

1 Tommy SF Wang (SBN: 272409)
WANG IP LAW GROUP, P.C.
2 18645 E. Gale Ave., Suite 205
City of Industry, CA 91748
3 Telephone: (888) 827-8880
Facsimile: (888) 827-8880
4 Email: twang@thewangiplaw.com

5 Attorneys for Plaintiff,
EP FAMILY CORP.

7
8 **UNITED STATES DISTRICT COURT**
9 **CENTRAL DISTRICT OF CALIFORNIA**

10 EP FAMILY CORP., a California
corporation,

11 Plaintiff,

12 v.

13 The Entities and Individuals Identified
14 in Annex A,

15 Defendants.

Case No.:

**COMPLAINT FOR PATENT
INFRINGEMENT**

JURY TRIAL DEMANDED

16
17 Plaintiff EP FAMILY CORP. (“Plaintiff”) hereby files this Complaint for
18 patent infringement and related claims against the Entities and Individuals identified
19 in Annex A (each hereinafter referred to individually as a “Defendant” and
20 collectively as the “Defendants”) and alleges as follows:

1 **NATURE OF THE ACTION**

2 1. This is an action for design patent infringement pursuant to 35 U.S.C.
3 § 271 against Defendants for unlawful use of Plaintiff’s design patent in conjunction
4 with unauthorized sales of infringing products.

5 2. Defendants are individuals and entities who sell and/or offer for sale
6 infringing and unauthorized products through various online retail websites
7 including, but not limited to, Amazon.

8
9 **JURISDICTION AND VENUE**

10 3. This Court has jurisdiction over the subject matter of this action
11 pursuant to 28 U.S.C. §§ 1331 and 1338(a).

12 4. Each Defendant runs a “storefront” through Amazon and other website
13 platforms through which each Defendant specifically targets residents in this judicial
14 district by offering to sell and/ upon information and belief, shipping infringing
15 products to residents within the Central District of California. Thus, each Defendant
16 is committing design patent infringement in this district.

17 5. Venue is proper in this judicial district pursuant to 28 U.S.C. § 1391
18 because a substantial part of the events that give rise to the claim occur within this
19 district and each Defendant has committed acts of infringement in, and has
20 significant contacts within, this district. In addition, on information and belief, each

1 of the Defendants is a foreign entity or individual and “a defendant not resident in
2 the United States may be used in any judicial district...” 28 U.S.C. § 1391(c)(3).

3
4 **THE PARTIES**

5 6. Plaintiff EP FAMILY CORP. is a corporation organized under the laws
6 of the State of California, with its principal place of business located at 20687 Amar
7 Road Suite 2-832, Walnut, California 91789.

8 7. The design patent owned by Plaintiff and asserted in this action is
9 Patent No. D934,012 (the “’012 Patent”) entitled “Table Top”, which was duly and
10 legally issued by the United States Patent and Trademark Office on October 26,
11 2021. A copy of this design patent registration is attached hereto as Exhibit 1.

12 8. Plaintiff sells its SHW Memory Preset Electric Height Adjustable
13 Standing Desk (“Plaintiff’s Standing Desk”), which incorporates the design
14 protected in the ‘012 Patent, throughout the United States, including in this district,
15 through various online retail websites including Amazon.

16 9. The popularity of Plaintiff’s Standing Desk has led to Plaintiff
17 receiving an abundance of positive reviews for the product, and the design of
18 Plaintiff’s Standing Desk has become known throughout the United States.

19 10. Because Plaintiff’s Standing Desk has become so popular and
20 recognized by consumers, the design of Plaintiff’s product has been subject to

1 widespread infringement.

2 11. On information and belief, Defendants are individuals and entities who
3 conduct business in the United States, including within California, through their
4 operation of interactive, online marketplaces and/or websites which offer for sale
5 infringing standing desks and other products that infringe the ‘012 Patent.

6 12. On information and belief, based on similarities in the characteristics
7 of the online product listings and the infringing products, some or all of the
8 Defendants are related or work together as part of a single enterprise to willfully
9 make, distribute, offer for sale, and sell products that infringe the ‘012 Patent.

10 13. At present, many of the Defendants can only be identified through their
11 online storefronts and other limited publicly available information. Plaintiff will
12 amend its Complaint if Defendants provide additional credible information
13 regarding their identities.

14

15 **DEFENDANTS’ UNLAWFUL CONDUCT**

16 14. Defendants operate under many different names on a variety of
17 different websites and sales platforms to overwhelm the marketplace with a
18 multitude of infringing products in order to evade detection by patent owners. Upon
19 information belief, some of the Defendants operate under more than one alias so as
20 to avoid identification. The online marketplaces and/or websites conceal the actual

--

1 persons and entities responsible for the websites and listings in favor of fictitious
2 ones, such as the names listed on Annex A.

3 15. The storefronts created by Defendants typically sell various infringing
4 and/or counterfeit goods, including infringing height adjustable standing desks that
5 infringe upon Plaintiff's '012 Patent.

6 16. Individuals and entities that operate in the same manner as Defendants
7 commonly disable their marketplace storefronts and attempt to disappear as soon as
8 they learn that they have been sued, only to re-emerge under new online marketplace
9 accounts with new fictitious names after a short period of time. These individuals
10 and entities often utilize a multitude of payment methods and accounts so that, even
11 if detection requires them to close down one such account, there are other accounts
12 set up to take its place.

13 17. Additionally, these individuals and entities located abroad frequently
14 maintain off-shore and foreign bank accounts. If detected, they quickly move funds
15 from their accounts denominated in U.S. currency, such as PayPal accounts, to off-
16 shore bank accounts outside the jurisdiction of this Court.

17 ///

18 ///

19 ///

20 ///

--

1 **COUNT I**
2 **INFRINGEMENT OF U.S. DESIGN PATENT NO. D934,012**
3 **(35 U.S.C. § 271)**

4 18. Plaintiff repeats and incorporates by reference the allegations contained
5 in the preceding paragraphs of this Complaint as if fully set forth herein.

6 19. Defendants have infringed and are currently infringing, and unless
7 enjoined will continue to infringe the '012 Patent.

8 20. Defendants have infringed and are currently infringing, directly and/or
9 through intermediaries, the '012 Patent by making, using, selling, offering for sale,
10 and/or importing into the United States, without authority, products that incorporate
11 the design protected by the '012 patent.

12 21. An ordinary observer, giving such attention as a purchaser usually
13 gives, would be so deceived by the resemblance between the design of the accused
14 products and the '012 Patent as to be induced to purchase the accused products
15 believing they embody the design of the '012 Patent.

16 22. On information and belief, each and every Defendant has had actual
17 knowledge of their infringement of the '012 Patent since no later than the filing date
18 of this Complaint.

19 23. Defendants' deliberate and willful actions in infringing the design of
20 the '012 Patent have caused, and will continue to cause, irreparable harm to Plaintiff
unless preliminarily and permanently enjoined pursuant to 35 U.S.C. § 283.

1 24. By reason of Defendants’ infringement of the ‘012 Patent, Plaintiff has
2 suffered, and will continue to suffer, substantial damages.

3 25. Defendants’ infringement of the '012 patent is exceptional and entitles
4 Plaintiff to recovery of its attorneys’ fees and costs incurred in prosecuting this
5 action under 35 U.S.C. § 285.

6

7

PRAYER FOR RELIEF

8

WHEREFORE, Plaintiff prays for judgment as follows:

9

10

11

12

13

14

15

16

17

18

19

20

--

1. That Defendants and their respective agents, employees, affiliates, and
all persons acting in concert with them be temporarily, preliminarily, and
permanently enjoined and restrain from further infringement of the ‘012 Patent
including, but not limited to, importing, making, using, selling, and offering for sale
any products that infringe upon the design protected by the ‘012 Patent.

2. That, upon Plaintiff’s request, all in privity with Defendants, with
notice of the injunction, including, but not limited to, any online marketplace
platforms such as Amazon and any financial services providers such as credit card
providers, banks, merchant account providers, third party payment processors, and
Internet search engines, shall:

a. cease providing services used by Defendants, currently or in the
future, to sell or offer for sale products which infringe the ‘012 Patent;

