

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

Footloose Dancewear, Inc.,	:	
	:	
Plaintiff,	:	
	:	
v.	:	No.: _____
	:	
Ballet Makers, Inc.	:	Jury Trial Demanded
	:	
Defendant.	:	

COMPLAINT

Footloose Dancewear, Inc, a Pennsylvania corporation, by way of Complaint against Ballet Makers, Inc., on knowledge, information and belief, alleges as follows:

Nature of the Action

1. This is a civil action for patent infringement under the patent laws of the United States including 35 U.S.C. sections 271, 281, 283, 284 and 285.

Jurisdiction and Venue

2. Subject matter jurisdiction over this action is proper in this court under 28 U.S.C. sections 1331, 1332 and 1338.

3. Venue is proper in this district under 28 U.S.C. sections 1391 and 1400(b).

The Parties

4. Plaintiff, Footloose Dancewear, Inc. (“Footloose”) is a Pennsylvania corporation having a place of business at 213 Old York Road, Jenkintown, Pennsylvania 19046. David Juniman, an individual, is a shareholder of Footloose.

5. On information and belief, Ballet Makers, Inc. (“Ballet Makers”) is a corporation having a place of business at One Campus Road, Totowa, New Jersey 07512.

Factual Background

6. Footloose or a predecessor entity has been in business since about 1984. Footloose has sold dancewear since approximately 1985 and manufactured dancewear since approximately 1991.

7. David Juniman invented a convertible stocking for use by dancers (“Juniman Stocking”).

8. The Juniman Stocking has enjoyed enormous commercial success since its introduction into the market.

9. On April 11, 2000, David Juniman was awarded U.S. Patent No. 6,047,571 (“Juniman Patent”), entitled Convertible Stockings, for his Juniman Stocking invention. A copy of the Juniman Patent is attached to this Complaint as Exhibit “A.”

10. By an Assignment dated January 11, 2001, David Juniman assigned all title, rights and interests in the Juniman Patent to Footloose. Footloose is still the owner of the Juniman Patent.

11. At all relevant times, the Juniman Patent has been, and still is, active and in force.

12. The Juniman Patent is presumed valid under 35 U.S.C. Section 282.

13. Footloose and/or David Juniman have or required placement of the statutory notice on all convertible stockings sold by them, and others authorized by them, under the Juniman Patent.

14. Other business entities have and/or continue to pay royalties to Footloose for the right to manufacture and sell convertible stockings under the Juniman Patent.

15. Ballet Makers does business as “Capezio.”

16. Ballet Makers sells convertible stockings under the trademark CAPEZIO in direct competition with Footloose.

17. Ballet Makers sells stockings, including Ballet Makers’ CAPEZIO women’s “Transition” legwear in style 1873, which infringe one or more claims of the Juniman Patent. A copy of the packaging for Ballet Makers’ CAPEZIO Transition 1873 convertible stocking is attached to this Complaint as Exhibit “B.”

18. On June 16, 2000, David Juniman and Footloose sent a certified letter to Ballet Makers informing it of the Juniman Patent. A copy of said letter and confirmation of receipt of said letter by Ballet Makers are attached to this Complaint, collectively marked as Exhibit “C.”

19. Ballet Makers learned of the Juniman Patent but did not seek a license from Footloose or David Juniman. Instead, in total disregard of the patent rights of Footloose

and David Juniman, Ballet Makers chose to exploit the patented stocking without paying for it. Despite its knowledge of the Juniman Patent, Ballet Makers has manufactured and sold stockings that infringe the Juniman Patent.

20. Ballet Makers has actively induced and currently is actively inducing others to infringe one or more claims of the Juniman Patent through its sale of stockings, including convertible stockings marketed under the CAPEZIO trademark.

21. Ballet Makers' infringement and inducement of infringement have been and continue to be willful.

22. On information and belief, Ballet Makers conducts business in and has regular contacts within this judicial district.

23. Ballet Makers sells infringing products and has committed acts of infringement in this judicial district.

Count I
Infringement of the Juniman Patent

24. Paragraphs 1-22 are incorporated herein by reference as if stated fully herein.

25. On information and belief, Ballet Makers has infringed the Juniman Patent, either literally or under the doctrine of equivalents, by making, using, selling or offering for sale products and/or methods that embody each element of at least one claim of the Juniman Patent.

26. Upon information and belief, Ballet Makers has actively induced and currently is actively inducing others to infringe one or more claims of the Juniman Patent through its sale of certain products and/or methods. Upon information and belief, Ballet

Makers' acts of inducement have been with the knowledge and intent that another would engage in direct infringement of the Juniman Patent, and purposefully intended those acts to take place.

27. Upon information and belief, Ballet Makers has contributorily infringed and currently is contributorily infringing the Juniman Patent by its offer for sale and sale of certain products and/or methods. Upon information and belief, Ballet Makers is knowingly supplying a component, material or apparatus to others that is especially made or especially adapted for use in an infringing product or method.

28. Upon information and belief, Ballet Makers' infringement, inducement of infringement and contributory infringement have been and continue to be willful.

29. Footloose has been damaged by Ballet Makers' infringement of the Juniman Patent in an amount to be determined at trial.

30. On information and belief, Ballet Makers has made profits to which it is not entitled in law or in equity.

31. Footloose has sustained irreparable harm to its business, reputation, and goodwill, and unless Ballet Makers is enjoined and restrained by this Court, Ballet Makers will continue in the activities alleged herein and as a result thereof, Footloose will continue to sustain irreparable harm to its business, reputation and goodwill.

WHEREFORE, Footloose respectfully requests that the Court:

a) Declare that Ballet Makers has infringed, actively induced others to infringe, and/or contributorily infringed the Juniman Patent, and that Ballet Makers' infringement has been willful;

b) Preliminarily and permanently enjoin Ballet Makers, and all those in active concert or participation with them, from directly or indirectly infringing the Juniman Patent;

c) Award actual damages for said infringement, plus interest;

d) Award treble damages pursuant to 35 U.S.C. § 284;

e) Enter an order declaring this an exceptional case pursuant to 35 U.S.C. § 285 and award Footloose its attorneys' fees, costs and expenses; and

f) Grant to Footloose such other further relief as the Court may deem just and proper.

Respectfully submitted,

Frank A. Mazzeo, P.C.

Date: September 30, 2008

/Frank A. Mazzeo/

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Attorneys for Footloose Dancewear, Inc.



US006047571A

United States Patent [19]

Juniman

[11] **Patent Number:** **6,047,571**[45] **Date of Patent:** **Apr. 11, 2000**[54] **CONVERTIBLE STOCKINGS**[76] **Inventor:** **David Juniman**, 213 Old York Rd.,
Jenkintown, Pa. 19046[21] **Appl. No.:** **08/327,147**[22] **Filed:** **Oct. 21, 1994**

Related U.S. Application Data

[63] Continuation of application No. 08/106,807, Aug. 16, 1993,
which is a continuation of application No. 07/891,039, Jun.
1, 1992, abandoned.[51] **Int. Cl.**⁷ **A41B 11/02**; D04B 9/46[52] **U.S. Cl.** **66/178 A**; 66/177; 66/185;
2/239[58] **Field of Search** 66/177, 185; 2/409,
2/239

[56] References Cited

U.S. PATENT DOCUMENTS

2,826,760	3/1958	Rice	2/239 X
2,968,937	1/1961	Margulies	2/239 X
3,090,963	5/1963	Wittman	2/239
4,756,027	7/1988	Buenos et al.	2/239 X
5,067,179	11/1991	Wormser	2/239 X

Primary Examiner—Danny Worrell*Attorney, Agent, or Firm*—J.P. Blasko Professional Corp.;
John P. Blasko

[57] ABSTRACT

A convertible stocking for use by dancers is disclosed. The stocking may be converted from a footed to footless stocking without changing the stocking. The stocking has a main tubular portion, a toe pocket portion, and a foot opening collar. The main tubular portion is knitted in a continuous, circular manner to form a substantially uniform knit tube having a border at one end. The toe pocket portion is knitted in a continuous, reciprocating manner onto about one half of the border of the main tubular portion using successive courses of yarn beginning with about one half the total number of knitting needles of the knitting machine and progressively decreasing the number of knitting needles used to knit each course and then increasing the number of knitting needles to about one half the total number of knitting needles thereby forming a knitted pocket over about one half the border of the main tubular portion. The pocket has a terminating edge. The foot opening collar comprises a tubular collar knitted in a continuous, circular manner to the remaining half of the border of the main tubular portion and to the edge of the toe pocket portion. The stocking is constructed in a manner that permits efficient manufacturing of the stocking. Dancer tights may be formed by sewing or knitting a pair of convertible stockings together.

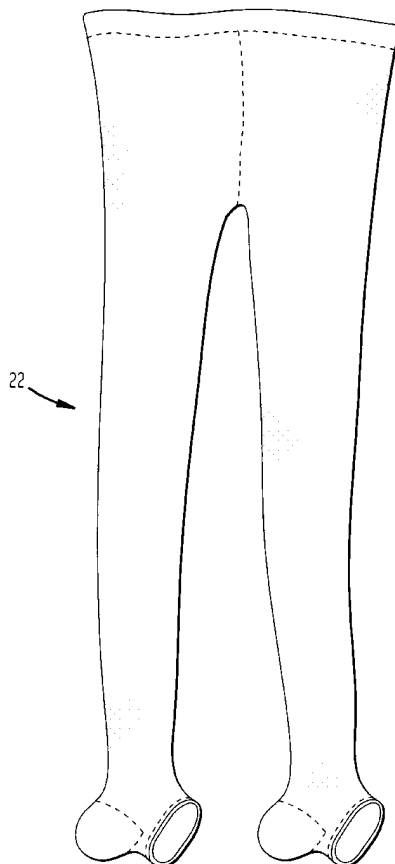
8 Claims, 4 Drawing Sheets

FIG. 1

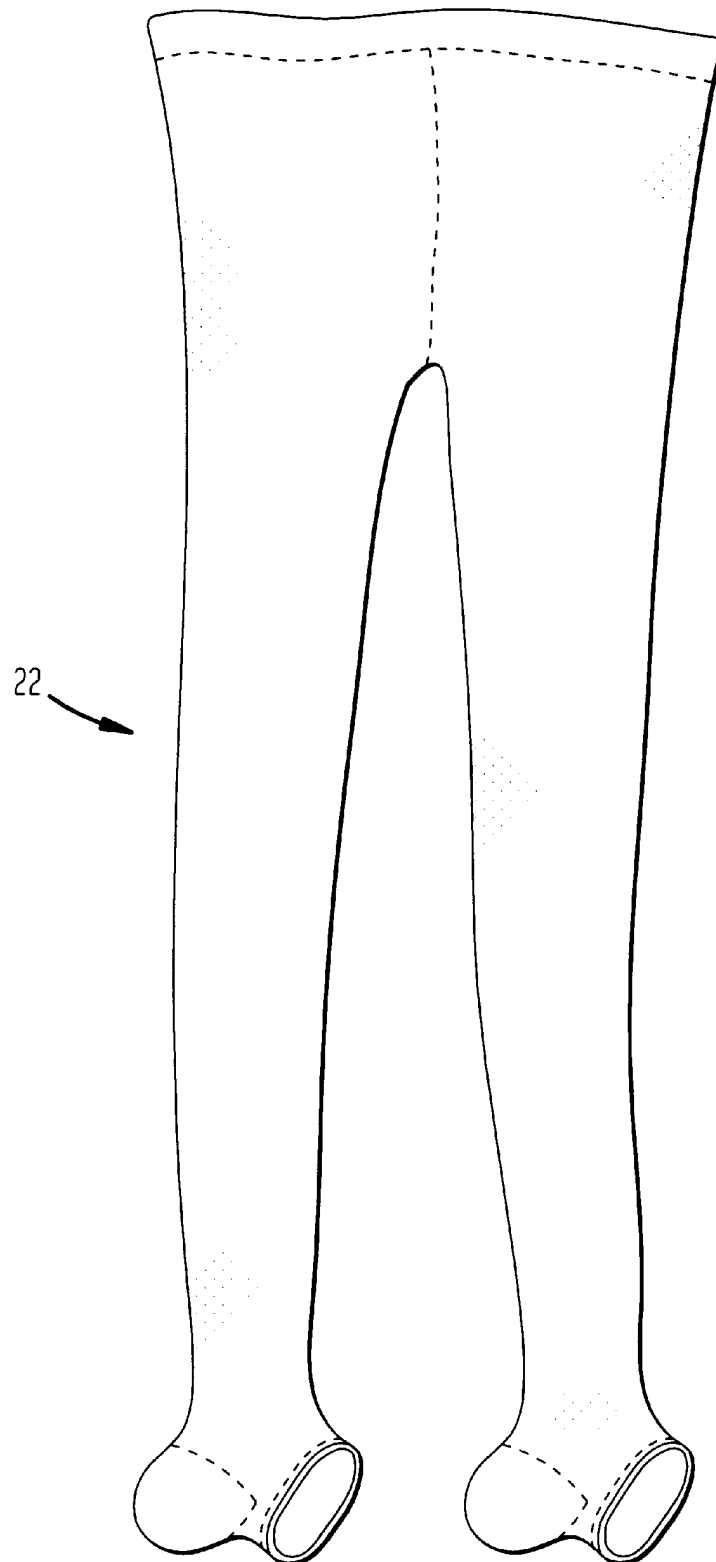


FIG. 2

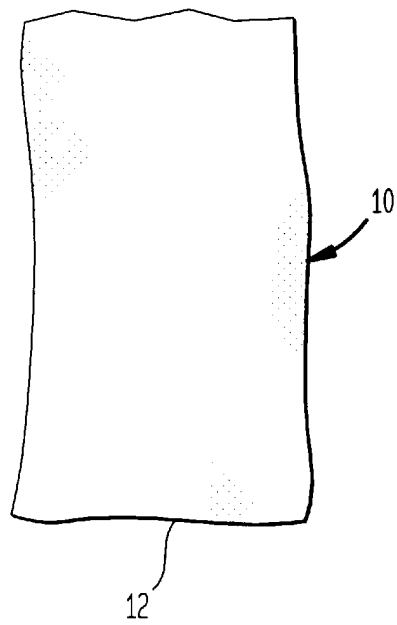


FIG. 3

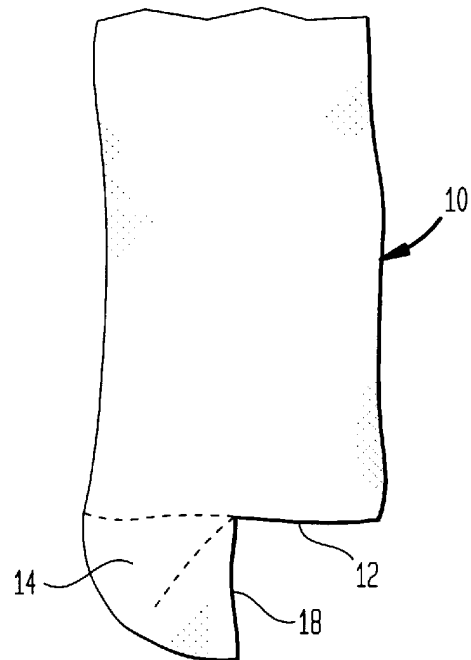


FIG. 4

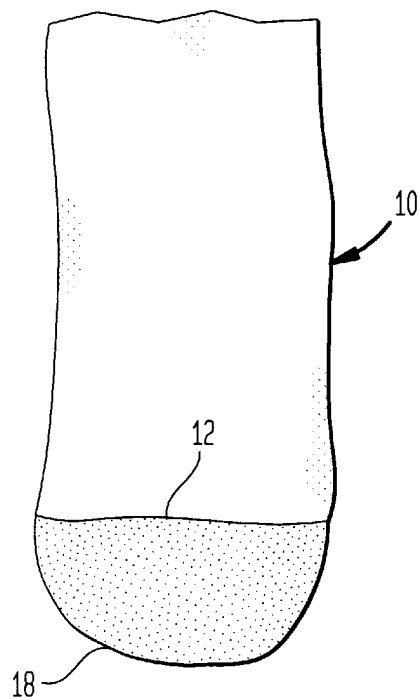


FIG. 5

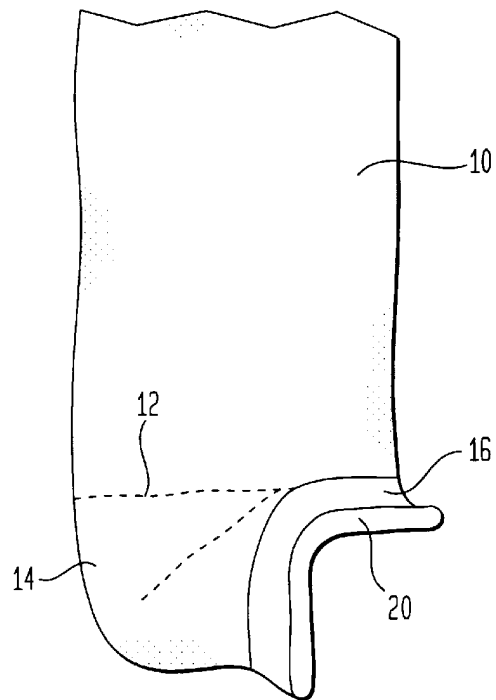


FIG. 6

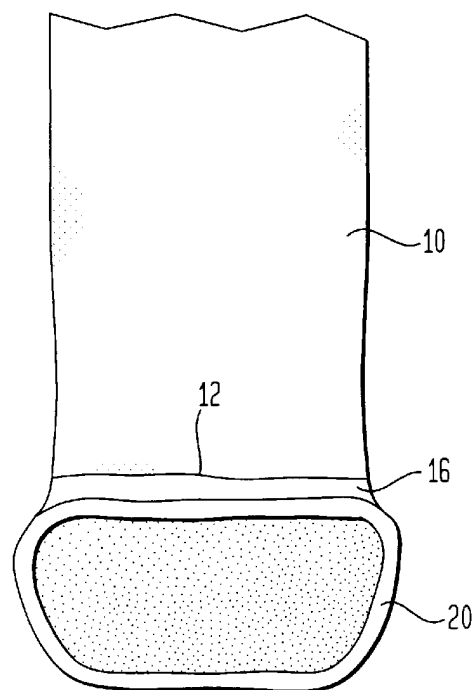


FIG. 7

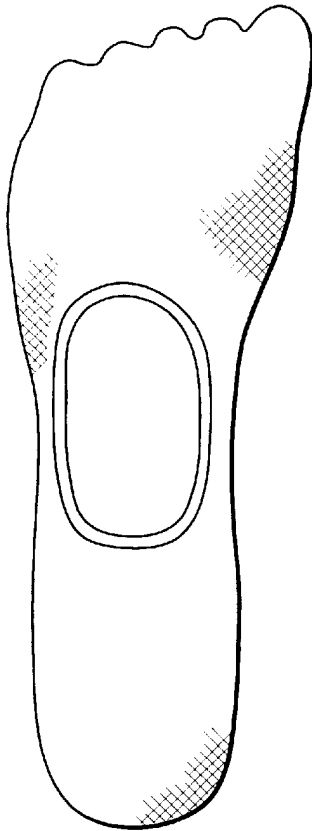
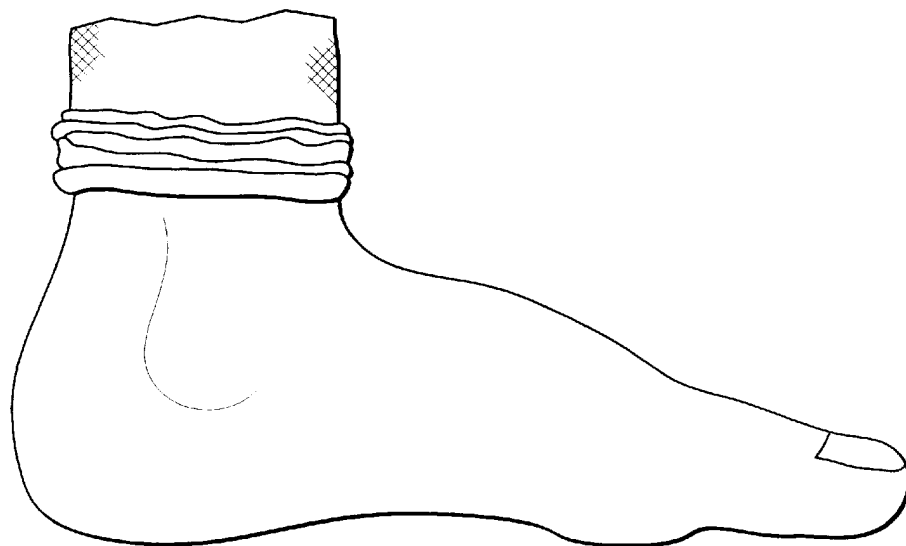


FIG. 8



CONVERTIBLE STOCKINGS

This is a continuation of application Ser. No. 08/106,807 filed on Aug. 16, 1993, which is a continuation of application Ser. No. 07/891,039 filed on Jun. 1, 1992, now abandoned.

BACKGROUND OF THE INVENTION

The present invention relates to stockings for use by dancers, more particularly, convertible stockings.

Dancers usually wear footless stockings or tights when they are training in ballet shoes and footed stockings or tights when training in pointe shoes. Since dancers usually train in both types of shoes during a given training session, changing between footless and footed tights presents a considerable inconvenience for the dancers.

It is therefore an object of this invention to provide a stocking and tights that could be used with both ballet and pointe shoes without removing or changing the stocking or tights when changing shoes.

It is also an object of the invention to provide a stocking or tights that achieve the aforementioned object and which may be conveniently and economically manufactured.

It is also an object of the invention to provide a knitted convertible stocking which may be conveniently knitted on a continuous tubular knitting machine with reciprocating cylinders and which does not require a boarding operation to form the toe or heel portion of the stocking.

SUMMARY OF THE INVENTION

A convertible stocking for use by dancers is disclosed. The stocking may be converted from a footed to footless stocking without changing the stocking. The stocking is constructed in a manner that permits efficient manufacturing of the stocking. Dancer tights may be formed by sewing or knitting a pair of convertible stockings together. The invention comprises a tubular seamless stocking knitted on a circular knitting machine with reciprocating cylinders. The stocking has a main tubular portion, a toe pocket portion, and a foot opening collar. The main tubular portion is knitted in a continuous, circular manner to form a substantially uniform knit tube having a border at one end. The toe pocket portion is knitted in a continuous, reciprocating manner onto about one half of the border of the main tubular portion using successive courses of yarn beginning with about one half the total number of knitting needles of the knitting machine and progressively decreasing the number of knitting needles used to knit each course and then increasing the number of knitting needles to about one half the total number of knitting needles thereby forming a knitted pocket over about one half the border of the main tubular portion. The pocket has a terminating edge. The foot opening collar comprises a tubular collar knitted in a continuous, circular manner to the remaining half of the border of the main tubular portion and to the edge of the toe pocket portion.

BRIEF DESCRIPTION OF THE DRAWINGS

FIG. 1 is a diagrammatic front view of a pair of dancing tights having incorporated therein the convertible stocking of the present invention;

FIG. 2 is a diagrammatic side view of the main tubular portion prior to knitting of the toe pocket portion and foot opening collar;

FIG. 3 is a diagrammatic side view of the main tubular portion and toe pocket portion prior to knitting of the foot opening collar;

FIG. 4 is a diagrammatic front view of the main tubular portion and toe pocket portion prior to knitting of the foot opening collar;

FIG. 5 is a diagrammatic side view of a convertible stocking having incorporated therein the foot construction of the present invention;

FIG. 6 is a diagrammatic front view of a convertible stocking having incorporated therein the foot construction of the present invention;

FIG. 7 is a bottom view of a foot in which the stocking is worn in a footed manner with the foot opening on the bottom of the foot;

FIG. 8 is a side view of a foot in which the stocking is worn in a footless manner.

DESCRIPTION OF THE PREFERRED EMBODIMENT

The stocking of the present invention is knitted on a continuous knitting machine having a reciprocating cylinder attachment for forming a toe pocket, such as a Singer-Fidelity Mark 3 circular knitting machine having 400 needles. This type of knitting machine has a main yarn feed and an auxiliary yarn feed.

Referring first to FIGS. 2, 3, 4, 5 and 6, the stocking is made by first knitting a main tubular portion 10. Main tubular portion 10 is knitted in a continuous circular manner using all 400 needles and both feeds. Preferably a waist band portion (not shown) is knitted using 30/2 denier nylon on every needle, and 70 denier lycra on every other needle. Preferably, the remainder of the main tubular portion is knitted of 70 denier lycra with an S twist yarn as the main feed and a Z twist yarn as the auxiliary feed. This is the conventional manner in which the main tubular portion or leg portion of stockings are knitted on this type of machine.

Once main tubular portion 10 is knitted, forming border 12 at one end, a toe pocket portion 14 is knitted to border 12 of main tubular portion 10 using a reciprocating cylinder attachment. In this operation, toe pocket portion is knitted using approximately 200 adjacent needles at border 12 in a reciprocating manner. The successive courses of yarn, preferably 70 denier lycra and 30/2 nylon, are fed by the main feed only and the number of needles used in the knitting are progressively decreased, preferably to 70 needles, and then progressively increased back to the original number of needles used at the beginning of the reciprocating operation. This forms a toe pocket over about one half the opening at border 12 of main tubular portion 10.

When toe pocket portion 14 has been formed, a continuous circular knitting operation is resumed using both feeds to form a foot opening collar 16 along the heretofore unknitted border of main tubular portion 10 and edge 18 of toe pocket portion 14. The main feed feeds 70 denier lycra and 30/2 denier nylon and the auxiliary feed feeds 70 denier lycra. Foot opening collar 16 is preferably a half inch wide. Preferably, the final courses along border 20 of collar 16 are knitted with nylon to prevent unravelling. When constructed in this manner, the foot opening is thereby positioned under the ball of the foot when the stocking is worn in a footed manner, as illustrated in FIG. 7.

Tights may be formed by knitting or sewing a pair of stockings together to form a waist band and crotch area. A pair of tights 22 according to the invention are shown in FIG. 1.

While yarns of various weights and thicknesses may be used in the invention, it has been found that 70 denier lycra

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and 30/2 denier nylon are preferred and provide the optimum stretchability and tension for use in dancing tights.

Although only a single embodiment of a convertible stocking of the invention is disclosed and described in detail, a skilled artisan will recognize many variations may be made in the arrangement and details of the invention, all without departing from the spirit and scope thereof as defined by the appended claims.

What is claimed is:

1. A tubular seamless stocking knitted on a circular knitting machine with reciprocating cylinders, said stocking having a main tubular portion, a toe pocket portion, and a foot opening collar wherein:

said main tubular portion is knitted in a continuous, circular manner to form a substantially uniform knit tube having a border at one end,

said toe pocket portion is knitted in a continuous, reciprocating manner onto about one half of the border of the main tubular portion using successive courses of yarn beginning with about one half the total number of knitting needles of the knitting machine and progressively decreasing the number of knitting needles used to knit each course and then increasing the number of knitting needles to about one half the total number of knitting needles thereby forming a knitted pocket over about one half the border of the main tubular portion, said pocket having a terminating edge, and

said foot opening collar comprises a tubular collar knitted in a continuous, circular manner to the remaining half of the border of the main tubular portion and to the edge of the toe pocket portion thereby providing an opening sufficient to permit the entire foot of the wearer to pass through the opening and wear the stocking alternatively in a footed or footless manner.

2. Dancing tights comprising a pair of stockings according to claim 1 attached together to form a waist band and crotch area.

3. A stocking according to claim 1, wherein the yarn used to knit the stocking is selected from the group consisting of: nylon of about 30/2 denier, lycra of about 70 denier and mixtures thereof.

4. Dancing tights according to claim 2, wherein the yarn used to knit the pair of stockings is selected from the group consisting of: nylon of about 30/2 denier, lycra of about 70 denier and mixtures thereof.

5. A method of using a convertible stocking by a wearer, comprising:

providing a tubular seamless stocking knitted on a circular knitting machine with reciprocating cylinders, said stocking having a main tubular portion, a toe pocket portion, and a foot opening collar wherein said main

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tubular portion is knitted in a continuous, circular manner to form a substantially uniform knit tube having a border at one end, said toe pocket portion is knitted in a continuous, reciprocating manner onto about one half of the border of the main tubular portion using successive courses of yarn beginning with about one half the total number of knitting needles of the knitting machine and progressively decreasing the number of knitting needles used to knit each course and then increasing the number of knitting needles to about one half the total number of knitting needles thereby forming a knitted pocket over about one half the border of the main tubular portion, said pocket having a terminating edge, and

said foot opening collar comprises a tubular collar knitted in a continuous, circular manner to the remaining half of the border of the main tubular portion and to the edge of the toe pocket portion thereby providing an opening sufficient to permit the entire foot of the wearer to pass through the opening;

wearing said stocking alternatively in a footed or footless manner while the wearer is dancing.

6. A tubular seamless stocking knitted on a circular knitting machine with reciprocating cylinders, said stocking comprising a main tubular portion, a toe pocket portion attached to one end of the main tubular portion, and a foot opening collar comprising a tubular collar attached to the border of the main tubular portion and to the edge of the toe pocket portion, wherein said foot opening collar is adapted to provide an opening having sufficient size and stretchability to permit the entire foot of the wearer to pass through the opening thereby allowing the wearer to wear the stocking alternatively in a footed or footless manner.

7. Dancing tights comprising a pair of stockings according to claim 6 attached together to form a waist band and crotch area.

8. A method of using a convertible stocking by a wearer, comprising:

(a) providing a tubular seamless stocking knitted on a circular knitting machine with reciprocating cylinders, said stocking comprising a main tubular portion, a toe pocket portion attached to one end of the main tubular portion, and a foot opening collar comprising a tubular collar attached to the border of the main tubular portion and to the edge of the toe pocket portion, wherein said foot opening collar is adapted to provide an opening having sufficient size and stretchability to permit the entire foot of the wearer to pass through the opening;

(b) wearing said stocking alternatively in a footed or footless manner while the wearer is dancing.

* * * * *



KNIT
TRANSITION

#1873

BPK LXL

MICROFIBER

Knit Transition

Knit Transition

DANCING SING 1887





PRIMA SOFT

Showroom - 842 Red Lion Rd., Phila, PA 19115
(215) 676-5777 (215) 676-5304

Office/Warehouse - 213 Old York Rd., Jenkintown, PA 19046
(215) 886-2255 Fax: (215) 886-9226

6/16/00

Capezio /Ballet Makers Inc.
One Campus Road
Totowa NJ 07512

Re: Notice of Patent Rights - U.S. Patent No. 6,047,571 entitled "Convertible Stockings"

Dear Sir:

Please be advised that David Juniman is the owner of U.S. Patent No. 6,047,571
(copy enclosed).

I am aware that you are in the business of the sale or manufacture of dance tights.
However, I have not undertaken any investigation to date of whether any of your products
infringes this patent. This notice is for information purposes only.

Very truly yours,

David Juniman.

David Juniman
President, Footloose Dancewear Inc., DBA\ Prima Soft.

U.S. Postal Service
CERTIFIED MAIL RECEIPT
 (Domestic Mail Only; No Insurance Coverage Provided)

Article Sent To:
Capezio/Ballet Makers Inc.

Postage \$
 Certified Fee
 Return Receipt Fee (Endorsement Required)
 Restricted Delivery Fee (Endorsement Required)
 Total Postage & Fees \$

Name (Please Print Clearly) (To be completed by mailer)
FOOTLOOSE DANCEWEAR INC.
 Street, Apt. No., or PO Box **218 OLD YORK ROAD**
 City, State, ZIP+4 **JENKINTOWN, PA 19046**

PS Form 3800, July 1999 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:
**CAPEZIO
 BALLET MAKERS INC
 ONE CAMPUS ROAD
 TOTOWA, NJ 07512**

2. Article Number (Copy from service label)

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) *MARC BERMAN* B. Date of Delivery
 C. Signature *Marc Berman* ☐ Agent ☐ Addressee
 D. Is delivery address different from item 1? ☐ Yes ☐ No
 If YES, enter delivery address below

3. Service Type
☐ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

PS Form 3811, July 1999 Domestic Return Receipt 102595-99-M-1789