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8 *Attorneys for Plaintiff*
 9 **TRANSFORM PARTNERS LLC**

10 **IN THE UNITED STATES DISTRICT COURT**
 11 **FOR THE CENTRAL DISTRICT OF CALIFORNIA**

13 _____
 TRANSFORM PARTNERS LLC

14 Plaintiff,

15 v.

16 DBEST PRODUCTS, INC., and
 17 RICHARD ELDEN,

18 Defendants.
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 20
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 22 _____

Case No. 2:23-cv-5982

**COMPLAINT FOR
 DECLARATORY JUDGMENT
 OF PATENT INVALIDITY;
 TORTIOUS INTERFERENCE;
 AND UNFAIR COMPETITION**

DEMAND FOR JURY TRIAL

1 Transform Partners LLC doing business as Mount-It! (“Mount-It!”) hereby
2 complains of Defendant dbest products, Inc. (“dbest”) and Defendant Richard Elden
3 (“Elden”, and referred to collectively with dbest as “Defendants”) and alleges as
4 follows:

5 **INTRODUCTION**

6 1. Mount-It! brings this action to prevent Defendants from wielding a
7 plainly invalid patent to interfere with Mount-It!’s valuable business relations with
8 Amazon and the public at large. The dispute began when Defendants sent written
9 notices to Amazon alleging that certain products sold by Mount-It! through Amazon
10 infringe Elden’s patent. But Mount-It! has been selling the accused products since
11 at least April 2018, more than a year before the earliest filing date of Elden’s patent.
12 Mount-It’s products, therefore, are prior art to Elden’s patent and, accepting
13 Defendants’ infringement allegations as true, necessarily invalidate Elden’s patent.
14 Mount-It! provided Defendants with irrefutable evidence of its early sales and
15 demanded that Defendants withdraw their notice to Amazon. Defendants ignored
16 this demand and, as a result, Amazon has permanently removed Mount-It!’s listings.
17 Accordingly, Mount-It! now brings this action for a declaration of invalidity of
18 Elden’s patent. In addition, because Defendants have been knowingly wielding
19 Elden’s invalid patent to cause commercial harm to Mount-It!, Mount-It! also seeks
20 relief for tortious interference with business relations and unfair competition.
21

22 **JURISDICTION AND VENUE**

23 2. This is an action for: (a) a declaration of invalidity of U.S. Patent No.
24 11,338,835 (“the ‘835 Patent”) arising under the patent laws of the United States, 35
25 U.S.C. § 100 *et seq.*, and (b) tortious interference with business relations and unfair
26 competition, both arising under the laws of the State of California.
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1 9. Mount-It! first sold this cart on Amazon at least as early as April 5,
2 2018.

3 10. Amazon assigns each product for sale on its website a unique number,
4 similar to a SKU number, known as an Amazon Standard Identification Number or
5 ASIN. At least as early as April 5, 2018, Amazon assigned Mount-It!’s cart ASIN
6 B0763TCX1V, and Mount-It!’s cart has been sold on Amazon under this ASIN since
7 that time.

8 11. Mount-It! also sells a rolling utility cart that has been assigned SKU
9 number MI-905 and ASIN B0763SM6WQ. A photograph of that cart is shown
10 below.



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19 12. Since at least April 25, 2018, Mount-It! has been selling the cart
20 designated as MI-905 and ASIN B0763SM6WQ through Amazon.

21 13. Mount-It! sells still another rolling utility cart through Amazon, this
22 one assigned SKU number MI-904 and ASIN B06WWG3L1T. A photograph of
23 that cart is shown below.



1 14. Since at least June 25, 2018, Mount-It! has been selling the cart
2 designated as MI-904 and ASIN B06WWG3L1T through Amazon.

3 15. The records of the U.S. Patent and Trademark Office disclose that
4 Elden is the owner of the ‘835 Patent. The ‘835 Patent claims a priority date of
5 January 6, 2020, more than a year after Mount-It! began selling its carts that have
6 been assigned SKU number MI-906 and ASIN B0763TCX1V, SKU number MI-
7 905 and ASIN B0763SM6WQ, and SKU number MI-904 and ASIN
8 B06WWG3L1T (collectively “the three Mount-It! carts”).

9 16. On or before October 5, 2022, Defendants sent a notice to Amazon
10 accusing Mount-It!’s cart MI-906, ASIN B0763TCX1V, of infringing the ‘835
11 Patent.

12 17. On October 5, 2022, Amazon sent a notice to Mount-It! informing
13 Mount-It! that its listing ASIN B0763TCX1V had been removed because a
14 representative of dbest had sent a notice alleging infringement of the ‘835 Patent.

15 18. On or before January 15, 2023, Defendants sent a notice to Amazon
16 accusing Mount-It!’s cart MI-905, ASIN B0763SM6WQ, of infringing the ‘835
17 Patent.

18 19. On January 15, 2023, Amazon sent a notice to Mount-It! informing
19 Mount-It! that its listing ASIN B0763SM6WQ had been removed because a
20 representative of dbest had sent a notice alleging infringement of the ‘835 Patent.

21 20. On or before January 15, 2023, Defendants sent a notice to Amazon
22 accusing Mount-It!’s cart MI-904, ASIN B06WWG3L1T, of infringing the ‘835
23 Patent.

24 21. On January 15, 2023, Amazon sent a notice to Mount-It! informing
25 Mount-It! that its listing ASIN B06WWG3L1T had been removed because a
26 representative of dbest had sent a notice alleging infringement of the ‘835 Patent.
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1 its carts. Defendants’ notices also caused the actual disruption of Mount-It!’s
2 relationships with end-user consumers because those consumers are no longer able
3 to purchase the three Mount-It! carts on Amazon. Further, Defendants’ written
4 notices of infringement to Amazon may lead to the complete suspension of Mount-
5 It!’s entire Amazon seller account.

6 36. Defendants’ conduct caused actual economic harm to Mount-It! in the
7 form of lost sales of carts formerly listed on Amazon.

8 37. Defendants therefore have engaged in tortious interference with Mount-
9 It!’s business relations.

10
11 **COUNT II**

12 **(Unfair Competition)**

13 38. Mount-It! realleges Paragraphs 1-37 of this Complaint as if set forth
14 fully herein.

15 39. The foregoing activities of Defendants constitute unfair competition
16 under the common law of the State of California.

17 40. Defendants have committed these acts of unfair competition in bad
18 faith, with malice, oppression, and fraud, causing great harm to Mount-It!.

19 **PRAAYER FOR RELIEF**

20 Transform Partners LLC respectfully requests the following relief:

21 A. That the Court render a final judgment in favor of Mount-It! and against
22 Defendants on all claims for relief alleged herein;

23 B. That this Court enter final judgment declaring the ‘835 Patent to be
24 invalid;

25 C. That this Court order Defendants (1) to serve upon Amazon a copy of
26 the final judgment in this action declaring the ‘835 Patent to be invalid, and (2) to
27 withdraw their notice of infringement to Amazon;
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1 D. That this Court enter final judgment that Defendants have tortiously
2 interfered with Mount-It!’s business relations with Amazon and end-user
3 consumers;

4 E. That this Court enter final judgment that Defendants have competed
5 unfairly with Mount-It!;

6 F. That Defendants, jointly and severally, be ordered to pay over to
7 Mount-It! all damages which Mount-It! has sustained as a consequence of the acts
8 complained of herein, subject to proof at trial;

9 G. That the foregoing award of damages include any damages caused in
10 whole or in part by Defendants arising from any suspension of Mount-It!’s Amazon
11 seller account;

12 H. That Defendants, jointly and severally, be ordered to pay over to
13 Mount-It! punitive and exemplary damages in accordance with California law for
14 their malicious, oppressive, and fraudulent misconduct;

15 I. That Mount-It! recover the costs of this action; and

16 J. That the Court award Mount-It! such other and further relief as the
17 Court may deem just.
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21 KNOBBE, MARTENS, OLSON & BEAR, LLP

22 Dated July 24, 2023

23 /s/ Paul A. Stewart
24 Paul A. Stewart
25 Brian C. Claassen
26 *Attorneys for Plaintiff*
27 *Transform Partners LLC*
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DEMAND FOR JURY TRIAL

Pursuant to Rule 38 of the Federal Rules of Civil Procedure and Local Rule 38-1, Mount-It! demands a jury trial on all issues so triable.

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: July 24, 2023

/s/ Paul A. Stewart

Paul A. Stewart

Brian C. Claassen

Attorneys for Plaintiff

Transform Partners LLC

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