

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

KOLSOUM AMIR BANDEH,  
Plaintiff,  
v.  
APPLE INC.,  
Defendant.

Case No. [17-cv-05264-VC](#)

**ORDER GRANTING MOTION TO  
DISMISS**

Re: Dkt. Nos. 28, 29, 37, 38

The motion to dismiss is granted, because the complaint fails to plead a plausible claim for relief. See *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009). The complaint lacks the necessary factual detail as to each of its claims. For instance, Kolsoum Amir Bandeh does not allege enough facts to state a claim for inventorship of the disputed patents. Nor does she specify which elements of the alleged designs constitute protected trade dress. More generally, Bandeh does not allege a plausible theory of how her designs were legally protected and then misappropriated. Simply stating that Apple and Chanel are connected and that she has previously sued Chanel in France does not make for a sufficiently well-pleaded complaint.<sup>1</sup>

Therefore, the complaint is dismissed with leave to amend. Apple raises a number of other shortcomings in the complaint. If Bandeh wishes to file an amended complaint, she should carefully research all of these legal issues and ensure that she can overcome these objections before filing an amended complaint. Any amended complaint must be filed within 21 days of this order.

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<sup>1</sup> Apple and Bandeh's requests for judicial notice are granted to the limited extent described. Fed. R. Evid. 201. In addition, Bandeh's motion for leave to file a supplemental brief is granted.

**IT IS SO ORDERED.**

Dated: February 26, 2018

A handwritten signature in black ink, appearing to read 'V. Chhabria', is positioned above a horizontal line.

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VINCE CHHABRIA  
United States District Judge