

**IN THE UNITED STATES DISTRICT COURT
FOR WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

CHONGQING QIULONG TECHNOLOGY
CORPORATION LIMITED, DBA SURRON,

Plaintiff,

v.

TANLI POWER TECHNOLOGY
(CHONGQING) CO., LTD AND TALARIA
POWER TECH (HONGKONG) CO., LTD.,

Defendants.

Civil Action No.: 1:23-cv-00442

JURY TRIAL DEMANDED

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Chongqing Qiulong Technology Corporation Limited dba Surrion (“Qiulong” or “Surrion” or “Plaintiff”) for its claims against Defendants Tanli Power Technology (Chongqing) Co., Ltd. (“Tanli”), and Talaria Power Tech (HongKong) Co., Ltd. (“Talaria”) (collectively, “Defendants”) respectfully allege the following:

JURISDICTION AND VENUE

1. This lawsuit is a civil action for patent infringement arising under the patent laws of the United States, 35 U.S.C. § 271, et seq.
2. This Court has subject-matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338.
3. This Court may properly exercise personal jurisdiction over Defendants since each of the Defendants work jointly to directly target business activities toward consumers in the United States, including Texas, by offering to sell and selling infringing products in this District. Specifically, Defendants have targeted sales to Texas residents by entering into dealer/distributor agreements with United States dealers/distributors that target United States consumers and offering shipping to the United States, including Texas. Defendants are committing tortious acts in Texas,

are engaging in interstate commerce, and have wrongfully caused Plaintiff substantial injury in Texas. Defendants should reasonably anticipate being hauled into court in this judicial district by having engaged in systematic and continuous contacts with the State of Texas, including through purposeful marketing and offering for sale of the infringing products in this judicial district, and through the receipt of revenue from the sales and marketing of infringing products in, and to the residents of, this judicial district. Exercising this Court's jurisdiction is consistent with the United States Constitution and laws.

4. This action arises out of wrongful acts, including advertising, offering for sale, selling, and distributing products by Defendants within this judicial district. Venue is proper in this district pursuant to the general federal venue statute, 28 U.S.C. §1391, because the claims asserted arise in this district and defendants are foreign corporations. Venue is also proper under 28 U.S.C. § 1391(c)(3).¹

THE PARTIES

5. Surrón is a corporation organized and existing under the laws of the China with its principal place of business at Chongqing and Hangzhou, China. Surrón is the owner of Design Patent No. US D854,456 (the "'456 Design Patent"). A copy of the U.S. Patent and Trademark Office's Design Patent D854,456 is attached hereto as **Exhibit 1**.

6. Plaintiff is informed and believes and based thereon alleges, that Defendant Tanli is a corporation organized and existing under the laws of the China with its principal place of

¹ While "1400(b) is the sole and exclusive provision controlling venue in patent infringement actions" for domestic corporations, *Fourco Glass Co. v. Transmirra Prod. Corp.*, 353 U.S. 222, 229 (1957), it is "the well-established rule that suits against alien defendants are outside the operation of the federal venue laws." *In re HTC Corp.*, 889 F.3d 1349, 1361 (Fed. Cir. 2018); *see also id.* at 1357 ("In short, while § 1400(b) governs venue in patent cases, it governs only to displace otherwise-applicable venue standards, not where there are no such standards due to the alien-venue rule.").

business at Shuang-Feng-Qiao Street, Xiang-Yu Road No. 2, Building 3, Yu-Bei District, Chongqing, China.

7. Plaintiff is informed and believes and based thereon alleges, that Defendant Talaria is a limited liability company organized and existing under the laws of Hong Kong SAR, China with its principal place of business at Room 8, 11/F, Wang Fai Industrial Building, 29 Luk Hop Street, San Po Kong, KL, Hong Kong, China.

8. Defendants are manufactures and/or sellers of e-bikes, including the infringement products complained of herein.

BACKGROUND

Plaintiff

9. Surron is a high-performance electric motorcycle manufactured founded in 2014. It designs and manufactures electric motorcycles under the trade name Surron, including its original model, the Light Bee, in 2018. Surron has since sold more than 70,000 Light Bee units worldwide.

10. Today, Surron employs more than 100 employees developing and manufacturing the highest quality electric motorcycles in the world. Plaintiff's operations are based in Chongqing, China, and Hangzhou, China. Surron sells its electric motorcycles in the United States through distributor(s) and dealer(s).

11. Plaintiff's proprietary design is protected by U.S. Design Patent No. United States Patent No. D854,456 S.



12. Surron filed the D854,456 design patent on June 16, 2017, and it was legally issued by the USPTO on July 23, 2019.

13. The '456 Design Patent is valid and enforceable.

14. Surron is the sole assignee and owner of all right, title, and interest in and to the '456 Design Patent.

15. As a result of Surron's substantial advertising and promotional efforts, as well as the high quality of the products associated with the '456 Design Patent, this distinctive design has earned valuable and residual goodwill and reputation for Surron being the soles source of said goods in the United States.

Defendants

16. Defendants were founded by former Surron employees Shiguang Wang and Jun Ye.

17. Both Mr. Wang and Mr. Ye joined Surron in 2017 as sales managers.

18. Since then, Messrs. Wang and Ye acquired control over Surrón's sales channels and critical knowledge of Surrón's electric motorcycle design, supply chain, and development strategies.

19. Surrón later discovered that Messrs. Wang and Ye were secretly using another company or other companies and taking advantage of Surrón's established sales channels to take away from Surrón's business.

20. As a result, Surrón terminated Messrs. Wang and Ye's employment in 2019.

21. Messrs. Wang and Ye then founded Tanli and Talaria, leading to direct competition with Surrón.

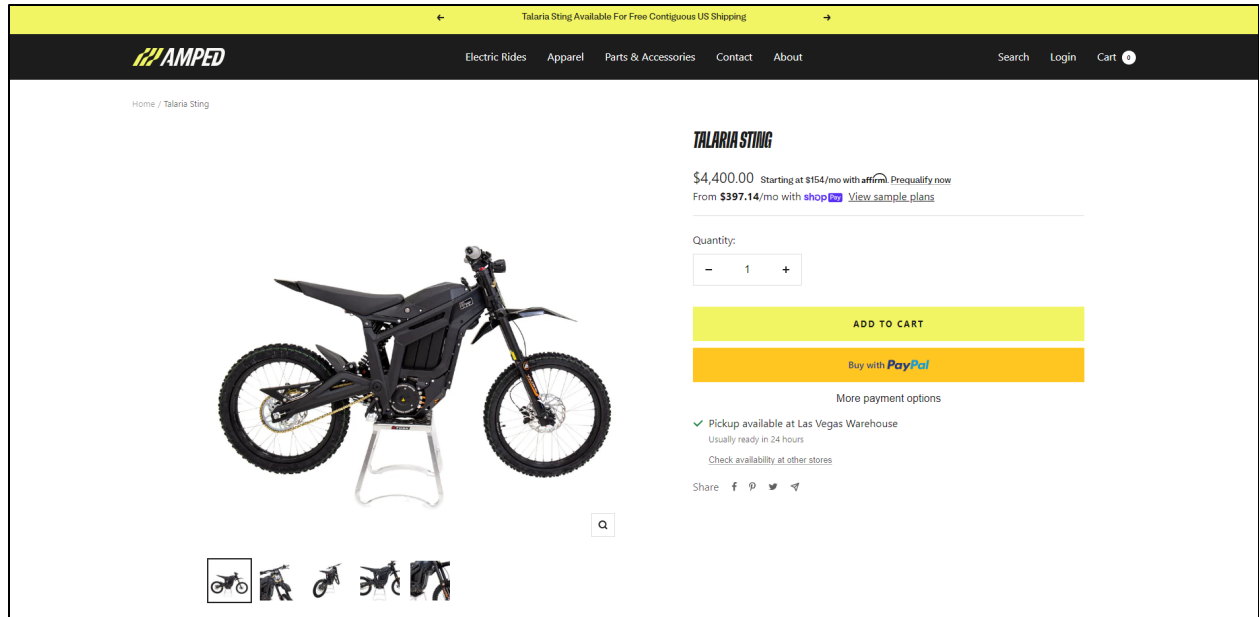
DEFENDANTS' INFRINGING CONDUCT

22. Defendants have infringed and continue to infringe the '456 Design Patent or a colorable imitation thereof by using, selling, and/or offering to sell in the United States, and/or importing into the United State, infringing products as identified in this complaint.

23. Plaintiff is informed and believes and based thereon alleges, that Plaintiff was made aware that in 2022 Defendants had displayed and made offers for sale for the "Talaria Sting Electric Bike – DNM," "Talaria Sting Electric Bike – Fastace Forks," and "Talaria Sting Electric Bike – Factory Fork," (collectively, the "Accused Products") that directly infringes the '456 Design Patent. *See* <https://ampedbikes.com/products/talaria-sting>; NEW 2022 Sur Ron X vs. Talaria Sting | Electric Dirt Bike Test & Review - YouTube²; Talaria Sting OFFICIAL Unboxing, Test, Review 2022 - YouTube³.

² <https://www.youtube.com/watch?v=YLd8mGYprh0>

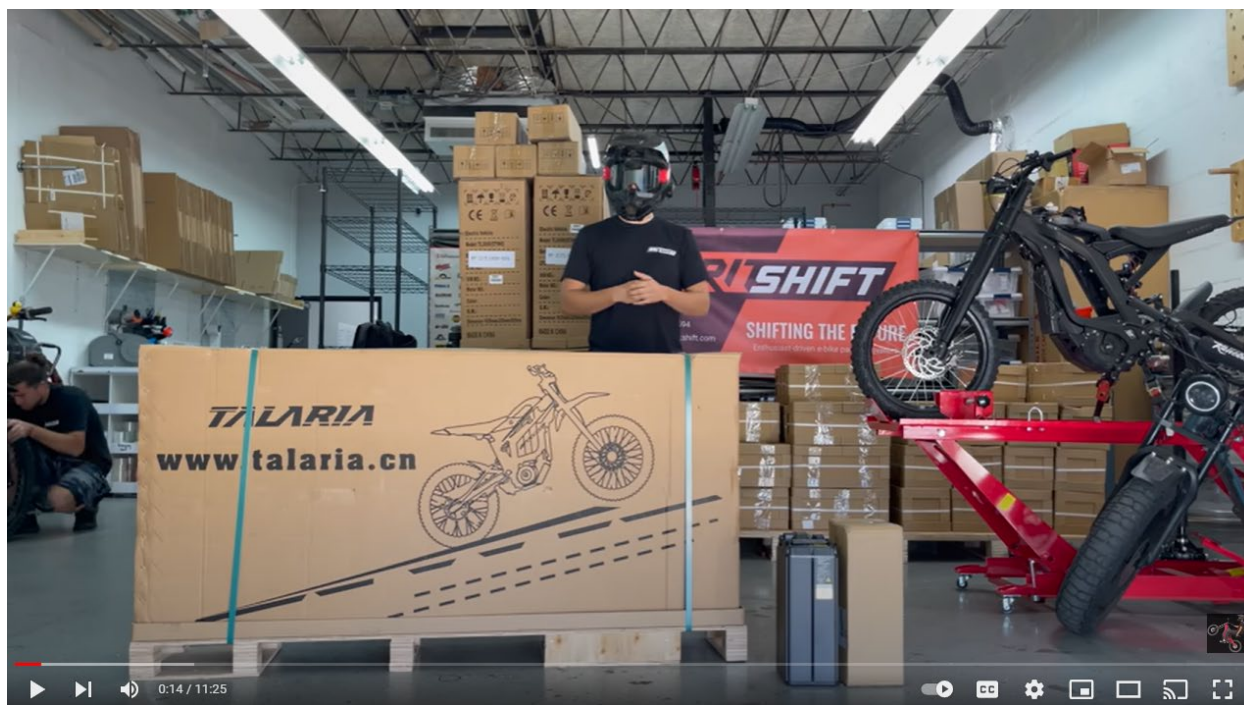
³ <https://www.youtube.com/watch?v=E12Y-p3AYlw>



<https://ampedbikes.com/products/talaria-sting>



<https://www.youtube.com/watch?v=YLd8mGYprh0>



Talaria Sting OFFICIAL Unboxing, Test, Review 2022 - YouTube

24. The picture below shows Talaria's label on one of the Accused Products found in the United States.



25. Plaintiff is informed and believes and based thereon alleges, that Defendants have been marketing, importing, and selling the Accused Products in the United States, including counties within the United States District Court for the Western District of Texas.

26. Below is a comparison of the '456 Design Patent, and the Accused Products Defendants use, sell, and/or offer for sale in the United States, and/or import into the United States ('456 Claim Chart):

Design Pat. No. D854,456	Infringing Talaria String Electric Bike
	
	<p data-bbox="766 1203 1354 1236">https://ampedbikes.com/products/talaria-sting</p>  <p data-bbox="766 1711 1463 1850">https://ampedbikes.com/products/talaria-sting-r-mx4?pr_prod_strat=use_description&pr_rec_id=b89a9650b&pr_rec_pid=7907373023481&pr_ref_pid=7530290151673&pr_seq=uniform</p>



FIG. 7



https://ampedbikes.com/products/talaria-sting-r-mx4?pr_prod_strat=use_description&pr_rec_id=b89a9650b&pr_rec_pid=7907373023481&pr_ref_pid=7530290151673&pr_seq=uniform

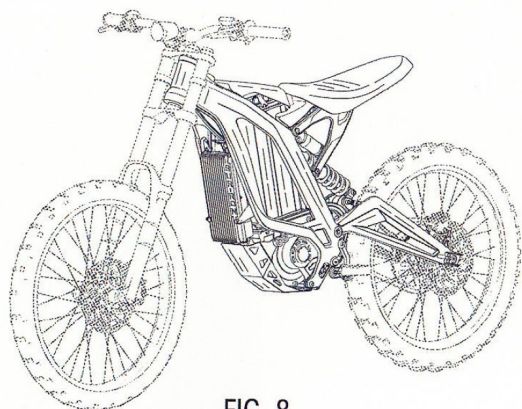


FIG. 8



NEW 2022 Sur Ron X vs. Talaria Sting | Electric Dirt Bike Test & Review – YouTube



27. An ordinary observer familiar with the art would be deceived into thinking that the design of the Accused Products was substantially the same as the '456 Design Patent.

28. Defendants' actions have been without license or authority of Plaintiff.

29. Defendants' actions have been taken knowingly and willingly. Defendants' founders, Messrs. Wang and Ye, worked at Surron when the '456 Design Patent was filed and left after the '456 Design Patent was issued.

30. Messrs. Wang and Ye knew that the '456 Design Patent covered the motorcycles that Plaintiffs sold, and subsequently, the Accused Products that Defendants misappropriated.

31. On information and belief, Defendants were fully aware of the '456 Design Patent and intentionally misappropriated the design protected by the '456 Design Patent.

32. As such, Defendants' infringement was knowing and willful.

33. Plaintiff duly marked the '456 Design Patent on its products since March, 2023.

COUNT 1

Infringement of '456 Design Patent under 35 U.S.C. § 271

34. Plaintiff realleges, adopts and incorporates by reference, each and every allegation contained in Paragraphs 1 through 33, inclusive, of this complaint as though fully set forth herein.

35. Plaintiff is informed and believes and thereon alleges that Defendants have infringed and continues to infringe the '456 Design Patent by manufacturing, distributing, promoting, using, selling and/or offering to sell in the United States, and/or importing into the United States infringing products as identified in this complaint, which embody the design covered by the '456 Design Patent. Defendants' actions constitute infringement of the '456 Design Patent under 35 U.S.C. § 271 and 35 U.S.C. § 289. The evidence of infringement is explained in '456 Claim Chart in Paragraph 23 above.

36. Defendants have used their knowledge of Plaintiff's design and manufacturing process to copy the designs covered by the '456 Design Patent.

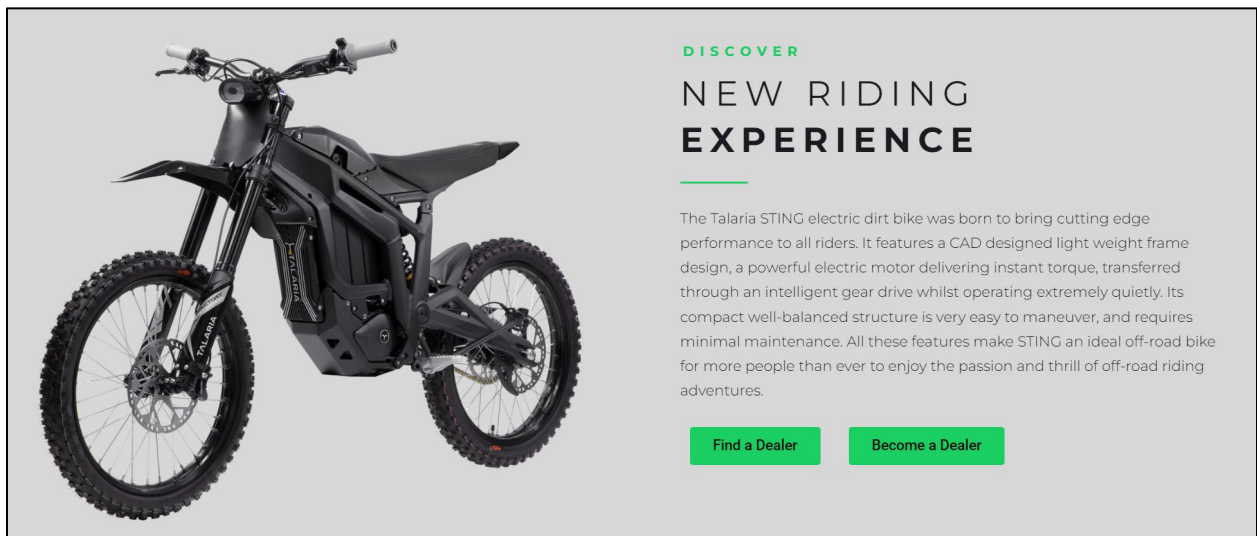
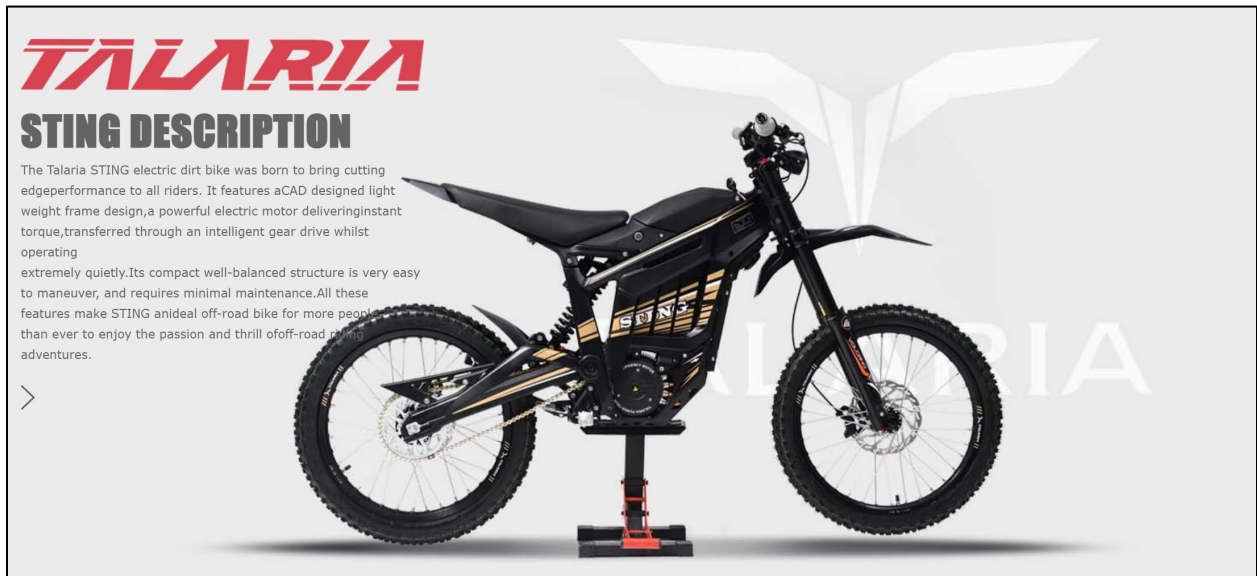
37. Plaintiff is informed and believes and thereon alleges that Defendants' acts of infringement were and are willful and deliberate.

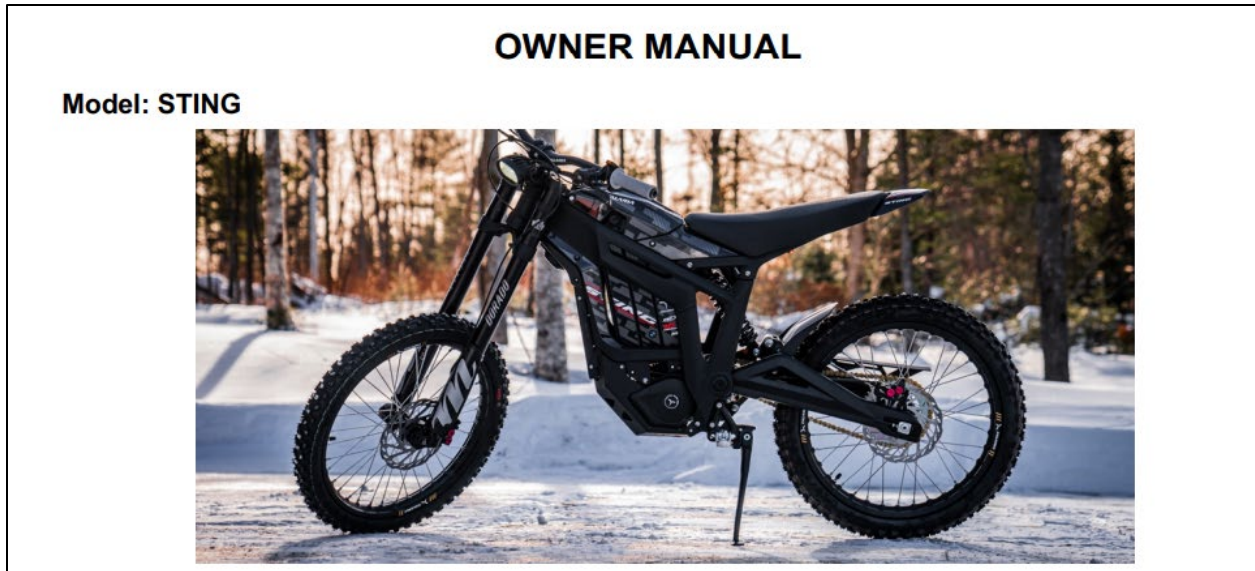
38. Plaintiff is informed and believes and thereon alleges that Defendants, through their agents, employees and servants, have, knowingly, intentionally and willfully directly infringed, engaged in acts of contributory infringement, and/or induced the infringement of the '456 Design Patent by directly and/or indirectly making, using, selling, offering for sale and/or importing products into the United States that were covered by the claims of the '456 Design Patent.

39. Plaintiff is informed and believes, and thereon alleges, that Defendants, subsequent to the time they first learned of the '456 Patent, specifically intended to induce patent infringement by importers, distributors, dealers, customers, and/or users of the Accused Products, and had

knowledge that the inducing acts would cause infringement or is willfully blind to the possibility that their inducing acts would cause infringement. Defendants have sold and continue to sell the Accused Products to importers, dealers, knowing that the Accused Products will be sold to customers and users in the United States in violation of U.S. patent law.

40. Defendants specifically advertise and promote the infringing design of the Accused Products on its website and user manual. Examples are shown below:





41. On information and belief, Defendants' importers, distributors, dealers, and customers directly infringe the '456 Patent by, for example, using, offering to sell, and selling within the United States, and importing into the United States, without authority or license, Accused Products.

42. Defendants' acts of infringement of the '456 Design Patent were undertaken without permission or license from Plaintiff. Defendants had actual and/or constructive knowledge of the '456 Design Patent and the infringement thereof, and their actions constitute willful and intentional infringement of the '456 Design Patent.

43. As a direct and proximate result of Defendants' infringement of the '456 Design Patent, Defendants have derived and received gains, profits, and advantages in an amount not presently known to Plaintiff.

44. Accordingly, pursuant to 35 U.S.C. § 289, Plaintiff is entitled to Defendants' total profits from Defendants' infringement of the '456 Design Patent.

45. In addition, pursuant to 35 U.S.C. § 284, Plaintiff is entitled to damages for Defendants' infringing acts and treble damages together with interest and costs as fixed by this Court.

46. Pursuant to 35 U.S.C. § 285, Plaintiff is entitled to reasonable attorneys' fees and costs for the necessity of bring this action.

47. Defendants, and each of them, in performing the conduct complained of herein, acted willfully and with intent to cause injury to Plaintiff.

48. Defendants, and each of them, are therefore guilty of malice and oppression in conscious disregard of Plaintiff's rights thereby warranting an assessment of punitive damages or exemplary damages or enhanced damages to the extent allowed by law in an amount appropriate to punish Defendants and deter others from engaging in such conduct.

49. Defendants have engaged in, continue to engage in, and unless restrained, will continue to engage in the wrongful acts described herein. As a result, Plaintiff will suffer great and irreparable injury, for which damages would not afford adequate relief, in that said damages would not adequately compensate for the injury to Plaintiff's business operations, reputation, good will, and customer base. Consequently, Defendants' conduct, if allowed to continue, would inevitably result in the destruction of Plaintiff. Accordingly, Plaintiff is entitled to preliminary and permanent injunctive relief against all Defendants for their misconduct.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that the Court, upon final hearing of this matter, grant the following relief against Defendants:

- (a) A judgment that Defendants have infringed the asserted '456 Design Patent and that their infringement is willful and deliberate;

- (b) An order for judgment permanently enjoining Defendants and their officers, directors, agents, servants, employees, affiliates, attorneys, and all others acting in privity or in concert with them, and their parents, subsidiaries, divisions, predecessors, successors and assigns, from further acts of infringement of the asserted design patent;
- (c) A judgment awarding Plaintiff all damages adequate to compensate for Defendants' infringement of the asserted patents, and particularly Defendants' total profits pursuant to 35 U.S.C. § 289;
- (d) A judgment awarding Plaintiff all damages, costs, and interest, including treble damages, based on any infringement found to be willful, pursuant to 35 U.S.C. § 284, together with prejudgment interest;
- (e) An accounting of Defendants' profits;
- (f) A judgment declaring this case to be exceptional and awarding Plaintiff their reasonable attorneys' fees pursuant to 35 U.S.C. § 285;
- (g) For injunctive relief until trial is completed; and
- (h) Any and all further relief as this Court deems just and proper.

DEMAND FOR JURY TRIAL

Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, Plaintiff hereby demand a trial by jury as to all claims in this litigation.

Date: April 19, 2023.

Respectfully Submitted,

/s/ Robby Earle

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