

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

MOLO DESIGN, LTD.,

Plaintiff,

v.

CHANEL, INC.,

Defendant.

Civil Action No.: 21-cv-1578

Jury Trial Demanded

COMPLAINT

Plaintiff Molo Design, Ltd. (“Molo” or “Plaintiff”) brings this action for patent infringement against Chanel, Inc. (“Chanel” or “Defendant”).

THE PARTIES

1. Plaintiff Molo is a Canadian limited liability company having its principal place of business at 1470 Venables Street, Vancouver BC V5L 2G7.

2. Upon information and belief, defendant Chanel is a New York corporation with its principal place of business at 9 West 57th Street, New York, NY, 10019.

JURISDICTION

3. This is a civil action for patent infringement under the patent laws of the United States, 35 U.S.C. §§ 1, *et seq.* This Court has original jurisdiction over the subject matter of this Complaint under 28 U.S.C. §§ 1331 and 1338(a).

4. Upon information and belief, this Court has personal jurisdiction over Chanel because, *inter alia*, Chanel is incorporated in New York and maintains its principal place of business in New York; has substantial, continuous, and systematic contacts within the State of

New York; markets, sells, and/or distributes products to residents of the State of New York; and enjoys substantial income from sales of its products in the State of New York. In addition, Chanel has infringed one or more claims of the Asserted Patents in this judicial district.

VENUE

5. Venue is proper in this Judicial District under 28 U.S.C. §§ 1400 and 1391, at least because Chanel is incorporated in the State of New York, maintains its principal place of business and registered offices in this District, and/or has a regular and established place of business in this district and has committed acts of infringement in this district. Accordingly, Chanel resides in New York and in this District pursuant to 28 U.S.C. §1400(b).

BACKGROUND

6. Molo incorporates and realleges the foregoing paragraphs as though fully set forth herein.

7. Molo is a design and production studio, based in Vancouver, Canada, that is led by Stephanie Forsythe and Todd MacAllen. Ms. Forsythe and Mr. MacAllen first began working together in architecture school, going on to win a number of accolades for design projects and conceptual ideas, including the Grand Prize in the Aomori Northern Style Housing Competition in Japan. Throughout their careers, Ms. Forsythe and Mr. MacAllen have also been inspired by the concept of smaller, tactile objects having true potency in the experience of space.

8. Drawing on these experiences, Ms. Forsythe and Mr. MacAllen formed Molo to explore how furniture can heighten the sense of human scale and experience, as well as how furniture and product design can benefit from thinking in the larger context of place and space making. Molo follows these principles in making a variety of products that are balanced between the realms of art, design, and architecture. Among other products, Molo makes award-winning

flexible space partitions—known as softwall + softblock products—that exemplify its exploration of experiential space making. Examples of these products are illustrated below:



9. Examples of these products used by Molo's customers are illustrated below:

Bottega Veneta Store



**Repetto brand products at
Le Bon Marche Store**



10. Thanks to Ms. Forsythe's and Mr. MacAllen's constant search for innovation and remarkable creativity, Molo has collected, in the almost two decades since its foundation, an impressive list of orders, successes and awards. Molo's designs have been recognized in the design industry for their poetic beauty and pragmatic innovation. Among other accolades, Molo has been honored with the Gold Award at the 2015 Awards for Design Excellence; the Best of NeoCon Award for Architectural Products; the prestigious Danish INDEX award; and has been commended in the 2012 World Architecture News Awards for "Lighting Product of the Year."

11. Leading retailers and design companies, including Dior, Louis Vuitton, and Hermes recognize Molo's design and innovation and have purchased Molo's softwall + softblock products.

United States based clients that have also purchased Molo softwall + softblock products include at least Nike, Estee Lauder, Levi Strauss & Co, Calvin Klein, Tommy Hilfiger, Vanity Fair, Condé Nast, NASA, MasterCard, Google, Facebook, Instagram, and Ebay. Molo's softwall + softblock products can also be seen in retail settings, showrooms, commercial spaces, offices and exhibitions across the world, including in New York, Chicago, Las Vegas, Austin, Detroit, Los Angeles, San Francisco, Toronto, Vancouver, Paris, Barcelona, Milan, Berlin, London, Copenhagen, Shanghai, and Tokyo.

12. Molo also invests in and ensures the quality and safety of their softwall + softblock products with fire ratings, electrical certifications, and Forestry Stewardship Council certifications in their use of paper.

13. On information and belief, Molo and Chanel have had discussions and exchanges since at least 2014, when a Chanel employee expressed interest in Molo's collection, including its black textile softwall + softblock products. Subsequently, in 2016, one of Chanel's executive directors visited Molo at the International Contemporary Furniture Fair ("ICFF") in New York City. The following year, the same executive director ordered samples of Molo's softwall + softblock product.

14. In or around October 2020, Substrate—a company that, on information and belief, specializes in retail window displays, architectural interiors, and display rollouts—contacted Molo regarding the use of its softwall + softblock products in an upcoming retail rollout for Chanel. Substrate provided concept materials for the rollout and indicated that it would involve window displays in at least 26 Chanel stores across the United States. Substrate confirmed that Chanel was interested in Molo's softwall + softblock flexible product with both white and black colors, as well as Molo's softwall + softblock products with integrated LED lighting. Substrate even remarked

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