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Attorneys for Plaintiff
DAKA RESEARCH INC.,

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

DAKA RESEARCH INC.,

Plaintiff,

v.

**Shenzhen Bali Electronic Technology
Co., Ltd. Storefront, and
bad87hs Storefront**

Defendants.

Civil Action No: _____

COMPLAINT FOR
PATENT INFRINGEMENT

Jury Trial Requested

Plaintiff Daka Research Inc. (“Plaintiff” or “Daka”), by its attorneys, brings the present action of design patent infringement against two e-commerce merchants -- Shenzhen Bali Electronic Technology Co., Ltd. Storefront (“Bali Storefront”) and bad87hs Storefront (“Bad87hs Storefront,” together “Defendants”), and alleges as follows:

NATURE OF THE ACTION

1. This is a civil action arising out of Defendants’ design patent infringement in violation of the Patent Law of the United States, 35 U.S.C. § 1, *et seq.*, including 35 U.S.C. §§ 271, 281-285.

2. Defendants’ accused products “Electric Jar Opener” infringe the claimed design of Plaintiff’s U.S. Patent No. D594,303 (“the ’303 Patent” or “Asserted Patent”).

THE PARTIES

3. Plaintiff Daka Research Inc is an entity incorporated in Tortola, the Virgin Islands (British Virgin Islands).

4. Upon information and belief, Defendant Bali Storefront is an individual or a business entity based in China, who owns and/or operates one or more e-commerce stores. Upon information and belief, Defendant Bali Storefront uses at least the following webpage to transact business: <https://www.amazon.com/Electric-Jar-Automatic-Seniors-Arthritis/dp/B094D1MXFS>. A true and correct copy of the above webpage is attached as Exhibit 1.

5. Upon information and belief, Defendant Bad87hs Storefront is an individual or a business entity based in China, who owns and/or operates one or more e-commerce stores. Upon information and belief, Defendant Bad87hs Storefront use at least the following links to transact business: <https://www.amazon.com/Electric-Opener-Kitchen-Gadget-Automatic/dp/B07SN8KFHM> and <https://www.amazon.com/Electric-Opener-Kitchen-Gadget-Automatic/dp/B093H9LS36>. A true and correct copy of the above webpage is attached as Exhibit 2.

JURISDICTION AND VENUE

6. This Court has subject-matter jurisdiction over Daka's design patent infringement claims under 28 U.S.C. §§ 1331 and 1338(a)-(b).

7. This Court has personal jurisdiction over Defendants pursuant to N.Y.C.P.L.R. § 302(a)(1) and N.Y.C.P.L.R. § 302(a)(3), because, upon information and belief, Defendants regularly conduct, transact and/or solicit business in New York, and/or derive substantial revenue from their business transactions in New York and/or otherwise avail themselves of the privileges and protections of the laws of the State of New York.

8. Furthermore, Defendants directed its business to consumers in the State of New York and made the infringing products available for sale in the State of New York. Plaintiff's cause of action for design patent infringement arises out of those infringing activities.

COUNT I – Design Patent Infringement of the D'303 Patent

9. Plaintiff repeats and re-alleges paragraphs 1-8 as if fully set forth herein.

10. The D'303 Patent was duly and lawfully issued by the United States Patent and Trademark Office on June 16, 2009. The D'303 Patent is titled "JAR OPENER," names Mark Andrew Sanders and Pat Yin Mah as co-inventors, and issued from U.S. Patent Application No. 29/285,239, which was filed on March 22, 2007.

11. The D'303 Patent was duly assigned to Daka, which is the owner of all right, title, and interest in and to the D'303 Patent and possesses the exclusive right of recovery for past, present, and future infringement. The claimed design of the D'303 Patent is valid and enforceable. A true and correct copy of the D'303 Patent is attached as Exhibit 3.

12. Defendants has been, and presently is, infringing the claimed design of the D'303 Patent within this District and elsewhere by using, making, selling, offering to sell, and/or importing into the United States, products identified in this Complaint in violation of 35 U.S.C.

§§ 271(a) and 289. Without limitation, this includes “Electric Jar Opener” products shown in Exhibit 1 and Exhibit 2.

13. Daka is informed and believes that the infringement of the D’303 Patent has been and continues to be intentional, willful, and without regard to Daka’s protected rights.

14. Daka is informed and believes that Defendants has gained profits by virtue of its willful infringement of the D’303 Patent.

15. As a result, Daka has sustained damages as a direct and proximate result of Defendants’ infringement of the D’303 Patent.

16. Daka will suffer and is suffering irreparable harm from Defendants’ willful infringement of the D’303 Patent. Daka has no adequate remedy at law and is entitled to an injunction against Defendants continuing infringement. Unless enjoined, Defendants will continue its infringing conducts.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for judgment against Defendants as follows:

- 1) That Defendants and all of its subsidiaries, affiliates, officers, agents, servants, employees, attorneys, and their heirs, successors and assigns, and all persons acting in concert or participation with it and each of them, be immediately enjoined and restrained, preliminarily and permanently, without bond, from
 - a. manufacturing, distributing, selling or offering to sell in the United States or importing into the United States products infringing the claims of the Asserted Patent; and deliver to Plaintiff all products that infringe the Asserted Patent;
 - b. aiding, abetting, contributing to, or otherwise assisting anyone in infringing upon the Asserted Patent;
 - c. effecting assignments or transfers, forming new entities or associations or

utilizing any other device for the purpose of circumventing or otherwise avoiding the prohibitions set forth in Subparagraphs (a) and (b).

- 2) Entry of an Order that, upon Plaintiff's request, those with notice of the injunction, including, without limitation, any online marketplace platforms such as Amazon (collectively, the "Third Party Provider") shall disable and cease displaying any advertisements used by or associated with Defendants in connection with the sale of goods that infringe Patent claimed in the Asserted Patent;
- 3) A judgment that Defendants has infringed each of the Asserted Patent;
- 4) An award of damages for infringement of the Asserted Patent together with prejudgment interest and costs, said damages to be trebled by reason of the intentional and willful nature of Defendants' infringement, as provided by 35 U.S.C. § 284;
- 5) An accounting of Defendants' profits pursuant to 35 U.S.C. § 289;
- 6) Costs of suit;
- 7) Finding of the case to be exceptional under 35 U.S.C. § 285, and an award of Plaintiff's reasonable attorneys' fees;
- 8) That any monetary award includes pre- and post-judgment interest at the highest rate allowed by law; and
- 9) Such other relief as the Court may deem just and proper.

JURY DEMAND

Under Rule 38 of the Federal Rules of Civil Procedure, Plaintiff respectfully demands a trial by jury of any issues triable of right by a jury.

Dated: April 18, 2022.

Respectfully submitted,

By: /s/ He Cheng _____

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