

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

SHEN ZHEN YOU YU KU KE JI YOU XIAN
GONG SI,

Plaintiff,

v.

JIANGSU HUARI WEBBING LEATHER CO.,
LTD.,

Defendant.

Civil Action No.

JURY TRIAL DEMANDED

COMPLAINT FOR DECLARATORY JUDGMENT

Plaintiff SHEN ZHEN YOU YU KU KE JI YOU XIAN GONG SI (“Plaintiff”) hereby brings this declaratory action against Defendant Jiangsu Huari Webbing Leather Co., Ltd. (“Defendant”), and alleges as follows:

NATURE OF THE ACTION

1. This is an action for declaratory judgment of non-infringement of United States Patent No. **US11478673** (“the ‘673 Patent”) (Exhibit 1) under 28 U.S.C. §§ 2201 and 2202 and the Patent Laws of the United States, 35 U.S.C. §§ 1 et seq.
2. Plaintiff seeks this relief because Defendant has reported Plaintiff to Amazon.com alleging that their product infringes the ‘673 patent, which product is also sold by several other distributors, who have also received the baseless complaints by Defendant to Amazon. See Exhibit 2.
3. Defendant also previously filed an action before this Court, in *case number 23-cv-2605* under the ‘673 patent for infringement against a litany of defendants but subsequently dismissed

same shortly after filing and a ruling by the Judge that its temporary restraining order was not continued, nor would an injunction be entered.

4. Plaintiff is the manufacturer of Jugader brand product model numbers: AD0502, AD0402, and A0401 (marketed and sold on Amazon.com under ASIN¹: B08QMW9N94, ASIN: B08PCJY11K, and ASIN: B09BJJ1BWT) (hereinafter referred to as “Jugader Products”). Jugader products are also protected under Chinese patent number CN216022910U (Exhibit 3).

5. The ‘673 patent covers a “walking flat belt having hanging exercise means.” While Plaintiff and Defendant sell competing products, the accused Jugader Products do not infringe on the ‘673 patent. As such, Plaintiff seeks a declaratory judgement of non-infringement to clear up these bogus complaints made by Defendant to Amazon.com and to protect other distributors that Defendant’s baseless complaints are made against.

PARTIES

6. Defendant is a Chinese company located in Erqiao Village, Sixiang Town, Taizhou Development Zone, Taizhou, China, 225300 who is conducting business in this jurisdiction, including through the internet, and filing other lawsuits herein as well.

7. Plaintiff is a Chinese corporation located at Chuangye No. 1 Building, No. 43 Yanshan Road, Yanshan Community, Zhaoshang Street, Nanshan District Shenzhen City Guangdong Province 518000.

JURISDICTION AND VENUE

¹ ASIN stands for **Amazon Standard Identification Number** which is a unique identifier of letters and/or numbers for a product that’s assigned by [Amazon.com](https://www.amazon.com). It’s primarily used for product-identification within their product catalog of billions of items.

8. This action arises under the patent laws of the United States, 35 U.S.C. 100 et. seq. This Court has subject matter jurisdiction over this action under 28 U.S.C. §§ 1331, 1338, and 2201 based on a definite and concrete, real and substantial, justiciable controversy between Plaintiff, on the one hand, and Defendant, on the other hand, for declaratory judgment of patent of non-infringement under 28 U.S.C. §§ 1331, 1338, 2201 and 2202.

9. This Court has personal jurisdiction over Defendant because they regularly transact business in this Court's jurisdiction by selling products either through their website or storefronts via various Internet platforms.

10. Venue is proper because a substantial part of the events giving rise to the claims occurred in this district.

11. Personal jurisdiction is established over Defendant because they purposefully availed themselves to this District. They marketed and shipped their products to New York or were able and willing to do so or have brought prior/pending actions within this Court. This matter is within the geographic jurisdiction of this Court.

FACTUAL BACKGROUND

12. The '673 patent was issued on October 25, 2022, to Defendant. The '673 patent is attached as Exhibit 1. The '673 patent covers a "walking flat belt having hanging exercise means." The '673 patent is sold in merchandise by Defendant on their store and website, respectively, herein Gentle Boom Sports (<https://gentleboomsports.com/>).

13. On May 11, 2023, Defendant's representatives, James Graham ("Graham") and/or Bin Liu ("Liu"), who is the self-proclaimed person in charge of Defendant, Jiangsu Hari Webbing Leather Co. Ltd., advised Amazon that Plaintiff was infringing the '673 patent. See Exhibit 2. Defendant's false complaint jeopardizes Plaintiff's sales and storefront, as well as any other

sellers who received the complaint, as Amazon takes infringement complaints very seriously.

Defendant refuses to retract its baseless and false complaint against Plaintiff and thus Plaintiff's, as well as many other sellers', selling privileges are at risk of being foreclosed.

14. The '673 patent has one independent claim and seven dependent claims. The text of Claim one, the sole independent claim, is reproduced below:

A walking flat belt, comprising a mounting member, a sling body, a hanging obstacle, and a connecting member; wherein the mounting member is mounted to the sling body and comprises a rectangular shaped buckle and a flat strap to receive the rectangular shaped buckle; the rectangular shaped buckle, including a mouthpiece element, made of a pair of horizontal members and a pair of vertical members and a partition element, located in the mouthpiece element; wherein two ends of the partition element are connected with the vertical members of the mouthpiece element to form one integral piece; the partition element divides an area enclosed by the mouthpiece element to a first connection area and second connection area; wherein one end of the flat strap passes through the first connection area, then passes over the partition element and then passes through the second connection area, and is connected with another end of the flat strap.

See Exhibit 1.

15. Plaintiff sells Jugader Products to others to use as they wish in any product they sell as well as uses them in their own products. Jugader Products can be found on Amazon.com.

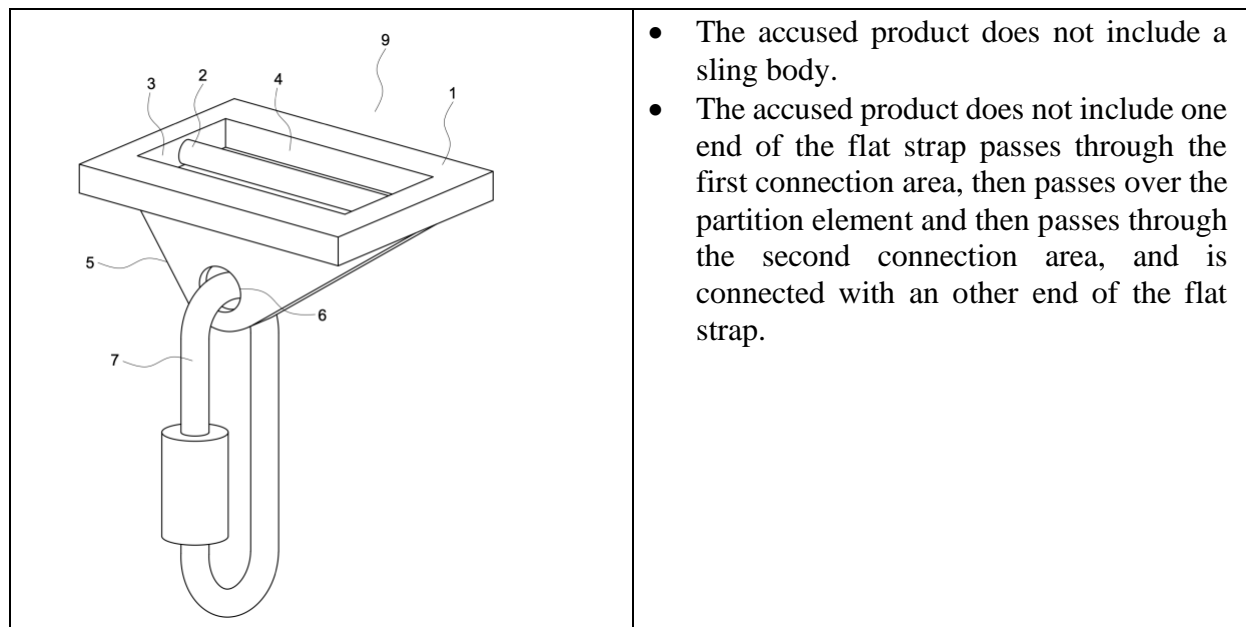
Below is an image of one of the online product listings reported to Amazon.com

(<https://www.amazon.com/Jugader-Warrior-Obstacle-Slackline-Climbing/dp/B08PCJY11K>):

[INTENTIONALLY LEFT BLANK]

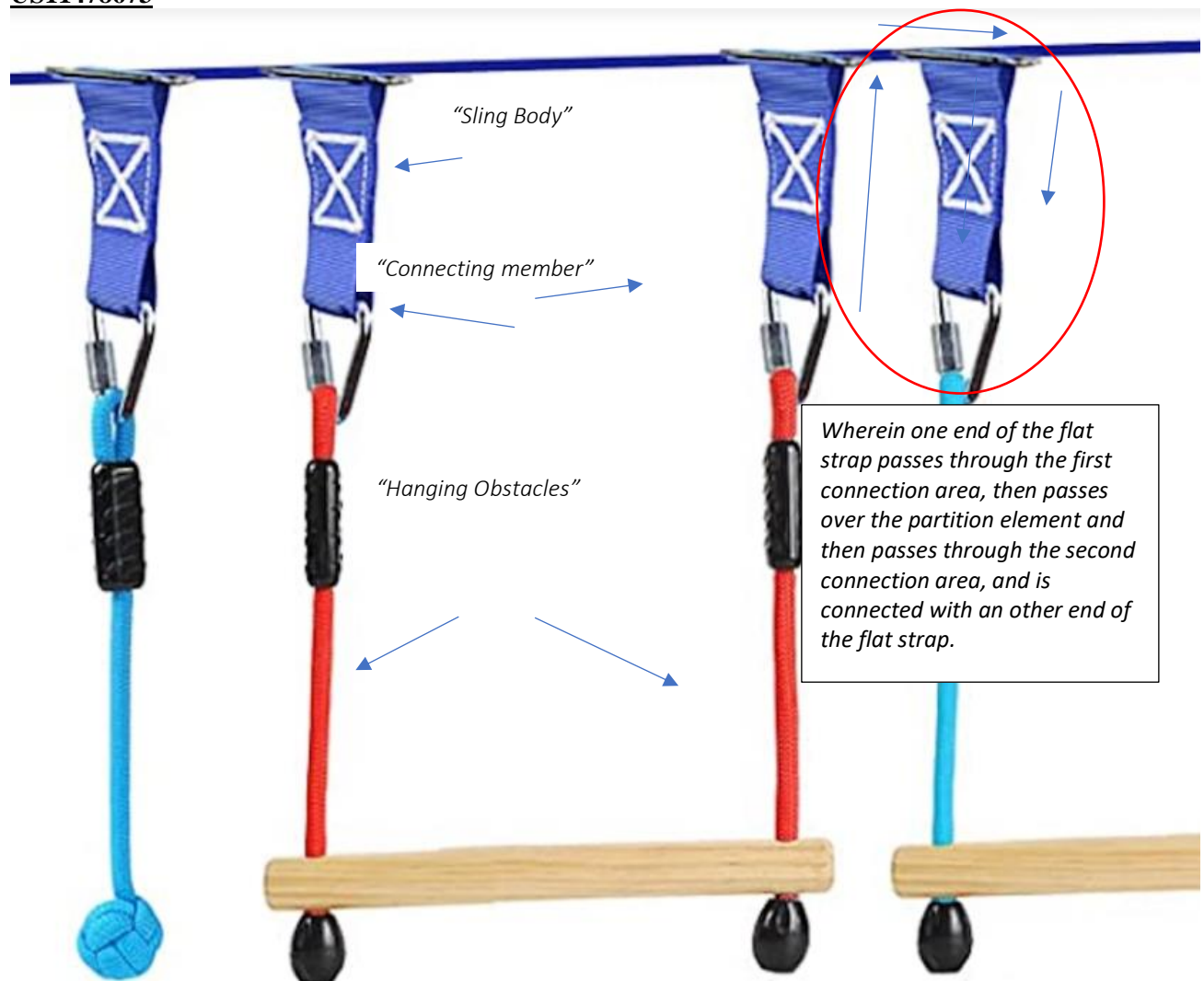


16. A detail drawing of the falsely accused infringed Jugader Product design is set forth below:



17. Below is a representation of Defendant's product. The patented invention specifically includes a buckle and a "sling body" flat strap and states: "*wherein one end of the flat strap passes through the first connection area, then passes over the partition element and then passes through the second connection area, and is connected with an other end of the flat strap.*" See Exhibit 1 and see below a depiction of Defendant's product they assert Plaintiff is infringing:

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18. For literal infringement, the patentee, herein the Defendant, must show that the accused device contains every limitation in the asserted claims. If even one limitation is missing or not met

as claimed, there is no literal infringement. To infringe Claim 1 of the '673 Patent, it must include each element of each limitation. Here, the '673 Patent provides a walking flat belt with a hanging exercise means that uses a buckle flat belt to form a plurality of installation positions on the flat belt body using a sling body. The Jugader Product as set forth above does not meet each limitation of the '673 Patent and therefore is impossible of infringing on the "673 Patent.

19. Plaintiff has a reasonable apprehension, and there exists a reasonable potential, that Defendant could file an action against Plaintiff and allege that Plaintiff has directly and/or indirectly infringed the '673 Patent.

20. Plaintiff and its Jugader Products do not infringe and have not infringed, either directly or indirectly, any claim of the '673 Patent. In view of Defendant's allegations to Amazon that Jugader Products infringe the '673 Patent, and its additional patent infringement claims via Amazon.com against many of Plaintiff's customers based upon their purchase and use of Jugader Products in their own products, a substantial controversy exists between the parties which is of sufficient immediacy and reality to warrant declaratory relief.

COUNT I
(Declaratory Judgment of Non-Infringement of the '673 Patent)

21. Plaintiff incorporates paragraphs 1 through 17 as set forth above herein.

22. In Defendant's Complaint to Amazon, at Exhibit 2 attached hereto, Defendant falsely accuses Plaintiff, as well as many of Plaintiff's customers, that the Jugader Products infringe the '673 Patent.

23. Defendant has not provided any evidence or basis for the infringement but rather sets forth a blanket assertion against Plaintiff and many other sellers utilizing Jugader Products of infringement.

24. The images above show clearly no infringement and that the limitations are not met relative

to the '673 Patent as to the Jugader Products and thus this is merely an attempt to restrain trade, eliminate competition by setting forth false infringement complaints on Amazon.com.

25. The Jugader Products do not meet each and every limitation of independent claims under the '673 Patent, as is required, under Claim 1, the only independent claim included in the '673 Patent, including at least one or more of the following limitations: *“[a] walking flat belt, comprising a mounting member, a sling body, a hanging obstacle, and a connecting member; the mounting member is mounted to the sling body and comprises a rectangular shaped buckle and a flat strap to receive the rectangular shaped buckle; and wherein one end of the flat strap passes through the first connection area, then passes over the partition element and then passes through the second connection area, and is connected with another end of the flat strap.*

26. Since Plaintiff's Jugader Products do not meet each and every of the limitations of the '673 Patent under the only independent claim, Claim 1, Jugader's Products do not infringe, directly or indirectly, any claim of the '673 Patent, either literally or under the doctrine of equivalents.

27. Plaintiff seeks and is entitled to a declaratory judgment that it's Jugader Products, and its customers' use of same, do not infringe under 35 U.S.C. § 271 (or any sub-section thereof) any claim of the '673 Patent. Such a determination and declaration are necessary and appropriate at this time to resolve the parties' dispute regarding alleged infringement of the '673 Patent.

JURY TRIAL DEMAND

Plaintiff, hereby requests a trial by jury for all issues so triable.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that this Court enter the following relief pursuant to 28 U.S.C. §§ 2201 and 2202:

a. That a declaration be issued under 28 U.S.C. § 2201 declaring that Jugader Products do not infringe and have not infringed under 35 U.S.C. § 271 (or any sub-section thereof) the '673 Patent.

b. That a declaration be issued under 28 U.S.C. § 2201 declaring that Plaintiff's customers using Jugader Products do not infringe and have not infringed the '673 Patent.

Dated: May 31, 2023
New York, New York

Respectfully submitted,

/s/ Cory Jay Rosenbaum

(electronically signed)

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