5 outdoor furniture under the brand “Smith & Hawken” and the product name
6 “Premium Edgewood” (the “Infringing Products”) that are nearly identical to
7 the designs of RH’s outdoor furniture covered by the RH Patents.

8 19. On November 10, 2017, RH sent a cease and desist letter to Target
9 identifying each of the Infringing Products, identifying the RH Patents at issue,
10 and providing a side-by-side comparison of RH’s Provence products
11 embodying the designs at issue and the Infringing Products with a link to each
12 listing for the Infringing Products on Target.com.

13 20. On November 28, 2017, Target responded in a summary manner
14 denying that it was not able to respond because RH “did not explain how any
15 Smith & Hawken product allegedly infringes any of the design patents.”

16 21. On November 29, 2017, RH responded and explained that Target
17 had sufficient information to evaluate RH’s claims.

18 22. On December 8, 2017, Target responded and claimed that RH
19 “provided no reason to believe that an ordinary observer would consider the
20 Smith & Hawken furniture collection and the allegedly patented designs to be
21 substantially the same,” did not provide a comparison of the claimed and
22 accused designs with the prior art, and “offered no reason to doubt” that the
23 designs are primarily functional rather than ornamental. Again, Target did not
24 substantively address RH’s infringement claims.

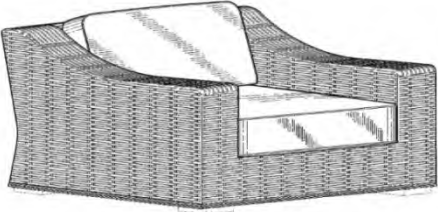

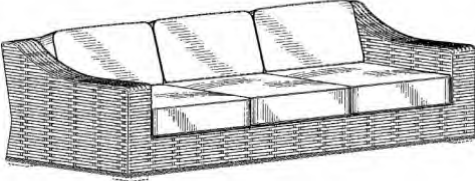

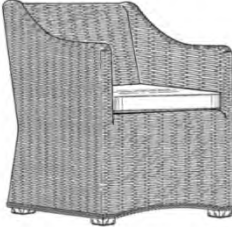

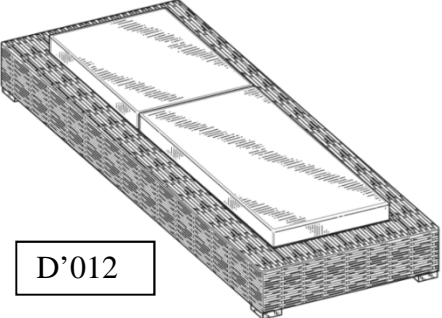

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23. A side-by-side comparison of select figures from the RH Design Patents and Target's Infringing Products is shown in the table below.

RH's Patented Designs	Infringing Products
 <p data-bbox="540 632 678 684">D'966</p>	
 <p data-bbox="548 1014 686 1066">D'967</p>	
 <p data-bbox="565 1371 703 1423">D'782</p>	
 <p data-bbox="415 1738 553 1791">D'012</p>	

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Lewis Roca
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1 DATED February 5, 2018

2 Respectfully submitted,

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