UNIVERSAL STATES INTERNATIONAL TRADE COMMISSION
WASHINGTON, DC

IN THE MATTER OF

CERTAIN TOY FIGURINES AND TOY SETS CONTAINING THE SAME

INVESTIGATION NO. 337-TA-

COMPLAINT UNDER SECTION 337
OF THE TARIFF ACT OF 1930, AS AMENDED

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<tr>
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I. INTRODUCTION

1. This Complaint is filed by LEGO A/S, LEGO System A/S and LEGO Systems, Inc. (collectively, “LEGO” or “Complainants”), pursuant to Section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337 (“Section 337”), against the proposed Respondents LaRose Industries LLC d/b/a CRA-Z-ART (“LaRose”), MEGA Brands Inc. (“MEGA Brands”) and Best-Lock Construction Toys, Inc. (“Best-Lock”) (collectively, the “Proposed Respondents”). LEGO respectfully requests that the United States International Trade Commission (the “Commission”) institute an investigation relating to the unlawful sale for importation into the United States, importation into the United States, and/or the sale within the United States after importation of certain toy figurines and toy sets containing the same.

2. The Proposed Respondents have engaged in unfair acts in violation of Section 337(a)(1)(A) through and in connection with the unlicensed importation into the United States, sale for importation, and/or sale within the United States after importation of the Proposed Respondent’s figurines and toy sets containing the same, that infringe one or more of the following U.S. design patents owned by LEGO (collectively, “the Asserted Patents”):

   • D682,367 (“the ‘367 Patent”) (Exhibit No. 1).
   • D678,432 (“the ‘432 Patent”) (Exhibit No. 2).
   • D689,568 (“the ‘568 Patent”) (Exhibit No. 3).
   • D672,413 (“the ‘413 Patent”) (Exhibit No. 4)

3. The Proposed Respondents have engaged in unfair acts in violation of Section 337(a)(1)(B) through and in connection with the unlicensed importation into the United States, sale for importation, and/or sale within the United States after importation of the Proposed Respondents’ figurines and toy sets containing the same, that also infringe one or more of the
following U.S. Copyright registrations owned by LEGO (collectively, “the Asserted Copyrights”):

- VA 1-876-291 (“the ‘291 Registration’) (Exhibit No. 5).
- VA 1-876-279 (“the ‘279 Registration’) (Exhibit No. 6).
- VA 1-876-378 (“the ‘378 Registration’) (Exhibit No. 7).
- VA 1-876-373 (“the ‘373 Registration’) (Exhibit No. 8).

4. The Proposed Respondents have violated and continue to violate Section 337 to the detriment of the domestic industry of LEGO and of LEGO’s licensees and potential licensees that exist in the United States relating to the Asserted Patents and the Asserted Copyrights.

5. To remedy the Proposed Respondents’ continuing and unlawful violation of Section 337, LEGO hereby states pursuant to Commission Rule 210.12(a)(11) that it seeks, as permanent relief, a general exclusion order, pursuant to 19 U.S.C. § 1337 (d), barring all infringing toy figurines and toy sets containing the same from entry into the United States. LEGO also seeks, alternatively, a limited exclusion order, pursuant to 19 U.S.C. § 1337(d), barring from entry into the United States all infringing figurines and toy sets containing the same sold for importation, imported, or sold within the United States after importation by the Proposed Respondents. LEGO also seeks cease and desist orders, pursuant to 19 U.S.C. § 1337(f), prohibiting the Proposed Respondents from engaging in the unlawful sale for importation into the United States, importation into the United States, and/or the sale within the United States after importation of infringing figurines and toy sets containing the same that infringe claims of one or more of the Asserted Patents and/or infringe one or more of the Asserted Copyrights. Further, LEGO requests that the Commission impose a bond upon Proposed Respondents’
importation of infringing figurines and toy sets containing the same during the 60-day
Presidential review period, pursuant to 19 U.S.C. § 1337(j), to prevent further injury to the
domestic industry relating to the Asserted Patents and Copyrights.

A. Complainants

6. LEGO A/S and LEGO System A/S are corporations incorporated under the laws
of Denmark, having their principal place of business at Aastvej 1, DK-7190, Billund, Denmark.

7. LEGO Systems, Inc., is a corporation incorporated under the laws of Delaware
with its principal place of business at 555 Taylor Road, Enfield, Connecticut 06082.

8. LEGO is a well-established industry innovator and leader in designing and
manufacturing toys and play materials for children of all ages worldwide. LEGO’s toy building
elements, figurines and toy sets established the construction toy category, are well-recognized
around the world and have enjoyed tremendous commercial success and consistent popular
acclaim.

9. LEGO is known for delivering the very best construction toy products and
associated play experiences. In fact, the name “LEGO” is an abbreviation of the Danish words
“leg godt” meaning “play well.” LEGO was founded in 1932 by Ole Kirk Kristiansen, who
started the company making wooden toys and selling them from his workshop in Billund,
Denmark. The company has passed from parent to child with Kjeld Kirk Kristiansen, grandchild
of the founder, currently serving as Vice Chairman of the Board. Ole Kristiansen’s motto—“det
bedste er ikke for godt!” meaning “only the best is good enough”—helps explain why, according
to a 2014 survey by the Reputation Institute, LEGO is the number two most-admired brand in the
United States and number nine globally. The phrase also explains why LEGO products have
been twice named “Toy of the Century.” See Exhibit No. 28; Confidential Exhibit No. 37.
10. Constructive LEGO play fosters positive, lifelong skills, such as creativity, imagination and creative problem solving, that are valuable to any child. Even though all LEGO products are gender-neutral and are intended for both boys and girls, prior to the introduction of the LEGO® Friends figurines, studies indicated that only nine percent (9%) of LEGO households reported that the primary user of a LEGO product was a girl. To make LEGO play more interesting for some girls, in 2007 LEGO embarked on four years’ worth of comprehensive global research, design and exhaustive testing, incorporating over 3,500 girls and their parents, and including focus groups in the United States for the purpose of research and design of the new product line, with a particular emphasis on the figurine’s design. See Exhibit No. 28; Confidential Exhibit No. 37.

11. Because LEGO is known for its co-creation philosophy and delivering the very best possible products and experiences, LEGO listened carefully to the participants in the studies. The comprehensive studies called for a figure that is able to be accessorized, toy sets with more details and interior building, a brighter color palette, and role play opportunities with a story line that girls would find interesting. As a result, each LEGO® Friends figurine is named, and has a back story and career. Moreover, each LEGO® Friends figurine is made with the goal of inspiring more girls to try their hand at building and experience the pride of accomplishment that LEGO play fosters. See Exhibit No. 28; Confidential Exhibit No. 37.

12. LEGO® Friends figurines launched in the United States in January, 2012 and was one of the most significant strategic launches in a decade. LEGO launched a full line of 23 different products backed by a $40 million global marketing push. See Exhibit No. 28; Confidential Exhibit No. 37.
13. The launch was tremendously successful. During LEGO® Friends figurines’ first year in the market, the products doubled the initial sales forecast in a declining global toy market. Since launch, the LEGO® Friends product line has continued to experience widespread sales growth, growing by double digits, despite a North American decrease in toy sales overall. See Exhibit No. 28; Confidential Exhibit No. 37.

14. LEGO® Friends products have also been widely-recognized in the international toy community, winning “Toy of the Year” for the best toy overall in 2013 at the 2013 International Toy Fair in New York, New York. LEGO® Friends products have also been awarded: “Best Toy” in the six-to-ten age group at the 2012 Nuremberg Toy Fair; 2013 “Activity Toy of the Year”; and 2013 “Girl Toy of the Year” at the 2013 International Toy Fair in New York, New York. LEGO® Friends products were also nominated for 2014 “Girl Toy of the Year” at the 2014 International Toy Fair in New York, New York. See Exhibit No. 28; Confidential Exhibit No. 37.

15. LEGO’s innovative and commercially successful products are the result of its long-time investment in research and development and commitment to cutting-edge toy designs. LEGO’s innovations and products have become so popular and well-recognized that they are virtually synonymous with the LEGO brand, attracting competitors who attempt to capitalize on LEGO’s success by copying its innovations and products and preying on the vulnerability of LEGO’s youthful consuming population, instead of developing their own product lines. Over the years, LEGO has made substantial investments in design, research and development, licensing, and manufacturing in a wide variety of product lines, including the LEGO® Friends product line at issue. See Confidential Exhibit No. 37.
16. LEGO A/S, the parent company, owns the Asserted Patents and Copyrights and licenses them to LEGO System A/S for production. In turn, LEGO System A/S licenses the Asserted Patents and Copyrights to LEGO Systems, Inc. for marketing and distribution in the United States.

B. Proposed Respondents

17. On information and belief, Respondent LaRose Industries LLC is a late-market entrant, U.S. toy supplier incorporated under the laws of New Jersey with its principal place of business at 1578 Sussex Turnpike, Randolph New Jersey 07869. See Exhibit No. 29. As detailed below, LaRose is the supplier of “LITE BRIX” toy products.

18. On information and belief, Respondent MEGA Brands Inc. is a late-market entrant, U.S. toy supplier incorporated under the laws of Canada with its principal place of business at 4505 Hickmore, Montreal, Quebec, Canada H4T 1K4. As detailed below, MEGA Brands is the supplier of “My Life As” toy products. See Exhibit No. 30.

19. On information and belief, Respondent Best-Lock is a late-market entrant, U.S. toy supplier incorporated under the laws of Florida with its principal place of business at Suite 300, Rivergate Plaza, 444 Brickell Avenue, Miami, Florida 33131. As detailed below, Best-Lock is the supplier of “Fairy Tale High” toy products. See Exhibit No. 31.

II. TECHNOLOGY AND PRODUCTS-AT-ISSUE

A. LEGO’s Products

20. In 2012, LEGO introduced its LEGO® Friends figurines, which include a group of figurines representative of LEGO® Friends characters, namely, Mia, Olivia, Emma, Andrea, and Stephanie, who live in the imaginary LEGO toy world of Heartlake City. With themed elements and colorful details, LEGO toy sets featuring the LEGO® Friends figurines allow consumers to
design and build their own Heartlake City play scenarios, such as Heartlake Shopping Mall and Sunshine Ranch.
21. Each LEGO® Friends figurine has a head, arms, legs, and features certain fixed facial expressions and various clothing styles. It comprises a distinct trapezoidal torso, cylindrical head, arms bent slightly at the elbows, straight legs, and inverted feet with rounded front edge and smaller sole outfitted with a multitude of shoe styles.

![Emma: A Representative LEGO® Friends figurine](image)

B. Proposed Respondent LaRose’s Products

22. LaRose manufactures in China, sells for importation into the United States, imports into the United States, and/or sells after importation within the United States imitation toy products, including a figurine having a trapezoidal torso, cylindrical head, arms bent slightly at the elbows, straight legs, and inverted feet (the “LaRose Infringing Figurine”). LaRose Infringing Figurines are marketed and sold in, at least LaRose LITE BRIX toy sets or as LaRose LITE BRIX figurines.
Ava: A Representative LaRose Infringing Figurine

23. LaRose Infringing Figurines are strikingly and substantially similar to the Asserted Copyrights, and infringe claims of one or more of the Asserted Patents that are embodied in the LEGO® Friends figurines. In fact, the torso, head, arms, legs, and feet of LaRose Infringing Figurines all have nearly exact dimension and proportions as those respective parts of the Asserted Copyrights and the corresponding claims of one or more of the Asserted Patents.

Comparison of LEGO® Friends figurine and LaRose Infringing Figurine
24. A representative photo below shows a LITE BRIX toy set imported and/or sold after importation within the United States by LaRose featuring LaRose Infringing Figurines.

![LITE BRIX Sunset Island Mall containing LaRose Infringing Figurines](image)

**C. Proposed Respondent MEGA Brands' Products**

25. MEGA Brands manufactures in Canada, sells for importation into the United States, imports into the United States, and/or sells after importation within the United States imitation toy products, including a figurine having a trapezoidal torso, cylindrical head, arms bent slightly at the elbows, straight legs, and inverted feet ("MEGA Brands Infringing Figurine"). MEGA Brands Infringing Figurines are marketed and sold in, at least MEGA Brands My Life As toy sets or as MEGA Brands My Life As figurines.
A Representative MEGA Brands Infringing Figurine

26. MEGA Brands Infringing Figurines are strikingly and substantially similar to the Asserted Copyrights, and infringe claims of one or more of the Asserted Patents that are embodied in the LEGO® Friends figurines. In fact, the torso, head, arms, legs, and feet of MEGA Brands Infringing Figurines all have nearly exact dimension and proportions as those respective parts of the Asserted Copyrights and the corresponding claims of one or more of the Asserted Patents.
Comparison of LEGO® Friends figurines and MEGA Brands Infringing Figurines

27. A representative photo below shows a toy set imported and/or sold after importation within the United States by MEGA Brands featuring MEGA Brands Infringing Figurines.
MEGA Brands Blue Ribbon Ranch containing MEGA Brands Infringing Figurines

D. Proposed Respondent Best-Lock’s Products

28. Best-Lock manufactures in China, sells for importation into the United States, imports into the United States, and/or sells after importation within the United States imitation toy products, including a figurine having a trapezoidal torso, cylindrical head, arms bent slightly at the elbows, straight legs, and inverted feet (the “Best-Lock Infringing Figurine”). Best-Lock Infringing Figurines are marketed and sold in, at least Best-Lock Fairy Tale High toy sets or as Best-Lock Fairy Tale High figurines.
"Little Mermaid": A Representative Best-Lock Infringing Figurine

29. Best-Lock Infringing Figurines are strikingly and substantially similar to the Asserted Copyrights, and infringe claims of one or more of the Asserted Patents that are embodied in the LEGO® Friends figurines. In fact, the torso, head, arms, legs, and feet of Best-Lock Infringing Figurines all have nearly exact dimension and proportions as those respective parts of the Asserted Copyrights and the corresponding claims of one or more of the Asserted Patents.
Comparison of LEGO® Friends figurine and Best-Lock Infringing Figurine

30. A representative photo below shows a toy set imported and/or sold after importation within the United States by Best-Lock featuring Best-Lock Infringing Figurines.

Best-Lock I'm Teen Little Mermaid containing a Best-Lock Infringing Figurine
III. THE ASSERTED PATENTS

31. The Asserted Patents protect the ornamental features of LEGO’s unique toy
    figurine designs. LEGO owns by assignment the entire right, title, and interest in each of the
    Asserted Patents. Complainants’ products each practice one or more of the Asserted Patents, as
described below in Section VIII.B.

A. The Asserted Patents’ Prosecution History and Non-Technical Description

(1) The ‘367 Patent

32. The ‘367 Patent is entitled “Female Toy Figure,” issued to Pia Pilgaard et al. on
    May 14, 2013, from U.S. Design Patent Application Serial No. 29/409,613, filed December 27,
    2011. The ‘367 Patent has one (1) claim. A certified copy of the ‘367 Patent is attached to the
    Complaint as Exhibit No. 1.

![FIG. 1](image)

Figure 1 of the ‘367 Patent

33. LEGO became the owner of the ‘367 Patent by assignment made on January 12,
    2012 and recorded on January 26, 2012. A certified copy of the assignment is attached as
    Exhibit No. 9.
34. Together with this Complaint, LEGO has filed a certified copy and three (3) additional copies of the prosecution history of the ‘367 Patent as Appendix No. 1. LEGO has also filed four (4) copies of each patent and technical reference identified in the prosecution history of the application leading to the issuance of the ‘367 Patent as Appendix No. 5.

35. The ‘367 Patent claims an ornamental design for a female toy figure, as shown and described in the figures of the patent.¹

(2) The ‘432 Patent

36. The ‘432 Patent is entitled “Toy Figure,” issued to Arnaud Rene Albert Dubreuil et al. on March 19, 2013, from U.S. Design Patent Application Serial No. 29/409,606, filed December 27, 2011. The ‘432 Patent has one (1) claim. A certified copy of the ‘432 Patent is attached to the Complaint as Exhibit No. 2.

![FIG. 1](image)

**Figure 1 of the ‘432 Patent**

¹ The text of this Complaint and the sections providing non-technical descriptions of the Asserted Patents are not intended to construe either the specification or the claims of the Asserted Patents.
37. LEGO became the owner of the '432 Patent by assignment made on January 16, 2012 and recorded on January 25, 2012. A certified copy of the assignment is attached as Exhibit No. 10.

38. Together with this Complaint, LEGO has filed a certified copy and three (3) additional copies of the prosecution history of the '432 Patent as Appendix No. 2. LEGO has also filed four (4) copies of each patent and technical reference identified in the prosecution history of the application leading to the issuance of the '432 Patent as Appendix No. 6.

39. The '432 Patent claims an ornamental design for a toy figure, as shown and described in the figures of the patent.

(3) The '568 Patent

40. The '568 Patent is entitled “Head for a Toy Figure,” issued to Pia Pilgaard et al. on September 10, 2013, from U.S. Design Patent Application Serial No. 29/409,615, filed December 27, 2011. The '568 Patent has one (1) claim. A certified copy of the '568 Patent is attached to the Complaint as Exhibit No. 3.
41. LEGO became the owner of the '568 Patent by assignment made on January 12, 2012 and recorded on January 26, 2012. A certified copy of the assignment is attached as Exhibit No. 11.

42. Together with this Complaint, LEGO has filed a certified copy and three (3) additional copies of the prosecution history of the '568 Patent as Appendix No. 3. LEGO has also filed four (4) copies of each patent and technical reference identified in the prosecution history of the application leading to the issuance of the '568 Patent as Appendix No. 7.

43. The '568 Patent claims an ornamental design for a head for a toy figure, as shown and described in the figures of the patent.

(4) The '413 Patent

44. The '413 Patent is entitled "Toy Figure," issued to Arnaud Rene Albert Dubreuil et al. on December 11, 2012, from U.S. Design Patent Application Serial No. 29/409,607, filed December 27, 2011. The '413 Patent has one (1) claim. A certified copy of the '413 Patent is attached to the Complaint as Exhibit No. 4.

![Figure 1 of the '413 Patent](image)
45. LEGO became the owner of the ‘413 Patent by assignment made on January 16, 2012 and recorded on January 26, 2012. A certified copy of the assignment is attached as Exhibit No. 12.

46. Together with this Complaint, LEGO has filed a certified copy and three (3) additional copies of the prosecution history of the ‘413 Patent as Appendix No. 4. LEGO has also filed four (4) copies of each patent and technical reference identified in the prosecution history of the application leading to the issuance of the ‘413 Patent as Appendix No. 8.

47. The ‘413 Patent claims an ornamental design for a toy figure, as shown and described in the figures of the patent.

B. Foreign Counterpart Patents and Applications

48. The foreign counterpart patents and/or applications to the ‘367 Patent are listed in Exhibit No. 32. Apart from those listed, there are no other foreign patents or foreign patent applications pending, filed, abandoned, withdrawn or rejected relating to the ‘367 Patent.

49. The foreign counterpart patents and/or applications to the ‘432 Patent are listed in Exhibit No. 33. Apart from those listed, there are no other foreign patents or foreign patent applications pending, filed, abandoned, withdrawn or rejected relating to the ‘432 Patent.

50. The foreign counterpart patents and/or applications to the ‘568 Patent are listed in Exhibit No. 34. Apart from those listed, there are no other foreign patents or foreign patent applications pending, filed, abandoned, withdrawn or rejected relating to the ‘568 Patent.

51. The foreign counterpart patents and/or applications to the ‘413 Patent are listed in Exhibit No. 35. Apart from those listed, there are no other foreign patents or foreign patent applications pending, filed, abandoned, withdrawn or rejected relating to the ‘413 Patent.
C. License to the Asserted Patents

52. LEGO has granted licenses under the Asserted Patents. A list of licensees of the Asserted Patents is attached to the Complaint as Confidential Exhibit No. 36.

IV. THE ASSERTED COPYRIGHTS

A. The Asserted Copyrights

(1) The ‘291 Registration

53. The ‘291 Registration is entitled “Figure with Capri Pants,” issued on September 24, 2013 to LEGO. A certified copy and three (3) additional copies of the ‘291 Registration is attached to the Complaint as Exhibit No. 5.

VA 1-876-291: Figure with Capri Pants (FRONT and REAR)

(2) The ‘279 Registration

54. The ‘279 Registration is entitled “Figure with Rolled Shorts,” issued on September 24, 2013 to LEGO. A certified copy and three (3) additional copies of the ‘279 Registration is attached to the Complaint as Exhibit No. 6.
VA 1-876-279: Figure with Rolled Shorts (FRONT and REAR)

(3) The ‘378 Registration

55. The ‘378 Registration is entitled “Figure with Skirt,” issued on September 24, 2013 to LEGO. A certified copy and three (3) additional copies of the ‘378 Registration is attached to the Complaint as Exhibit No. 7.

VA 1-876-378: Figure with Skirt (FRONT and REAR)
(4) The '373 Registration

56. The '373 Registration is entitled “Figure with Tiered Skirt,” issued on September 24, 2013 to LEGO. A certified copy and three (3) additional copies of the '373 Registration is attached to the Complaint as Exhibit No. 8.

VA 1-876-373: Figure with Tiered Skirt (FRONT and REAR)

B. License to the Asserted Copyrights

57. LEGO has granted licenses under the Asserted Copyrights. A list of licensees of the Asserted Copyrights is attached to the Complaint as Confidential Exhibit No. 36.

V. UNLAWFUL AND UNFAIR ACTS OF THE PROPOSED RESPONDENTS

58. On information and belief, the Proposed Respondents had access to the protected LEGO Friends® figurines. LEGO has received worldwide critical acclaim for developing the LEGO® Friends product line. See Exhibit No. 28; Confidential Exhibit No. 37. LEGO® Friends products have also been widely recognized in the international toy community, winning “Toy of the Year,” “Activity Toy of the Year,” and “Girl Toy of the Year” at the 2013 International Toy Fair and “Toy of the Year” at the 2012 Nuremberg Toy Fair. See Exhibit No.
28; Confidential Exhibit No. 37. In addition to numerous industry awards, LEGO® Friends products have experienced widespread commercial success. Since launch, LEGO has sold millions of LEGO® Friends products worldwide and has continued to experience double digit growth annually, despite a North American decrease in toy sales. See Exhibit No. 28; Confidential Exhibit No. 37. As such, the Proposed Respondents are attempting to capitalize on LEGO’s extensive research, product development and success.

59. Moreover, LEGO® Friends products are consistently sold in the same retail outlets as products offered for sale by the Proposed Respondents, very frequently on the same or adjacent shelves. These retail outlets include such stores as Toys “R” Us and Walmart. See Confidential Exhibit No. 37.

A. Proposed Respondent LaRose

(1) Infringement of one or more claimed designs of the Asserted Patents

60. On information and belief, LaRose imports into the United States and/or sells within the United States after importation certain figurines, including the Infringing Figurine, and toy sets containing the same that infringe one or more of the Asserted Patents. See Exhibit No. 21 and Physical Exhibit Nos. 4 & 5.

61. The LaRose products infringe one or more claimed designs of the Asserted Patents because in the eye of an ordinary observer, giving such attention as a purchaser usually gives, the designs of these LaRose’s infringing products are substantially the same as the designs embodied in one or more of the Asserted Patents, and the resemblance is such as to deceive such an observer, inducing the observer to purchase LaRose’s infringing products supposing them to be the claimed designs of one or more of the Asserted Patents.
62. Review of the LaRose Infringing Figurine and toy sets containing the same demonstrates that the products literally infringes the '367 Patent. See Exhibit No. 21 and Physical Exhibit Nos. 4 & 5. A chart applying the design claimed in the '367 Patent to LaRose’s infringing products and demonstrating similarity is attached as Exhibit No. 13.

FIG. 2

Figure 2 of the '367 Patent vs. LaRose Infringing Figurine (TORSO)

63. Review of a LaRose Infringing Figurine and toy sets containing the same demonstrates that the products literally infringes the '432 Patent. See Exhibit No. 21 and Physical Exhibit Nos. 4 & 5. A chart applying the design claimed in the '432 Patent to LaRose’s infringing product and demonstrating similarity is attached as Exhibit No. 14.
64. Review of a LaRose Infringing Figurine and toy sets containing the same
demonstrates that the products literally infringes the '568 Patent. See Exhibit No. 21 and
Physical Exhibit Nos. 4 & 5. A chart applying the design claimed in the '568 Patent to
LaRose's infringing product and demonstrating similarity is attached as Exhibit No. 15.
(2) Infringement of the Asserted Copyrights

65. On information and belief, LaRose imports into the United States and/or sells within the United States after importation certain figurines, including the Infringing Figurine, and toy sets containing the same that infringe one or more of the Asserted Copyrights. See Exhibit No. 21 and Physical Exhibit Nos. 4 & 5.

66. LaRose’s infringing products are strikingly and substantially similar, and have a substantially similar overall look and feel, to the Asserted Copyrights.

67. Review of the LaRose Infringing Figurine and toy sets containing the same demonstrates that the products are strikingly and substantially similar to the ‘291 Registration, entitled “Figure with Capri Pants.” See Exhibit Nos. 5 & 21 and Physical Exhibit Nos. 4 & 5.
VA 1-876-291: Figure with Capri Pants and LaRose Infringing Figurine

68. Review of the LaRose Infringing Figurine and toy sets containing the same demonstrates that the products are strikingly and substantially similar to the ‘279 Registration, entitled “Figure with Rolled Shorts.” See Exhibit Nos. 6 & 21 and Physical Exhibit Nos. 4 & 5.
VA 1-876-279: Figure with Rolled Shorts and LaRose Infringing Figurine

69. Review of the LaRose Infringing Figurine and toy sets containing the same demonstrates that the products are strikingly and substantially similar to the ‘378 Registration is entitled “Figure with Skirt.” Exhibit Nos. 7 & 21 and Physical Exhibit Nos. 4 & 5.
VA 1-876-378: Figure with Skirt and LaRose Infringing Figurine

70. Review of the LaRose Infringing Figurine and toy sets containing the same demonstrates that the products are strikingly and substantially similar to the ‘373 Registration is entitled “Figure with Tiered Skirt.” Exhibit Nos. 8 & 21 and Physical Exhibit Nos. 4 & 5.
VA 1-876-373: Figure with Tiered Skirt and LaRose Infringing Figurine

71. LaRose’s infringing products are unauthorized reproductions of the Asserted Copyrights as well as the Asserted Patents.

72. LEGO had no agreement of any kind with LaRose that would authorize LaRose’s reproductions of the Asserted Copyrights or Patents, or the importation and/or sale after importation of the infringing products.

B. Proposed Respondent MEGA Brands

(1) Infringement of one or more claimed designs of the Asserted Patents

73. On information and belief, MEGA Brands imports into the United States and/or sells within the United States after importation certain figurines, including the Infringing Figurine, and toy sets containing the same that infringe one or more of the Asserted Patents. See Exhibit No. 22 and Physical Exhibit Nos. 6 & 7.

74. MEGA Brands’ products infringe one or more claimed designs of the Asserted Patents because in the eye of an ordinary observer, giving such attention as a purchaser usually gives, the designs of these MEGA Brands’ infringing products are substantially the same as the
designs embodied in one or more of the Asserted Patents, and the resemblance is such as to deceive such an observer, inducing the observer to purchase MEGA Brands' infringing products supposing them to be the claimed designs of one or more of the Asserted Patents.

75. Review of the MEGA Brands Infringing Figurine and toy sets containing the same demonstrates that the products literally infringes the '367 Patent. See Exhibit No. 22 and Physical Exhibit Nos. 6 & 7. A chart applying the design claimed in the '367 Patent to MEGA Brands' infringing products and demonstrating similarity is attached as Exhibit No. 16.

![FIG. 2](image)

Figure 2 of the '367 Patent vs. MEGA Brands Infringing Figurine (TORSO)

76. Review of the MEGA Brands Infringing Figurine and toy sets containing the same demonstrates that the products literally infringes the '432 Patent. See Exhibit No. 22 and Physical Exhibit Nos. 6 & 7. A chart applying the design claimed in the '432 Patent to MEGA Brands' infringing product and demonstrating similarity is attached as Exhibit No. 17.
FIG. 2
Figure 2 of the '432 Patent vs. MEGA Brands Infringing Figurine (SKIRT)

77. Review of the MEGA Brands Infringing Figurine and toy sets containing the same demonstrates that the products literally infringe the '413 Patent. See Exhibit No. 22 and Physical Exhibit Nos. 6 & 7. A chart applying the design claimed in the '413 Patent to MEGA Brands' infringing product and demonstrating similarity is attached as Exhibit No. 19.
Figure 2 of the ‘413 Patent vs. MEGA Brands Infringing Figurine (PANTS)

78. Review of a MEGA Brands Infringing Figurine and toy sets containing the same demonstrates that the products literally infringes the ‘568 Patent. See Exhibit No. 22 and Physical Exhibit Nos. 6 & 7. A chart applying the design claimed in the ‘568 Patent to MEGA Brands’ infringing product and demonstrating similarity is attached as Exhibit No. 18.

Figure 2 of the ‘568 Patent vs. LaRose Infringing Figurine (HEAD)
(2) Infringement of the Asserted Copyrights

79. On information and belief, MEGA Brands imports into the United States and/or sells within the United States after importation certain figurines, including the Infringing Figurine, and toy sets containing the same that infringe one or more of the Asserted Copyrights.

80. MEGA Brands' infringing products are strikingly and substantially similar, and have a substantially similar overall look and feel, to the Asserted Copyrights.

81. Review of the MEGA Brands Infringing Figurine and toy sets containing the same demonstrates that the products are strikingly and substantially similar to the '291 Registration, entitled "Figure with Capri Pants." See Exhibit Nos. 5 & 22 and Physical Exhibit Nos. 6 & 7.
VA 1-876-291: Figure with Capri Pants and MEGA Brands Infringing Figurine

82. Review of the MEGA Brands Infringing Figurine and toy sets containing the same demonstrates that the products are strikingly and substantially similar to the ‘279 Registration, entitled “Figure with Rolled Shorts.” See Exhibit Nos. 6 & 22 and Physical Exhibit Nos. 6 & 7.
VA 1-876-279: Figure with Rolled Shorts and MEGA Brands Infringing Figurine

83. Review of the MEGA Brands Infringing Figurine and toy sets containing the same demonstrates that the products are strikingly and substantially similar to the '378 Registration is entitled "Figure with Skirt." See Exhibit Nos. 7 & 22 and Physical Exhibit Nos. 6 & 7.
VA 1-876-378: Figure with Skirt and MEGA Brands Infringing Figurine

84. Review of the MEGA Brands Infringing Figurine and toy sets containing the same demonstrates that the products are strikingly and substantially similar to the '373 Registration is entitled "Figure with Tiered Skirt." See Exhibit Nos. 8 & 22 and Physical Exhibit Nos. 6 & 7.
VA 1-876-373: Figure with Tiered Skirt and LaRose Infringing Figurine

85. MEGA Brands’ infringing products are unauthorized reproductions of the Asserted Copyrights as well as the Asserted Patents.

86. LEGO had no agreement of any kind with MEGA Brands that would authorize MEGA Brands’ reproductions of the Asserted Copyrights or the importation and/or sale after importation of the infringing products.

C. Proposed Respondent Best-Lock

1) Infringement of one or more claimed designs of the Asserted Patents

87. On information and belief, Best-Lock imports into the United States and/or sells within the United States after importation certain figurines, including the Infringing Figurine, and toy sets containing the same that infringe one or more of the Asserted Patents. See Exhibit No. 23 and Physical Exhibit No. 8.

88. The Best-Lock’s products infringe one or more claimed designs of the Asserted Patents because in the eye of an ordinary observer, giving such attention as a purchaser usually gives, the designs of these Best-Lock’s infringing products are substantially the same as the
designs embodied in one or more of the Asserted Patents, and the resemblance is such as to
deceive such an observer, inducing the observer to purchase Best-Lock's infringing products
supposing them to be the claimed designs of one or more of the Asserted Patents.

89. Review of a Best-Lock Infringing Figurine and toy sets containing the same
demonstrates that the products literally infringes the '568 Patent. See Exhibit No. 23 and
Physical Exhibit No. 8. A chart applying the design claimed in the '568 Patent to Best-Lock's
infringing product and demonstrating similarity is attached as Exhibit No. 20.

![FIG.2](image)

Figure 2 of the '568 Patent vs. Best-Lock Infringing Figurine (HEAD)

(2) Infringement of the Asserted Copyrights

90. On information and belief, Best-Lock imports into the United States and/or sells
within the United States after importation certain figurines, including the Infringing Figurine,
and toy sets containing the same that infringe one or more of the Asserted Copyrights.

91. Best-Lock's infringing products are strikingly and substantially similar, and have
a substantially similar overall look and feel, to the Asserted Copyrights.
92. Review of the Best-Lock Infringing Figurine and toy sets containing the same demonstrates that the products are strikingly and substantially similar to the '291 Registration, entitled "Figure with Capri Pants." See Exhibit Nos. 5 & 23 and Physical Exhibit No. 8.

VA 1-876-291: Figure with Capri Pants and Best-Lock Infringing Figurine
Review of the Best-Lock Infringing Figurine and toy sets containing the same demonstrates that the products are strikingly and substantially similar to the ‘279 Registration, entitled “Figure with Rolled Shorts.” See Exhibit Nos. 6 & 23 and Physical Exhibit No. 8.

VA 1-876-279: Figure with Rolled Shorts and Best-Lock Infringing Figurine
Review of the Best-Lock Infringing Figurine and toy sets containing the same demonstrates that the products are strikingly and substantially similar to the '378 Registration is entitled “Figure with Skirt.” See Exhibit Nos. 7 & 23 and Physical Exhibit No. 8.

VA 1-876-378: Figure with Skirt and Best-Lock Infringing Figurine
95. Review of the Best-Lock Infringing Figurine and toy sets containing the same demonstrates that the products are strikingly and substantially similar to the ‘373 Registration is entitled “Figure with Tiered Skirt.” See Exhibit Nos. 8 & 23 and Physical Exhibit No. 8.

VA 1-876-373: Figure with Tiered Skirt and Best-Lock Infringing Figurine

96. Best-Lock’s infringing products are unauthorized reproductions of the Asserted Copyrights as well as the Asserted Patents.
97. LEGO had no agreement of any kind with Best-Lock that would authorize Best-Lock's reproductions of the Asserted Copyrights or Patents, or the importation and/or sale after importation of the infringing products.

VI. SPECIFIC ACTS OF UNFAIR IMPORTATION AND SALE

98. On information and belief, Proposed Respondents import and will continue to import and/or sell after importation within the United States products that infringe one or more of the Asserted Patents and the Asserted Copyrights in violation of Section 337.

99. LEGO has obtained in the United States representative samples of the Proposed Respondents' products that infringe the Asserted Patents and the Asserted Copyrights.

100. On information and belief, LaRose products that infringe one or more of the Asserted Patents and the Asserted Copyrights are imported and/or sold after importation within the United States by Respondent as LITE BRIX figurines and toy sets containing the same, which are marked "Made in China." See Exhibit No. 21 and Physical Exhibit Nos. 4 & 5.

101. On information and belief, MEGA Brands products that infringe one or more of the Asserted Patents and the Asserted Copyrights are imported and/or sold after importation within the United States by Respondent as My Life As figurines and toy sets containing the same, which are marked "Made in Canada." See Exhibit No. 22 and Physical Exhibit Nos. 6 & 7.

102. On information and belief, Best-Lock products that infringe one or more of the Asserted Patents and the Asserted Copyrights are imported and/or sold after importation within the United States by Respondent as Fairy Tale High figurines and toy sets containing the same, which are marked "Made in China." See Exhibit No. 23 and Physical Exhibit No. 8.
VII. HARMONIZED TARIFF SCHEDULE INFORMATION

103. The articles subject to this Complaint are classifiable under at least the following headings and subheadings of the Harmonized Tariff Schedule ("HTS") of the United States: 9503.00.0073 ("children’s products" as defined in 15 U.S.C. § 2052; labeled or determined by importer as intended for use by persons: 3 to 12 years of age") and 9503.00.0090 ("children’s products" as defined in 15 U.S.C. § 2052: other).

104. These classifications are intended for illustration only and are not intended to restrict the scope of this investigation.

VIII. THE DOMESTIC INDUSTRY

105. A domestic industry, as required and defined by 19 U.S.C. § 1337(a)(2)-(3), exists by virtue of significant investment in plant and equipment, significant employment of labor or capital, and substantial investment in the exploitation of the Asserted Patents and/or the Asserted Copyrights, through activities in the United States directed to toy figurines and toy sets that practice the Asserted Patents and the Asserted Copyrights by LEGO and LEGO’s licensees.

A. The Economic Prong

106. An industry, as defined in Section 337(a)(3), exists in the United States by virtue of LEGO’s significant and substantial investments directed to LEGO’s toy products that are protected by one or more of the Asserted Patents and/or the Asserted Copyrights (the “Domestic Toy Industry”).

107. LEGO conducts extensive activities in the United States, including those directed to the Domestic Toy Industry. These activities include, but are not limited to substantial licensing, research and development, and technical activities within the United States relating to the Domestic Toy Industry.
108. LEGO has undertaken an extensive and substantial licensing program related to
the Domestic Toy Industry, exploiting its intellectual property portfolio through licensing
activities, such that a domestic industry exists, or alternatively, is in the process of being
established. Confidential Exhibit No. 36 contains a list of licensees covered by the Asserted
Patents and the Asserted Copyrights. Those licensing activities have yielded substantial and
increasing revenues since the launch of the Domestic Toy Industry. (See Confidential Exhibit
No. 37.)

109. LEGO has made large investments in order to license the technology, including
the employment of various personnel who are involved in its overall licensing operations. (See
Confidential Exhibit No. 37.) These employees, for example, negotiate license agreements,
draft license agreements, oversee licensing strategy, and perform marketing activities focused on
developing relationships with actual and potential licensees. (See Confidential Exhibit No. 37.)

110. LEGO has invested and invests significant amounts in its facilities in the United
States to support these activities, including retail and office spaces, rent, operating expenses and
leasehold improvements. Such expenses, including those directed to the Domestic Toy Industry,
are set forth in Confidential Exhibit No. 37.

111. LEGO has also invested significant amounts in marketing and sales in the United
States, including those in the Domestic Toy Industry. Confidential Exhibit No. 37 contains
detailed information regarding LEGO’s expenditures in sales and marketing, as well as those
related to retail stores and customer service within the United States.

112. Based on the foregoing, LEGO’s significant and substantial investments in the
United States in activities directed to the Domestic Toy Industry demonstrate the existence of a
domestic industry as required and defined by 19 U.S.C. § 1337(a)(3). LEGO’s investments and expenditures with respect to the Domestic Toy Industry are continuous and ongoing.

B. The Technical Prong

113. LEGO practices the Asserted Patents and the Asserted Copyrights in the United States in the LEGO® Friends figurines and toy sets, as described herein above. The LEGO® Friends figurines and toy sets incorporate the designs claimed in the Asserted Patents and the artistic expressions claimed in the Asserted Copyrights.

114. A chart applying the design claimed in the ‘367 Patent to the LEGO® Friends figurines and demonstrating its substantial similarity is attached as Exhibit No. 24.

115. A chart applying the design claimed in the ‘432 Patent to the LEGO® Friends figurines and demonstrating its substantial similarity is attached as Exhibit No. 25.

116. A chart applying the design claimed in the ‘568 Patent to the LEGO® Friends figurines and demonstrating its substantial similarity is attached as Exhibit No. 26.

117. A chart applying the design claimed in the ‘413 Patent to the LEGO® Friends figurines and demonstrating its substantial similarity is attached as Exhibit No. 27.

IX. RELATED LITIGATION

118. The Asserted Patents and Asserted Copyrights are the subject of a lawsuit filed on March 20, 2014, by LEGO A/S against the Respondent in the United States District Court for the District of Connecticut, styled as LEGO A/S v. LaRose Industries LLC d/b/a CRA-Z-ART, Action No. 3:14cv00350. The lawsuit remains in its early stages. The parties have conducted a planning meeting in accordance with Fed. R. Civ. P. 26 and submitted the corresponding report. Plaintiff has submitted its initial disclosures and served discovery requests, to which LaRose
responded on January 14, 2015. On January 6, 2015, the parties participated in a telephonic status conference with the Court.

119. There have not been any other court or agency actions involving the Asserted Patents or the Asserted Copyrights.

**X. REQUEST FOR RELIEF**

WHEREFORE, LEGO respectfully requests that the United States International Trade Commission:

1. Institute an immediate investigation pursuant to Section 337(b)(1) of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337, into the violation by Proposed Respondents of Section 337 arising from the importation into the United States and/or sale within the United States after the importation of Proposed Respondents’ products that infringe the Asserted Patents and/or the Asserted Copyrights;

2. Schedule and conduct a hearing pursuant to Section 337(c), for purposes of receiving evidence and hearing argument concerning whether there has been a violation of Section 337 and, following the hearing, determine that there has been a violation of Section 337;

3. Issue a permanent general exclusion order pursuant to 19 U.S.C. § 1337 (d) forbidding entry into the United States of products that infringe one or more of the Asserted Patents and/or the Asserted Copyrights

4. In the event a permanent general exclusion order is not issued, issue a permanent limited exclusion order pursuant to 19 U.S.C. § 1337 (d) forbidding entry into the United States of Proposed Respondents’ products that infringe one or more of the Asserted Patents and/or the Asserted Copyrights;
5. Issue a permanent cease and desist order, pursuant to 19 U.S.C. § 1337(f), directing Proposed Respondents to cease and desist from the importation, sale, offer for sale, advertising, packaging or solicitation of any sale by Proposed Respondents of products that infringe the Asserted Patents and/or the Asserted Copyrights;

6. Impose a bond upon Proposed Respondents who continue to import infringing articles during the 60-day Presidential review period per 19 U.S.C. § 1337(j); and

7. Grant all such other and further relief as it deems appropriate under the law, based upon the facts complained of herein and as determined by the investigation.
Dated: February 5, 2015

By: __________________________

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