

1 DAVID J. TSAI (SBN 244479)  
david.tsai@pillsburylaw.com  
2 JOHN J. STEGER (SBN 341299)  
john.steger@pillsburylaw.com  
3 PILLSBURY WINTHROP SHAW PITTMAN LLP  
4 Four Embarcadero Center, 22<sup>nd</sup> Floor  
San Francisco, CA 94111-5998  
5 Telephone: 415.983.1000  
Facsimile: 415.983.1200  
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7 Attorneys for Plaintiff  
Xiamen Zhaozhao Trading Co., Ltd.  
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9 **IN THE UNITED STATES DISTRICT COURT**  
10 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

11  
12 Xiamen Zhaozhao Trading Co., Ltd.,  
13 Plaintiff,  
14 v.  
15 Ningbo Jiangbei Shangyu Trading Co., Ltd.,  
16 Defendant.  
17

Case No.

**COMPLAINT FOR:**

**(1) INFRINGEMENT OF U.S.  
PATENT NO. D958,465**

**DEMAND FOR JURY TRIAL**

1 Plaintiff Xiamen Zhaozhao Trading Co., Ltd. (“Zhaozhao” or “Plaintiff”) hereby asserts the  
2 following claims for patent infringement against Defendant Ningbo Jiangbei Shangyu Trading Co.,  
3 Ltd. (“Defendant”), and alleges as follows:

4 **NATURE OF THE ACTION**

5 1. This is a civil action for patent infringement under the patent laws of the United  
6 States, 35 U.S.C. § 1 *et seq.*

7 2. This action arises from Defendant’s infringement of U.S. Design Patent No.  
8 D958,465 (“the ’D465 Patent” or “the Asserted Patent”).

9 3. A copy of the ’D465 Patent is attached as Exhibit A.

10 **THE PARTIES**

11 4. Zhaozhao is a company organized and existing under the laws of China, with its  
12 principal place of business at Unit 01-170, 5/F, No. 32 2nd East Haijing Road, (Bonded Port Area),  
13 Xiamen Area of Pilot Free Trade Zone (Fujian) of China, China.

14 5. On information and belief, Defendant is a company organized and existing under  
15 the laws of China, with its principal place of business at Tongji Road 199, Room 5-1-15, Jiangbei,  
16 Ningbo, Zhejiang, 315155 China.

17 **JURISDICTION AND VENUE**

18 6. This is a civil action for patent infringement arising under the patent laws of the  
19 United States, 35 U.S.C. § 1 *et seq.*

20 7. This Court has subject matter jurisdiction over the matters asserted herein under 28  
21 U.S.C. §§ 1331 and 1338(a).

22 8. Defendant is subject to this Court’s personal jurisdiction as it has committed acts  
23 giving rise to this action within and/or directed to this District and has established minimum  
24 contacts within this District such that the exercise of jurisdiction over Defendant would not offend  
25 traditional notions of fair play and substantial justice. On information and belief, Defendant is  
26 systematically directing business activities at consumers in the United States, including California,  
27 through online platforms such as Amazon.com, through which consumers in the United States,  
28

1 including California, can view, place orders for, and purchase Defendant’s infringing products for  
2 delivery in the United States, including California.

3 9. Venue is proper in this judicial district pursuant to 28 U.S.C. §§ 1391 as Defendant  
4 is a foreign corporation and is subject to personal jurisdiction in this district.

5 **THE ASSERTED PATENT**

6 10. On July 19, 2022, the USPTO duly and legally issued the ’D465 Patent entitled “pet  
7 house”.

8 11. The ’D465 Patent is valid and enforceable.

9 12. Zhaozhao is the sole assignee and owner of all right, title, and interest in and to the  
10 ’D465 Patent.

11 **BACKGROUND**

12 13. Zhaozhao’s innovative products include an innovative line of cat houses, which  
13 Zhaozhao markets and sells in the United States through its online business Rockever.

14 14. Zhaozhao developed its innovative line of cat houses to be both durable and  
15 attractive, while at the same time, providing cats with ample space to lounge, hide, and play.

16 15. Prior to Zhaozhao’s innovative line of cat houses, most cat houses on the market  
17 were relatively small and did not provide cats with sufficient space and did not have multiple levels  
18 or enclosed spaces.

19 16. Due to the large size of Zhaozhao’s cat houses, they are designed to be used  
20 outdoors. Because of this, Zhaozhao spent considerable time and effort developing cat houses that  
21 are both durable for outdoor use and attractive. The effort put in to developing the design has  
22 resulted in a cat house which does not look out of place in a customer’s property, such as a front or  
23 back yard, porch, or deck.

24 17. Zhaozhao has protected its innovative products and designs through intellectual  
25 property rights, including through design patents issued by the United States Patent and Trademark  
26 Office.

27 18. The ’D465 Patent is practiced by a Rockever product. A true and correct screen  
28 shot from Amazon.com showing this product is attached as Exhibit B.

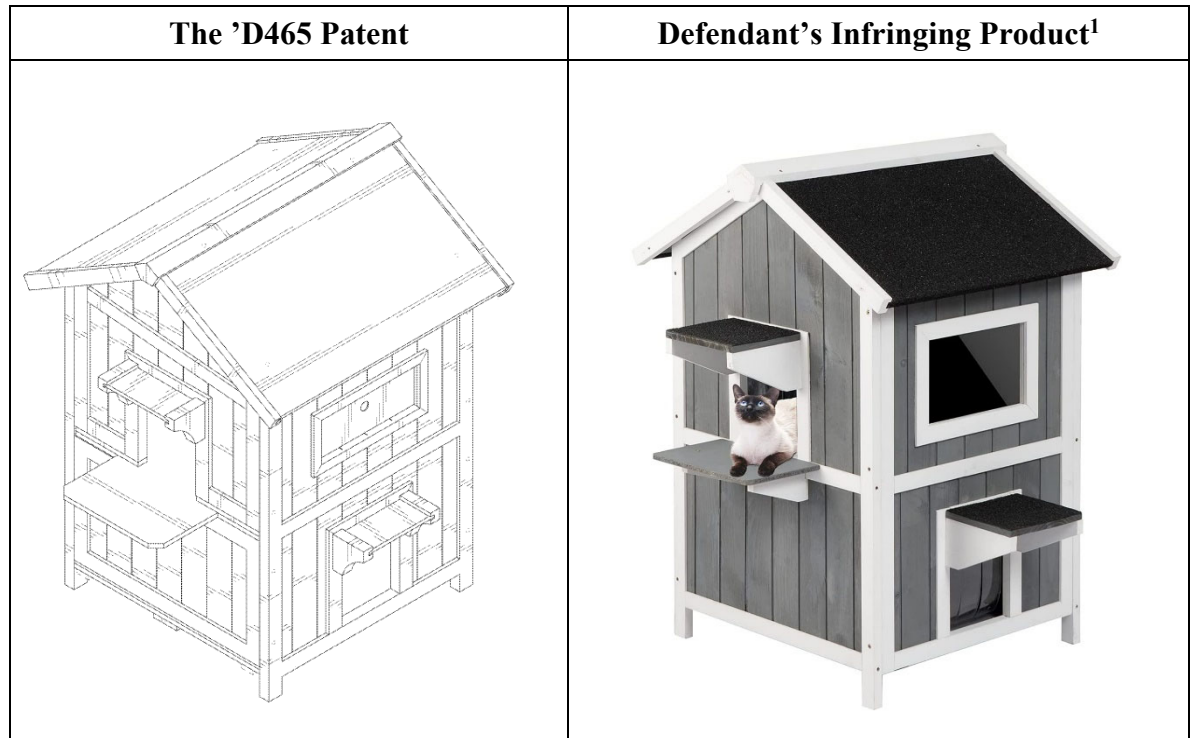
1 19. Since Zhaozhao began selling its innovative line of cat houses, its design has been  
2 copied by numerous companies, including Defendant, who sells cat houses which look just like  
3 those sold by Zhaozhao.

4 20. On information and belief, Defendant sells its infringing cat houses under the name  
5 Phupaw. True and correct screenshots showing Defendant’s infringing products for sale on  
6 Amazon.com are attached as Exhibit C.

7 **COUNT 1: INFRINGEMENT OF THE 'D465 PATENT**

8 21. Zhaozhao alleges and incorporates by reference the allegations set for in Paragraphs  
9 1 through 20.

10 22. As shown in the side-by-side comparison below, Defendant has misappropriated  
11 Zhaozhao’s patented pet house design.



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28 <sup>1</sup> Image taken from listing on Amazon.com: <https://www.amazon.com/Phupaw-Outdoor-Shelters-Outside-Waterproof/dp/B09H5F4PMS> (last checked August 17, 2022).



- 1 D. An award of damages to adequately compensate Zhaozhao for Defendant’s patent
- 2 infringement, such damages to be determined by a jury, and an accounting to
- 3 adequately compensate Zhaozhao for the infringement;
- 4 E. An order finding that this is an exceptional case under 35 U.S.C. § 28 and awarding
- 5 Zhaozhao attorneys’ fees;
- 6 F. Costs and expenses in this action;
- 7 G. An award of prejudgment and post-judgment interest; and
- 8 H. Such other further relief, in law or equity, as this Court deems just and proper.

9 **DEMAND FOR JURY TRIAL**

10 Pursuant to Rule 38 of the Federal Rules of Civil Procedure, Zhaozhao respectfully  
11 demands a trial by jury on all issues triable by jury.

12  
13 Dated: August 29, 2022

14 PILLSBURY WINTHROP SHAW PITTMAN LLP

15  
16 By: /s/ David J. Tsai

17 Attorneys for Plaintiff  
18 Xiamen Zhaozhao Trading Co., Ltd.