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6 Attorneys for Plaintiff:
7 **Solar Sun Rings, Inc.**

8 UNITED STATES DISTRICT COURT
9 CENTRAL DISTRICT OF CALIFORNIA

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11 Solar Sun Rings, Inc., a California
12 Corporation,

13 Plaintiff,

14 v.

15 P&P Imports, LLC, a California
16 Limited Liability Company,

17 Defendants.
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Case No. _____

**COMPLAINT FOR DAMAGES AND
INJUNCTIVE RELIEF:**

**(1) Federal Patent Infringement (35
U.S.C. § 271 *et seq.*;**

JURY TRIAL DEMANDED

1 Plaintiff, Solar Sun Rings, Inc., a California Corporation (hereinafter, “SSR”
2 or “**Plaintiff**”), files this Complaint for Damages and Injunctive Relief against
3 defendants P&P Imports, LLC, a California Limited Liability Company, (hereinafter,
4 “**PPI**” or “**Defendant**”), and avers as follows:

5 **THE PARTIES**

6 1. Plaintiff, SSR, is a corporation organized under the laws of California
7 with a principal place of business at 42225 Remington Ave., Suite A7, Temecula,
8 CA 92590.

9 2. On information and belief, Defendant, PPI, is a limited liability
10 company organized under the laws of California with a principal place of business at
11 17352 Derian Ave., Irvine, CA 92614.

12 **JURISDICTION AND VENUE**

13 3. This is a civil action for patent infringement against PPI under the patent
14 laws of the United States, 35 U.S.C. § 271 *et seq.*

15 4. This Court has subject matter jurisdiction over this action pursuant to 15
16 U.S.C. § 1121 and 28 U.S.C. §§ 1331 and 1338(a) and 1367.

17 5. This Court has personal jurisdiction over the Defendant because
18 Defendant is a California limited liability company with its principal place of
19 business in this District. On information and belief, Defendant has carried on
20 continuous and systematic business in the State of California. Furthermore, the Court
21 has specific jurisdiction over the Defendant because, among other things, the
22 Defendant has directed their tortious activities towards SSR, a California resident.

23 6. Venue is proper in this judicial district pursuant to 28 U.S.C. § 1391 and
24 1400 because Defendant resides in this District, has a regular and established place
25 of business in this district and has conducted business activities within this District,
26 including alleged acts of patent infringement giving rise to the causes of action in this
27 complaint.
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BACKGROUND

7. SSR has been manufacturing, marketing and selling passive solar swimming pool heating devices for well over a decade.

8. SSR is the owner of all rights, title, and interests in and to U.S. Patent No. 8,342,167 (“the ‘167 Patent”), which issued on January 1, 2013. A true and correct copy of the ‘167 Patent is attached as Exhibit 1 hereto.

9. The ‘167 Patent is entitled “FLOATING SOLAR HEATER WITH STABILIZING BAND” and, relates to a soft, flexible, floating solar heater for floating on liquid.

10. Each claim of the ‘167 Patent is valid, enforceable, and patent-eligible.

FIRST CAUSE OF ACTION: PATENT INFRINGEMENT

11. SSR repeats and re-alleges each of the foregoing paragraphs above as if fully set forth herein.

12. Within the United States, PPI has made, used, offered for sale and sold floating solar heaters that infringe the claims of the ‘167 Patent and continue to do so.

13. The accused solar heaters from PPI meet each element of at least one claim of the ‘167 Patent both literally and under the doctrine of equivalents.

14. As just one example, PPI offers for sale and sells infringing floating solar heaters under its Gofloats® brand as GoFloats Inflatable Solar Pool Heaters at the URLs:

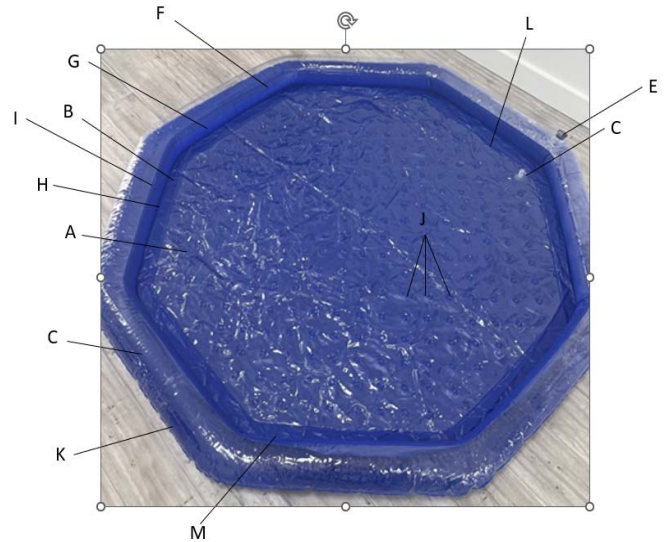
- a. <https://www.gofloats.com/products/gofloats-inflatable-solar-pool-heaters-3-pack> - See Exhibit 2
- b. <https://www.gofloats.com/products/gofloats-inflatable-solar-pool-heaters-for-affordable-pool-heating-and-insulation-12-pack> - See Exhibit 3

15. As another example, PPI offers for sale and sells infringing floating solar heaters through Amazon.com at the URL:

1 a. [Amazon.com : GoFloats GF-SOLAR-60-3 Inflatable Solar Heaters for](#)
 2 [Affordable Pool Heating and Insulation-3 Pack, Blue : Patio, Lawn &](#)
 3 [Garden](#) – See Exhibit 4

4 16. The claim charts below demonstrate how the PPI products infringe the
 5 claims of the ‘167 Patent directly and under the doctrine of equivalents.

6 1. A soft, flexible, floating solar
 7 heater for floating on liquid
 8 comprising:



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16 an inner portion comprising:

Labelled A

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18 an upper film disposed on top of
19 said lower film and bonded
20 thereto at an inner peripheral bond
21 to form an inner portion and; said
22 inner peripheral bond having a
23 length; said inner portion
24 including an inflatable central
25 portion between said lower film
26 and said upper film; and


The upper film being the transparent portion in the section labelled A and the lower film being the blue opaque portion in the section labelled A. The inner peripheral bond labelled B. The inner portion labelled A being inflatable as evidenced by the valve labelled C.

27 an inflatable outer ring enclosing
28 a chamber including:

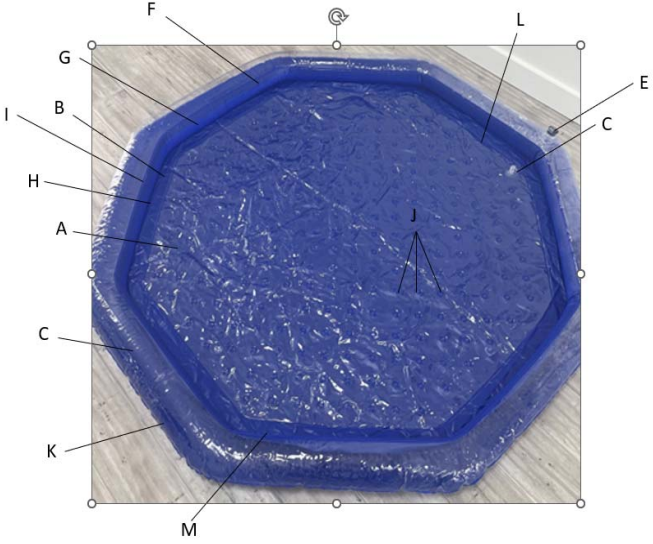
Labelled D and inflatable as shown in the image and evidenced by the valve labelled E

1	a radially inward side comprising:	Labelled F
2	a vertical band of film having a	The vertical band of film is the opaque blue material labelled "G." It has a length equal to the length of the inner peripheral bond and has a lower edge "H" connected to the peripheral bond "B" and upper edge "I."
3	length equal to the length of said	
4	inner peripheral bond and having	
5	a lower edge connected to said	Radially outward side of film "K" encloses the chamber inflated by valve "E" between said upper edge "I" and said lower edge "H."
6	inner peripheral bond; and an	
7	upper edge; and	Looking at element A, the upper film is transparent and thus, has higher transmissivity of sunlight than lower film which is a blue opaque material having higher absorptivity. The infringing product is designed such that the lower film sits on the liquid to be heated.
8	a radially outward side of film	
9	enclosing said chamber between	
10	said upper edge of said vertical	
11	band and said lower edge of said	Looking at element A, the upper film is transparent.
12	band.	
13	2. The solar heater of claim 1:	
14	said upper film having higher	
15	transmissivity of sunlight such	On information and belief, the blue opaque
16	that sunlight thereupon readily	
17	enters said inflatable central	
18	portion; said lower film having	
19	higher absorptivity of sunlight	On information and belief, the blue opaque
20	such that a portion of the sunlight	
21	thereupon warms said lower film;	
22	said lower film of said central	
23	portion being substantially in	On information and belief, the blue opaque
24	contact with the liquid for	
25	transferring heat thereto.	
26	3. The solar heater of claim 2: said	
27	upper film being transparent.	On information and belief, the blue opaque
28	4. The solar heater of claim 3: said	

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<p>lower film having sunlight absorptivity of greater than forty percent.</p>	<p>lower film of element A has sunlight absorptivity greater than forty percent.</p>
<p>5. The solar heater of claim 1 further including: a plurality of spot welds connecting said lower film of said central portion to said upper film of said central portion so as to hold said upper and lower films in close proximity.</p>	<p>As may be seen in the close up image, the central portion A has a plurality of spot welds J that connect the lower film to the upper film. Only three spot welds J are labelled but numerous exist.</p> 
<p>6. The solar heater of claim 1 further including</p>	
<p>a plurality of spaced spot welds connecting said lower film of said central portion to said upper film of said central portion so as to hold said upper and lower films in close proximity and so as to form a plurality of convex surfaces in said upper film; each said convex surface being located between a plurality of adjacent spot welds, each said convex surface acting as a lens for intensifying the sunlight</p>	<p>The plurality of spaced spot welds J (and surrounding spot welds not labelled) form a plurality of convex surfaces in the upper film when the inner portion A is inflated. Each said convex surface is located between a plurality of adjacent spot welds J, each said convex surface acts as a lens for intensifying the sunlight on the opaque lower film</p>

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<p>on said lower film.</p>	
<p>7. The solar heater of claim 1 wherein said inner portion includes:</p>	
<p>a central peripheral bond central of said inner peripheral bond and enclosing said inflatable central portion; and</p>	<p>The inner portion A has a central peripheral bond that is central of the inner peripheral bond B.</p>
<p>a spacer ring between said central peripheral bond and said inner peripheral bond.</p>	<p>There is a spacer ring M that is between the peripheral bond and the inner peripheral bond.</p>
<p>8. A soft, flexible, floating solar heater for floating on liquid comprising:</p>	
<p>a lower film;</p>	<p>the opaque blue part of inner portion A is the lower film</p>
<p>an upper film disposed on top of said lower film and bonded thereto at a inner peripheral bond to form an inner portion and bonded thereto at an outer</p>	<p>the upper film is the transparent portion of inner portion A and is bonded to the opaque blue lower film. The inner peripheral bond labelled B forms an inner portion and has a length. The inner portion has an inflatable</p>

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<p>peripheral bond; said inner peripheral bond having a length; said inner portion including an inflatable central portion between said lower and said upper films; said upper film being cut at or outwardly adjacent said inner peripheral bond so as to have an inner cut edge and an outer cut edge;</p>	<p>central portion between the lower and upper films. The upper film is cut at or adjacent said inner peripheral bond so as to have an inner cut edge and an outer cut edge.</p>
<p>a band of film having a width, an upper edge, a lower edge, and a length equal to the length of said inner peripheral bond; said band of film positioned in the cut in said upper film wherein said lower edge is bonded to said inner cut edge or to said inner peripheral bond and said upper edge is bonded to said outer cut edge to form an inflatable outer ring bounded by said lower film between said inner peripheral bond and said outer peripheral bond and by said band and by said upper film between said band and said outer peripheral bond; and</p>	<p>The band of film labelled G has a width, an upper edge, a lower edge and a length equal to the length of the inner peripheral bond. The band of film G is positioned in the cut in said upper film wherein said lower edge is bonded to said inner cut edge or to said inner peripheral bond B. The upper edge is bonded to said outer cut edge to form an inflatable outer ring D.</p>
<p>valve means for selectively</p>	<p>See valves C and E.</p>

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controlling ingress and egress of gas with said inflatable central portion and said inflatable outer ring such that said solar heater floats on the liquid.	
9. The solar heater of claim 8:	
said upper film having higher transmissivity of sunlight such that sunlight thereupon readily enters said inflatable central portion; said lower film having higher absorptivity of sunlight such that a portion of the sunlight thereupon warms said lower film; said lower film of said central portion being substantially in contact with the liquid for transferring heat thereto.	Upper film A is transparent and the lower film is opaque.
10. The solar heater of claim 9:	
said upper film being transparent.	Upper film A is transparent
11. The solar heater of claim 10:	
said lower film having sunlight absorptivity of greater than forty percent.	On information and belief, the lower opaque film has sunlight absorptivity of greater than forty percent.
12. The solar heater of claim 8 further including:	
a plurality of spot welds connecting said lower film of said	As may be seen in the close up image, there are a plurality of spot welds J connecting the upper

<p>1 central portion to said upper film 2 of said central portion so as to 3 hold said upper and lower films in 4 close proximity.</p>	<p>film and the lower film.</p>
<p>5 13. The solar heater of claim 6 8 further including</p>	
<p>7 a plurality of spaced spot welds 8 connecting said lower film of said 9 central portion to said upper film 10 of said central portion so as to 11 hold said upper and lower films in 12 close proximity and so as to form 13 a plurality of convex surfaces in 14 said upper film; each said convex 15 surface being located between a 16 plurality of adjacent spot welds, 17 each said convex surface acting as 18 a lens for intensifying the sunlight 19 on said lower film.</p>	<p>As may be seen, a plurality of spot welds J holds the upper film to the lower film and creates a plurality of convex surfaces in the upper film when inflated.</p>

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21 17. In addition, on information and belief, SSI has imported infringing
22 products into the United States, including those floating solar heaters accused above,
23 and continues to do so.

24 18. In addition to direct infringement, on information and belief, PPI has
25 committed contributory infringement of the '167 Patent by knowingly selling,
26 offering for sale and/or importing into the United States components especially made
27 or especially adapted for use in infringement of the '167 patent, and not a staple
28 article or commodity of commerce suitable for substantial non-infringing use.

1 19. On information and belief, PPI has actively induced others to
2 infringement the '167 Patent by encouraging and facilitating others to directly
3 infringe the '167 Patent.

4 20. On information and belief, PPI knew of SSR's patent portfolio including
5 the '167 Patent and PPI's infringement was/is willful.

6 21. SSR has been damaged as a result of PPI's willful infringement.

7 22. On information and belief, PPI will continue to infringe the '167 Patent
8 unless and until PPI is enjoined by this Court.

9 23. PPI has caused and will continue to cause SSR irreparable injury and
10 damage by infringing the '167 Patent.

11 24. SSR will suffer further irreparable injury, for which it has no adequate
12 remedy at law, unless and until PPI is enjoined from infringing the '167 Patent.

13 25. SSR has and will continue to suffer harm due to Defendant PPI's
14 infringing acts, thereby justifying an award of damages in an amount adequate to
15 compensate SSR for PPI's infringement as provided in 35 U.S.C. § 284.

16 26. On information and belief, Defendant PPI's infringement of the '167
17 Patent has been willful, thereby justifying treble damages and attorneys' fees,
18 including under 35 U.S.C. §§ 284 and 285.

19 27. As a result of Defendant PPI's infringement of the '167 Patent, SSR has
20 suffered and will continue to suffer irreparable injury, thereby also justifying
21 permanent injunctive relief.

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1 **PRAYER FOR RELIEF**

2 **WHEREFORE**, Plaintiff, SSR, prays that this Court grant the following relief
3 and judgment:

- 4 A. A determination that PPI has infringed one or more claims of the ‘167
5 Patent under 35 U.S.C. § 271, et seq.
- 6 B. An injunction permanently enjoining PPI, and all parties acting in
7 concert with PPI, from further infringement of the ‘167 Patent;
- 8 C. Damages in an amount adequate to compensate SSR for PPI’s patent
9 infringement pursuant to 35 U.S.C. § 284;
- 10 D. A determination that PPI’s patent infringement has been willful, and an
11 award of treble damages pursuant to 35 U.S.C. § 284;
- 12 E. A determination that this case is exceptional and an award to SSR of its
13 reasonable attorney’s fees pursuant to 35 U.S.C. § 285;
- 14 F. A determination that SSR is entitled to pre-suit damages pursuant to 35
15 U.S.C. § 287;
- 16 G. An award of pre- and post-judgment interest on its damages, together
17 with all costs and expenses; and
- 18 H. An order granting SSR such other and further relief as the Court may
19 deem just and proper.

20 **JURY DEMAND**

21 Pursuant to Fed. R. Civ. P. 38(b), SSR hereby demands a trial by a jury on all
22 issues so triable.

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1 Dated: August 18, 2023

2 Respectfully submitted,
3 **ORBIT IP, LLP**

4 /s/Paul Novak
5 PAUL NOVAK, ESQ.
6 Attorney for Plaintiff: Solar Sun Rings, Inc.
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