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8 **UNITED STATES DISTRICT COURT**
9 **CENTRAL DISTRICT OF CALIFORNIA**
10 **WESTERN DIVISION**

11
12 **Caravan Canopy Int’l, Inc.**, a
13 California corporation,

14 Plaintiff,

15 v.

16 **Impact Images, Inc.**, a California
17 corporation,

18 Defendant.

Case No. 8:23-cv-00345

**COMPLAINT FOR PATENT
INFRINGEMENT**

DEMAND FOR JURY TRIAL

19
20 For its Complaint, Plaintiff Caravan Canopy Int’l, Inc. hereby alleges as
21 follows:

22 **JURISDICTION AND VENUE**

23 1. This is an action including for infringement under the patent laws of the
24 United States, 35 U.S.C. § 101, *et seq.* This Court has subject matter jurisdiction
25 including under 28 U.S.C. §§ 1331 and 1338(a).

26 2. This Court has personal jurisdiction over Defendant because it is
27 headquartered and/or has its primary place of business in this District, where it has
28 committed the infringing acts alleged herein.

1 hole to a second position not extending into the second hole;” (f) “and a biasing
2 member biasing the pull pin toward the first position to relatively lock the first rod
3 or pole and the second rod or pole when the first hole is superimposed on the second
4 hole,” (g) “wherein the main body is fixed against movement along the first rod or
5 pole when the pull pin is in the second position,” (h) “wherein the first rod or pole
6 further comprises a third notch or hole and wherein the main body is fixed against
7 movement along the first rod or pole in the second position by a boss extending
8 between the main body and the first rod or pole,” (i) “and wherein the boss is
9 formed on a resilient tab on the main body, the boss extending into the central
10 hollow to engage the third notch or hole of the first rod or pole.”

11 10. Claim 19 of the ‘657 patent, for example, is directed to “A pull pin
12 assembly according to claim 18 wherein resilient tab is cut out from the main body.”

13 11. On information and belief, Defendant has made, used, offered for sale,
14 sold and/or imported into the United States products covered by the claims of the
15 ‘657 patent. For example, the following products infringe at least Claims 18 and 19
16 of the ‘657 patent: 10x10 Industrial Steel Pop Up Canopy Tent with Roller Bag –
17 DS, 10x10 Heavy Duty Steel Pop up Canopy Tent with Roller Bag – CL, 10x10
18 Super Duty Aluminum Pop up Canopy Tent with Roller Bag - M Series, 10x10
19 Industrial Aluminum Pop up Canopy Tent with Roller Bag - ML Series, iMega
20 Series, Alumix Pop Up Canopy Tent, Impact Canopy AOL 10 x 10 Easy Pop Up
21 Canopy Commercial Grade Tent - 4 Matching Sidewalls, and Evento Pop Up
22 Canopy Tent. This list is by way of example and may not be an exhaustive list.

23 12. On information and belief, Defendant has caused, encouraged and
24 aided others, including customers, to directly infringe the ‘657 patent having full
25 knowledge of the ‘657 patent and the specific intent that its acts and the acts of its
26 customers and/or others to directly and/or indirectly infringe the ‘657 patent.

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1 13. By the acts of making, using, offering to sell, selling and/or importing
2 the accused infringing products, Defendant has directly infringed the ‘657 patent
3 under 35 U.S.C. § 271(a).

4 14. By the acts of actively inducing others to infringe the ‘657 patent,
5 Defendant has infringed the ‘657 patent under 35 U.S.C. § 271(b). On information
6 and belief, having knowledge of the ‘657 patent, Defendant specifically intended for
7 its customers to infringe the ‘657 patent by using and/or re-selling the accused
8 infringing products.

9 15. The acts of infringement asserted herein have been and continue to be
10 deliberate and willful, at least since Defendant first learned about the ‘657 patent.

11 16. Defendant has derived and received gains, profits and advantages from
12 the aforesaid acts of infringement, and Plaintiff has lost profits and has otherwise
13 been damaged and is entitled to monetary relief in an amount to be determined at
14 trial.

PRAYER FOR RELIEF

15 Therefore, Plaintiff prays for the following relief:
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17 A. A determination that Defendant has infringed the ‘657 patent under 35
18 U.S.C. § 271, either literally and/or under the doctrine of equivalents;

19 B. An accounting for damages adequate to compensate for the patent
20 infringement, including Plaintiff’s actual damages including lost profits, treble
21 damages, pre-judgment and post-judgment interest, and costs;

22 C. A determination of willful patent infringement, and that this is an
23 exceptional case, and an award of attorney’s fees and expenses to Plaintiff; and

24 D. Such other and further relief as this Court deems just and proper.
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JURY TRIAL DEMAND

Pursuant to Fed. R. Civ. P. 38(b)(1) and (c), and L.R. 38-1, Plaintiff hereby demands a jury trial on all the issues in this action so triable of right by a jury.

Respectfully submitted,

Dated: February 27, 2023

SML AVVOCATI P.C.

By: /s/ Stephen M. Lobbin
Attorneys for Plaintiff