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Attorneys for Plaintiff KOHLER CO.

10 **UNITED STATES DISTRICT COURT**
11 **CENTRAL DISTRICT OF CALIFORNIA**
12

13 KOHLER CO.,

14 Plaintiff,

15 vs.

16 SWEETHOME d/b/a
17 SWEETHOME247.com,

18 Defendant.
19

Case No. 2:23-cv-6889

**COMPLAINT FOR PATENT
INFRINGEMENT**

DEMAND FOR JURY TRIAL

1 Plaintiff Kohler Co. (“Kohler”), by and for its Complaint against Defendant
2 Sweethome d/b/a Sweethome247.com (“Sweethome”), alleges to the Court as follows:

3 **PARTIES**

4 1. Kohler is a company organized and existing under the laws of the State
5 of Wisconsin, with a principal place of business located at 444 Highland Drive, Kohler,
6 Wisconsin, 53044.

7 2. Kohler is informed and believes that Sweethome is a Chinese online retailer
8 whose domain name is registered to Alibaba Cloud Computing (Beijing) Co., Ltd. Upon
9 information and belief, Sweethome advertises locations within the United States at 11837
10 Goldring Road, Arcadia, California 91006, and 2510 Main Street, Suite G, Los Lunas,
11 New Mexico 87031. Sweethome purportedly also has a physical location in Canada at 211
12 Telson Road, Unit 2, L3R 1E7, Markham, Ontario. Based on publicly available
13 information, upon information and belief, none of these locations appear associated with
14 Sweethome.

15 **JURISDICTION AND VENUE**

16 3. This is an action for patent infringement arising out of at least Sweethome’s
17 unauthorized importing, offering for sale, and selling faucets in violation of Kohler’s patent
18 rights. Because this is an action for infringement under the patent laws of the United States,
19 35 U.S.C. § 271, *et seq.*, this Court has subject matter jurisdiction pursuant to 28 U.S.C.
20 §§ 1331 and 1338(a).

21 4. This Court has personal jurisdiction over Sweethome in that, at all times
22 pertinent hereto, Sweethome advertises that it has a physical location within this District.
23 Further, upon information and belief, Sweethome has systematic activities in this District
24 and/or is committing infringing acts in California and this District. More specifically,
25 upon information and belief, Sweethome offers for sale and sells faucets, including the
26 accused infringing faucets, online in this District.

27 5. Venue is proper in this District pursuant to 28 U.S.C. §§ 1391(b) and (c)
28 and 1400(b) because Sweethome is subject to personal jurisdiction in this District due at

1 least to Sweethome’s advertised physical location within this District.

2 **FACTUAL BACKGROUND**

3 **KOHLER HAS A HISTORY OF INNOVATION**

4 6. Kohler, founded in 1873, is a family-owned business. It is one of America’s
5 oldest and largest privately held companies, and it first began by manufacturing and selling
6 plows and farm implements in Sheboygan, Wisconsin.

7 7. In 1883, Kohler took the company beyond its farming roots and created a
8 new business line by coating an iron hog scalding trough with enamel and calling it
9 a “bathtub.” This bathtub innovation was an immediate hit and marked the first of many
10 plumbing products manufactured by Kohler.

11 8. Today, in that same spirit of innovation and invention, Kohler has grown
12 worldwide to be synonymous with quality and originality.

13 **KOHLER IS A MARKET LEADER**

14 **FOR THE KITCHEN AND BATH INDUSTRY**

15 9. Kohler is likely best known for its distinctive and often iconic kitchen and
16 bath products. Kohler markets across six continents a highly regarded array of sinks,
17 faucets, and other kitchen and bath accessories. Kohler’s diversity of products and
18 powerful portfolio of brands continually sets new standards in design, craftsmanship, and
19 innovation.

20 10. Kohler is a recognized leader in kitchen and bath design, and its products are
21 well-known around the world by its global customer base in part because of Kohler’s
22 extensive advertising and promotional efforts, which total millions of dollars each year.

23 11. Kohler markets across many channels including, among others, the Internet,
24 television, magazines, and newspapers.

25 12. Always an innovator, Kohler continuously invests in the engineering, design,
26 and development of new kitchen and bath products, positioning itself as an industry and
27 market leader.

28 13. Kohler currently owns thousands of patents worldwide on innovations in the

1 kitchen and bath industry.

2 **THE PATENTS-IN-SUIT**

3 14. Kohler is the assignee and owner of United States Design Patent No.
4 D852,326 (“the ’326 patent”) which covers an original and unique faucet design. The ’326
5 patent, entitled “Faucet,” was duly and legally issued by the United States Patent and
6 Trademark Office on June 25, 2019, from Application Serial No. 29/630,498, filed on
7 December 21, 2017. A true and correct copy of the ’326 patent is attached hereto as
8 **Exhibit A.**

9 15. Kohler is the assignee and owner of United States Design Patent No.
10 D855,775 (“the ’775 patent”) which covers an original and unique faucet design. The ’775
11 patent, entitled “Faucet Handle,” was duly and legally issued by the United States Patent
12 and Trademark Office on August 6, 2019, from Application Serial No. 29/684,443, filed
13 on March 21, 2019, which is a Division of Application Serial No. 29/630,498, filed on
14 December 21, 2017. A true and correct copy of the ’775 patent is attached hereto as
15 **Exhibit B.**

16 16. Kohler is the assignee and owner of United States Design Patent No.
17 D855,779 (“the ’779 patent”) which covers an original and unique faucet design. The ’779
18 patent, entitled “Faucet,” was duly and legally issued by the United States Patent and
19 Trademark Office on August 6, 2019, from Application Serial No. 29/684,440, filed on
20 March 21, 2019, which is a Division of Application Serial No. 29/630,498, filed on
21 December 21, 2017. A true and correct copy of the ’779 patent is attached hereto as
22 **Exhibit C.**

23 17. Kohler is the assignee and owner of United States Design Patent No.
24 D855,780 (“the ’780 patent”) which covers an original and unique faucet design. The ’780
25 patent, entitled “Faucet,” was duly and legally issued by the United States Patent and
26 Trademark Office on August 6, 2019, from Application Serial No. 29/684,441, filed on
27 March 21, 2019, which is a Division of Application Serial No. 29/630,498, filed on
28 December 21, 2017. A true and correct copy of the ’780 patent is attached hereto as

1 **Exhibit D.**

2 18. Kohler is the assignee and owner of United States Design Patent No.
3 D844,110 (“the ’110 patent”) which covers an original and unique faucet design. The ’110
4 patent, entitled “Faucet,” was duly and legally issued by the United States Patent and
5 Trademark Office on March 26, 2019, from Application Serial No. 29/657,996, filed on
6 July 26, 2018, which is a Division of Application Serial No. 29/641,526, filed on March
7 22, 2018, which is a Division of Application Serial No. 29/595,301, filed on February 27,
8 2017. A true and correct copy of the ’110 patent is attached hereto as **Exhibit E.**

9 19. Kohler is the assignee and owner of United States Design Patent No.
10 D767,734 (“the ’734 patent”) which covers an original and unique faucet design. The ’734
11 patent, entitled “Faucet,” was duly and legally issued by the United States Patent and
12 Trademark Office on September 27, 2016, from Application Serial No. 29/566,091, filed
13 on May 26, 2016, which is a Division of Application Serial No. 29/519,939, filed on
14 March 9, 2015. A true and correct copy of the ’734 patent is attached hereto as **Exhibit F.**

15 20. Kohler is the assignee and owner of United States Design Patent No.
16 D823,441 (“the ’441 patent”) which covers an original and unique faucet design. The ’441
17 patent, entitled “Faucet,” was duly and legally issued by the United States Patent and
18 Trademark Office on July 17, 2018, from Application Serial No. 29/595,301, filed on
19 February 27, 2017. A true and correct copy of the ’441 patent is attached hereto as
20 **Exhibit G.**

21 21. Kohler is the assignee and owner of United States Design Patent No.
22 D844,752 (“the ’752 patent”) which covers an original and unique faucet design. The ’752
23 patent, entitled “Faucet,” was duly and legally issued by the United States Patent and
24 Trademark Office on April 2, 2019, from Application Serial No. 29/657,995, filed on July
25 26, 2018, which is a Division of Application Serial No. 29/641,526, filed on March 22,
26 2018, which is a Division of Application Serial No. 29/595,301, filed February 27, 2017.
27 A true and correct copy of the ’752 patent is attached hereto as **Exhibit H.**

28 22. Kohler is the assignee and owner of United States Design Patent No.

1 D585,111 (“the ’111 patent”) which covers an original and unique faucet design. The ’111
2 patent, entitled “Faucet,” was duly and legally issued by the United States Patent and
3 Trademark Office on January 20, 2009, from Application Serial No. 29/305,208, filed on
4 March 14, 2008. A true and correct copy of the ’111 patent is attached hereto as **Exhibit I.**

5 23. Kohler is the assignee and owner of United States Design Patent No.
6 D778,408 (“the ’408 patent”) which covers an original and unique faucet design. The ’408
7 patent, entitled “Faucet,” was duly and legally issued by the United States Patent and
8 Trademark Office on February 7, 2017, from Application Serial No. 29/565,914, filed on
9 May 25, 2016, which is a Division of Application Serial No. 29/519,943, filed on March
10 9, 2015. A true and correct copy of the ’408 patent is attached hereto as **Exhibit J.**

11 24. Kohler is the assignee and owner of United States Design Patent No.
12 D767,722 (“the ’722 patent”) which covers an original and unique faucet design. The ’722
13 patent, entitled “Faucet,” was duly and legally issued by the United States Patent and
14 Trademark Office on September 27, 2016, from Application Serial No. 29/519,943, filed
15 on March 9, 2015. A true and correct copy of the ’722 patent is attached hereto as
16 **Exhibit K.**

17 25. Kohler is the assignee and owner of United States Design Patent No.
18 D767,732 (“the ’732 patent”) which covers an original and unique faucet design. The ’732
19 patent, entitled “Faucet,” was duly and legally issued by the United States Patent and
20 Trademark Office on September 27, 2016, from Application Serial No. 29/519,939, filed
21 on March 9, 2015. A true and correct copy of the ’732 patent is attached hereto as
22 **Exhibit L.**

23 26. Kohler is the assignee and owner of United States Design Patent No.
24 D583,022 (“the ’022 patent”) which covers an original and unique spout body design. The
25 ’022 patent, entitled “Spout Body,” was duly and legally issued by the United States Patent
26 and Trademark Office on December 16, 2008, from Application Serial No. 29/284,136,
27 filed on August 31, 2007. A true and correct copy of the ’022 patent is attached hereto as
28 **Exhibit M.**

1 27. The '326, '775, '779, '780, '110, '734, '441, '752, '111, '408, '722, '732,
2 and '022 patents are collectively referred to herein as the "Design Patents-in-Suit."

3 **KOHLER'S NOVEL AND DISTINCTIVE FAUCET DESIGNS**
4 **ARE PROTECTED BY THE DESIGN PATENTS-IN-SUIT**

5 28. At least as early as April 2008, after significant engineering and development
6 expense, Kohler introduced faucets having the novel and distinctive design embodied in
7 the '111 patent. At least Kohler's Karbon® faucet line is an embodiment of the '111
8 patent.

9 29. At least as early as 2016, after significant engineering and development
10 expense, Kohler introduced faucets having the novel and distinctive designs embodied in
11 the '722, '732, and '734 patents. At least Kohler's Composed® single-handle bathroom
12 sink faucet line contains embodiments of the '722, '732, and '734 patents.

13 30. On or around January 2018, after significant engineering and development
14 expense, Kohler introduced faucets having the novel and distinctive designs embodied in
15 the '326, '775, '799, and '780 patents. At least Kallista's (a Kohler Company) Grid™ line
16 of faucets are embodiments of the '326, '775, '799, and '780 patents.

17 31. At least as early as 2019, after significant engineering and development
18 expense, Kohler introduced faucets having the novel and distinctive designs embodied in
19 the '110, '441, and '752 patents. At least Kohler's Components® Tube Bathroom sink
20 spout with Rocker handle is an embodiment of the '110 patent and the Components®
21 ribbon bathroom sink spout with rocker handle is an embodiment of the '441 and '752
22 patents.

23 32. Kohler has extensively promoted its various lines of faucet designs. These
24 faucets have been featured and highlighted both in design and lifestyle magazines as well
25 as in numerous other media outlets.

26 33. As a result of their unique and distinctive designs, Kohler's Karbon®,
27 Composed®, Grid™, and Components® lines of faucets have become successful
28 commercial products for Kohler.

SWEETHOME'S INFRINGING ACTS

34. Kohler owns the exclusive right, title, and interest in and to the designs covered by the Design Patents-in-Suit.

35. Sweethome has a pattern and practice of knocking off Kohler's novel and distinctive faucet designs. Notwithstanding Kohler's rights, Sweethome, without permission or authorization, has imported, offered for sale, and/or sold certain faucets, including at least the following along with any other similarly configured products (collectively, the "Infringing Faucets"), which each infringe at least one claim of the Design Patents-in-Suit:

- Nordic Style Geometric Bathroom Sink Faucet (marked A00039) – *see* **Exhibit N** (https://www.sweethome247.com/products/nordic-style-geometric-basin-faucet-bathroom-sink-faucet-hot-and-cold-water-mixer-lavatory-faucet-with-double-handle-sink-faucet?gclid=EAIaIQobChMI1qWDudOu8gIVYiCtBh3KZgmGEAQYJyABEgKt2_D_BwE) (last visited Aug. 21, 2023);
- the Bathroom Widespread Sink Faucet Double Handle Brass Faucet – *see* **Exhibit O** (<https://www.sweethome247.com/products/bathroom-widespread-sink-faucet-double-handle-brass>) (last visited Aug. 21, 2023);
- the Sweethome 3 Hole Widespread Light Luxury fation [*sic*] Sink Faucets (marked LYJ00004) – *see* **Exhibit P** (<https://www.sweethome247.com/products/bathroom-basin-brass-faucet-brush-gold-double-handle-faucet-black-tap-luxurry-basin-mixer-hot-and-cold-shower-room-sink-faucet>) (last visited Aug. 21, 2023);
- the Deck Mount Double Handle Bathroom Sink Faucet 3 Holes Square Bathroom Faucet (marked JE00004) – *see* **Exhibit Q** (<https://www.sweethome247.com/products/deck-mount-double-handle-bathroom-sink-faucet-hot-cold-water-faucet-3-holes-square-bathroom-faucet>) (last visited Aug. 21, 2023);

- 1 • the Contemporary Single Hole 1-Handle Bathroom Sink Faucet Solid Brass
2 – Matte Black – *see* **Exhibit R** ([https://www.sweethome247.com/
3 products/contemporary-single-hole-1-handle-bathroom-sink-faucet-solid-
4 brass-in-matte-black](https://www.sweethome247.com/products/contemporary-single-hole-1-handle-bathroom-sink-faucet-solid-brass-in-matte-black)) (last visited Aug. 21, 2023);
- 5 • the Three Section Swing Arm Extension Folding Kitchen Faucets (marked
6 A00072) – *see* **Exhibit S** ([https://www.sweethome247.com/products/deck-
7 type-three-section-extension-folding-kitchen-faucet-three-section-swing-
8 arm-hot-and-cold-water-kitchen-faucet](https://www.sweethome247.com/products/deck-type-three-section-extension-folding-kitchen-faucet-three-section-swing-arm-hot-and-cold-water-kitchen-faucet)) (last visited Aug. 21, 2023);
- 9 • the Single Hole Bathroom Vessel Sink Faucet Solid Brass (marked
10 LYJ00100) – *see* **Exhibit T** ([https://www.sweethome247.com/
11 products/single-hole-bathroom-vessel-sink-faucet-solid-brass](https://www.sweethome247.com/products/single-hole-bathroom-vessel-sink-faucet-solid-brass)) (last visited
12 Aug. 21, 2023);
- 13 • Basin faucets sinks mixer faucets hot and cold water faucets stainless steel
14 panel mount faucets, black/ white/ chrome – *see* **Exhibit U**
15 ([https://www.sweethome247.com/products/basin-faucet-sink-mixer-taps-
16 black-white-chrome-hot-and-cold-faucets-european-style-stainless-steel-
17 deck-mounted-water-taps](https://www.sweethome247.com/products/basin-faucet-sink-mixer-taps-black-white-chrome-hot-and-cold-faucets-european-style-stainless-steel-deck-mounted-water-taps)) (last visited Aug. 21, 2023); and
- 18 • Basin Faucet Brass Polished Black Deck Mounted Square Bathroom Sink
19 Faucet 3 Hole Double Handle Hot & Cold Water Faucet (marked
20 LYJ00047) – *see* **Exhibit V**
21 ([https://www.sweethome247.com/products/basin-faucets-brass-polished-
22 black-deck-mounted-square-bathroom-sink-faucets-3-hole-double-handle-
23 hot-and-cold-water-tap](https://www.sweethome247.com/products/basin-faucets-brass-polished-black-deck-mounted-square-bathroom-sink-faucets-3-hole-double-handle-hot-and-cold-water-tap)) (last visited Aug. 21, 2023).

24 36. On or about October 21, 2021, Kohler, through its counsel, sent Sweethome
25 a letter providing Sweethome copies of the '326, '775, '779, '780, '110, '734, '441, and
26 '752 patents, identifying certain of Sweethome's Infringing Faucets as infringing Kohler's
27 patents, and demanding that Sweethome cease and desist all infringing activities. A true
28 and correct copy of this correspondence, without enclosures, is attached as **Exhibit W**.

1 37. On or about October 26, 2021, Sweethome responded to Kohler's
2 October 21, 2021 letter via email representing that it would "immediately take down the
3 product," and "will not sell this product again." A true and correct copy of this
4 correspondence is attached as **Exhibit X**. That same day, Sweethome sent a second email
5 to Kohler counsel asserting Sweethome "did not know that this product would infringe
6 upon rights," and "Now THAT I have removed the product, I will also lose." A true and
7 correct copy of this correspondence is attached as **Exhibit Y**.

8 38. On or about November 24, 2021, Kohler, through its counsel, sent
9 Sweethome another letter via email stating that contrary to Sweethome's assertions, the
10 faucets referenced in Kohler's letter of October 21, 2021, were still offered for sale by
11 Sweethome. Kohler thereafter repeated its demand that Sweethome cease and desist
12 infringing the '326, '775, '779, '780, '110, '734, '441, and '752 patents. A true and correct
13 copy of this correspondence, without enclosures, is attached as **Exhibit Z**.

14 39. On or about November 24, 2021, Sweethome responded to Kohler's
15 November 24, 2021 letter via email to counsel seeking additional information to evaluate
16 whether its products are the same as those offered by Kohler. A true and correct copy of
17 this correspondence is attached as **Exhibit AA**. That same day, Sweethome sent a second
18 email to Kohler counsel repeating its inquiry. A true and correct copy of this
19 correspondence is attached as **Exhibit AB**.

20 40. On or about February 22, 2022, Kohler, through its counsel, responded to
21 Sweethome's emails of November 24, 2021, via email, referring Sweethome to Kohler's
22 letters of October 21, 2021 and November 24, 2021, for a listing of the Sweethome
23 products that infringe Kohler's patents. Kohler's counsel also provided Sweethome with
24 a listing of Kohler's patents, repeating its demand that Sweethome cease and desist
25 infringing the '326, '775, '779, '780, '110, '734, '441, and '752 patents. A true and correct
26 copy of this correspondence is attached as **Exhibit AC**.

1 41. On or about February 22, 2022, in response, Sweethome represented that it
2 would remove the faucets if provided the website links. A true and correct copy of this
3 correspondence is attached as **Exhibit AD**.

4 42. On or about February 25, 2022, Kohler, through its counsel, responded to
5 Sweethome's February 22, 2022 email, repeating its demand that Sweethome cease and
6 desist from infringing the patents-in-suit, and providing Sweethome, for the fourth time,
7 the identifying titles and links to the infringing Sweethome products. A true and correct
8 copy of this correspondence is attached as **Exhibit AE**.

9 43. Kohler is informed and believes that Sweethome continues to deliberately
10 import, offer for sale, and/or sell the Infringing Faucets in willful disregard and in violation
11 of Kohler's rights.

12
13 **COUNT I**

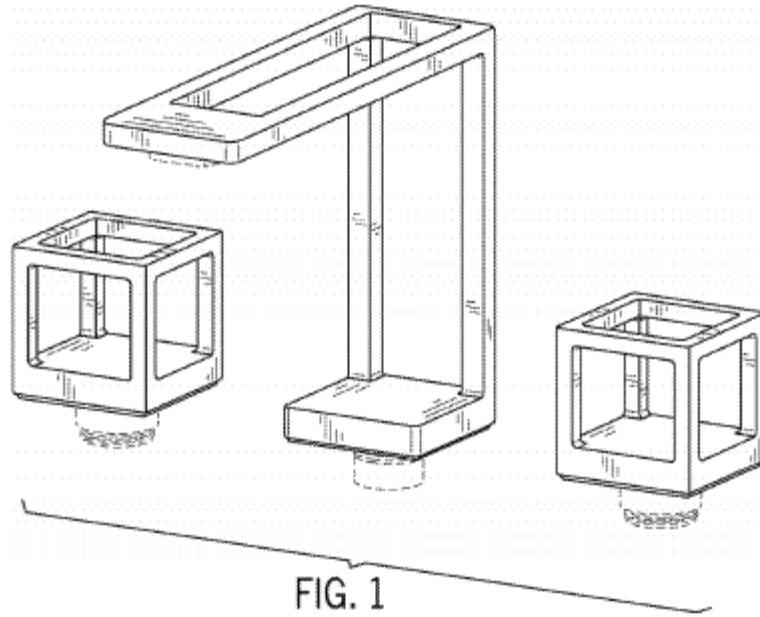
14 **INFRINGEMENT OF U.S. DESIGN PATENT NO. D852,326**

15 44. Kohler repeats and realleges each and every allegation contained in
16 paragraphs 1–43, inclusive, as though fully set forth herein.

17 45. The '326 patent is valid and enforceable.

18 46. Kohler is the owner of all right, title, and interest in and to the designs covered
19 by the '326 patent. Kohler is entitled to receive all damages and the benefits of all other
20 remedies for Sweethome's infringement.

21 47. Figure 1 from the '326 patent illustrates one of the claimed ornamental
22 designs for a faucet:
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13 48. Without permission or authorization from Kohler, Sweethome has imported,
14 used, offered for sale, and/or sold and continues to import, use, offer for sale, and/or sell
15 the Nordic Style Geometric Bathroom Sink Faucet (marked A00039) (“Infringing Grid-
16 Style Faucets”), which infringes the ’326 patent.



27 (Exhibit N; *see also* Exhibit R.)
28

1 49. Sweethome's Infringing Grid-Style Faucets contain each and every aspect of
2 the claimed designs in the '326 patent.

3 50. Sweethome's Infringing Grid-Style Faucets have an overall appearance that
4 is substantially the same as the claimed designs in the '326 patent.

5 51. Sweethome's Infringing Grid-Style Faucets have an overall appearance that
6 is confusingly similar to the claimed designs in the '326 patent.

7 52. Sweethome has had actual notice of the '326 patent since at least October 21,
8 2021.

9 53. Sweethome's infringement of the '326 patent has been and continues to be
10 willful.

11 54. Sweethome's conduct has caused and will continue to cause Kohler
12 substantial damage, including irreparable harm, for which Kohler has no adequate remedy
13 at law, unless and until Sweethome is enjoined from infringing the '326 patent.

14
15 **COUNT II**

16 **INFRINGEMENT OF U.S. DESIGN PATENT NO. D855,775**

17 55. Kohler repeats and realleges each and every allegation contained in
18 paragraphs 1–54, inclusive, as though fully set forth herein.

19 56. The '775 patent is valid and enforceable.

20 57. Kohler is the owner of all right, title, and interest in and to the designs covered
21 by the '775 patent, and Kohler is entitled to receive all damages and the benefits of all
22 other remedies for Sweethome's infringement.

23 58. Figure 1 from the '775 patent illustrates one of the claimed ornamental
24 designs for a faucet handle:

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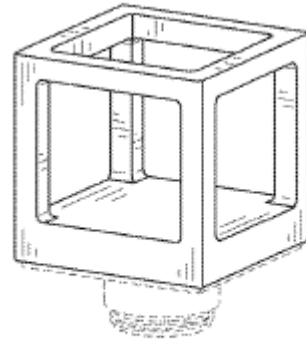


FIG. 1

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9 59. Without permission or authorization from Kohler, Sweethome has imported,
10 used, offered for sale, and/or sold and continues to import, use, offer for sale, and/or sell
11 Infringing Grid-Style Faucets, which contains a faucet handle that infringes the '775
12 patent.

13 60. The faucet handle on the Infringing Grid-Style Faucets contains each and
14 every aspect of the claimed designs in the '775 patent.

15 61. The faucet handle on the Infringing Grid-Style Faucets has an overall
16 appearance that is substantially the same as the claimed designs in the '775 patent.

17 62. The faucet handle on the Infringing Grid-Style Faucets has an overall
18 appearance that is confusingly similar to the claimed designs in the '775 patent.

19 63. Sweethome has had actual notice of the '775 patent since at least October 21,
20 2021.

21 64. Sweethome's infringement of the '775 patent has been and continues to be
22 willful.

23 65. Sweethome's conduct has caused and will continue to cause Kohler
24 substantial damage, including irreparable harm, for which Kohler has no adequate remedy
25 at law, unless and until Sweethome is enjoined from infringing the '775 patent.
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COUNT III

INFRINGEMENT OF U.S. DESIGN PATENT NO. D855,779

66. Kohler repeats and realleges each and every allegation contained in paragraphs 1–65, inclusive, as though fully set forth herein.

67. The '779 patent is valid and enforceable.

68. Kohler is the owner of all right, title, and interest in and to the designs covered by the '779 patent, and Kohler is entitled to receive all damages and the benefits of all other remedies for Sweethome's infringement.

69. Figure 1 from the '779 patent illustrates one of the claimed ornamental designs for a faucet:

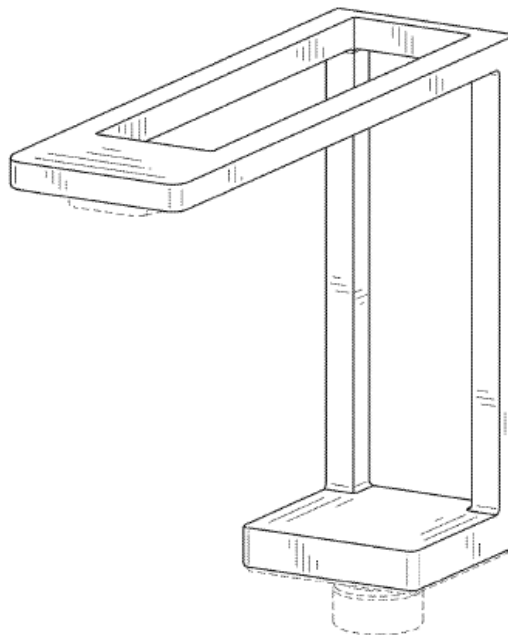


FIG. 1

70. Without permission or authorization from Kohler, Sweethome has imported, used, offered for sale, and/or sold and continues to import, use, offer for sale, and/or sell the Sweethome's Infringing Grid-Style Faucets that infringe the '779 patent.

71. Sweethome's Infringing Grid-Style Faucets contain each and every aspect of the claimed designs in the '779 patent.

1 72. Sweethome’s Infringing Grid-Style Faucets have an overall appearance that
2 is substantially the same as the claimed designs in the ’779 patent.

3 73. Sweethome’s Infringing Grid-Style Faucets have an overall appearance that
4 is confusingly similar to the claimed designs in the ’779 patent.

5 74. Sweethome has had actual notice of the ’779 patent since at least October 21,
6 2021.

7 75. Sweethome’s infringement of the ’779 patent has been and continues to be
8 willful.

9 76. Sweethome’s conduct has caused and will continue to cause Kohler
10 substantial damage, including irreparable harm, for which Kohler has no adequate remedy
11 at law, unless and until Sweethome is enjoined from infringing the ’779 patent.

12
13 **COUNT IV**

14 **INFRINGEMENT OF U.S. DESIGN PATENT NO. D855,780**

15 77. Kohler repeats and realleges each and every allegation contained in
16 paragraphs 1–76, inclusive, as though fully set forth herein.

17 78. The ’780 patent is valid and enforceable.

18 79. Kohler is the owner of all right, title, and interest in and to the designs covered
19 by the ’780 patent, and Kohler is entitled to receive all damages and the benefits of all
20 other remedies for Sweethome’s infringement.

21 80. Figure 1 from the ’780 patent illustrates one of the claimed ornamental
22 designs for a faucet:
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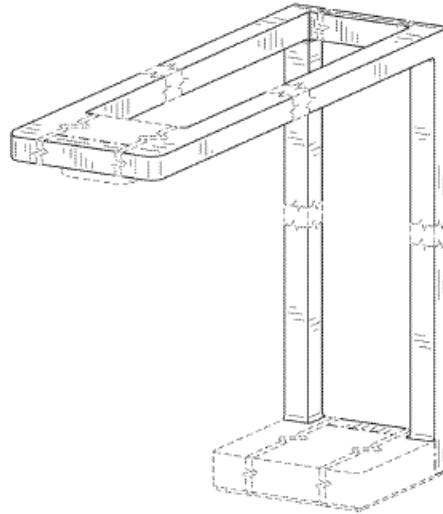


FIG. 1

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12 81. Without permission or authorization from Kohler, Sweethome has imported,
13 used, offered for sale, and/or sold and continues to import, use, offer for sale, and/or sell
14 the Infringing Grid-Style Faucets that infringe the '780 patent.

15 82. Sweethome's Infringing Grid-Style Faucets contain each and every aspect of
16 the claimed designs in the '780 patent.

17 83. Sweethome's Infringing Grid-Style Faucets have an overall appearance that
18 is substantially the same as the claimed designs in the '780 patent.

19 84. Sweethome's Infringing Grid-Style Faucets have an overall appearance that
20 is confusingly similar to the claimed designs in the '780 patent.

21 85. Sweethome has had actual notice of the '780 patent since at least October 21,
22 2021.

23 86. Sweethome's infringement of the '780 patent has been and continues to be
24 willful.

25 87. Sweethome's conduct has caused and will continue to cause Kohler
26 substantial damage, including irreparable harm, for which Kohler has no adequate remedy
27 at law, unless and until Sweethome is enjoined from infringing the '780 patent.
28

COUNT V

INFRINGEMENT OF U.S. DESIGN PATENT NO. D844,110

88. Kohler repeats and realleges each and every allegation contained in paragraphs 1–87, inclusive, as though fully set forth herein.

89. The '110 patent is valid and enforceable.

90. Kohler is the owner of all right, title, and interest in and to the designs covered by the '110 patent, and Kohler is entitled to receive all damages and the benefits of all other remedies for Sweethome's infringement.

91. Figure 1 from the '110 patent illustrates one of the claimed ornamental designs for a faucet handle:

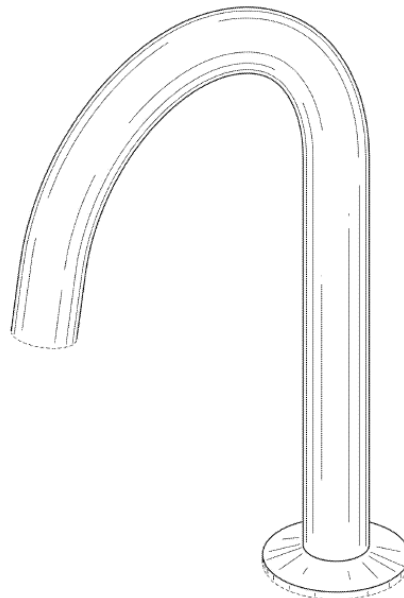


FIG. 1

92. Without permission or authorization from Kohler, Sweethome has imported, used, offered for sale, and/or sold and continues to import, use, offer for sale, and/or sell the Bathroom Widespread Sink Faucet Double Handle Brass Faucet, which infringes the '110 patent.

93. The following is an image from Sweethome's website showing the Bathroom Widespread Sink Faucet Double Handle Brass Faucet:



(Exhibit O.)

94. Sweethome's Bathroom Widespread Sink Faucet Double Handle Brass Faucet contains each and every aspect of the claimed designs in the '110 patent.

95. Sweethome's Bathroom Widespread Sink Faucet Double Handle Brass Faucet has an overall appearance that is substantially the same as the claimed designs in the '110 patent.

96. Sweethome's Bathroom Widespread Sink Faucet Double Handle Brass Faucet has an overall appearance that is confusingly similar to the claimed designs in the '110 patent.

97. Sweethome has had actual notice of the '110 patent since at least October 21, 2021.

98. Sweethome's infringement of the '110 patent has been and continues to be willful.

99. Sweethome's conduct has caused and will continue to cause Kohler substantial damage, including irreparable harm, for which Kohler has no adequate remedy at law, unless and until Sweethome is enjoined from infringing the '110 patent.

COUNT VI

INFRINGEMENT OF U.S. DESIGN PATENT NO. D767,734

100. Kohler repeats and realleges each and every allegation contained in paragraphs 1–99, inclusive, as though fully set forth herein.

101. The '734 patent is valid and enforceable.

102. Kohler is the owner of all right, title, and interest in and to the designs covered by the '734 patent, and Kohler is entitled to receive all damages and the benefits of all other remedies for Sweethome's infringement.

103. Figure 1 from the '734 patent illustrates one of the claimed ornamental designs for a faucet handle:

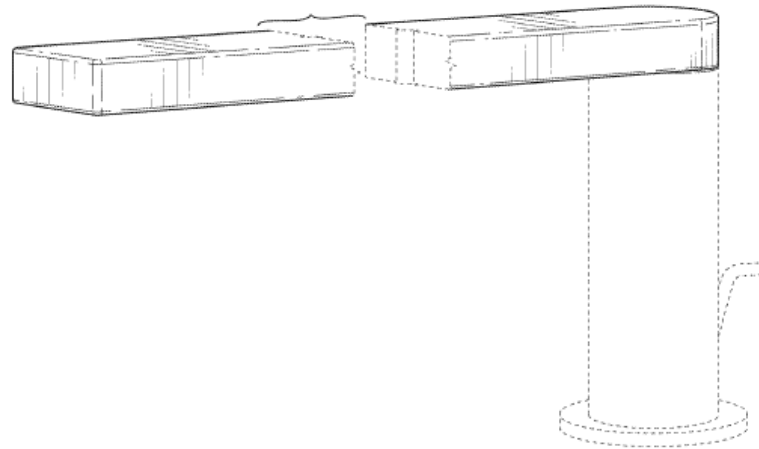


FIG. 1

104. Without permission or authorization from Kohler, Sweethome has imported, used, offered for sale, and/or sold and continues to import, use, offer for sale, and/or sell the Sweethome 3 Hole Widespread Light Luxury fation [sic] Sink Faucets (marked LYJ00004) and the Single Hole Bathroom Vessel Sink Faucet Solid Brass (collectively, “the Infringing Composed-Style Faucets”), which infringe the '734 patent.

105. The following are images from Sweethome's website showing the Sweethome 3 Hole Widespread Light Luxury fation [sic] Sink Faucets (marked LYJ00004) and the Single Hole Bathroom Vessel Sink Faucet Solid Brass:



(Exhibit P.)



(Exhibit T.)

106. Sweethome's Infringing Composed-Style Faucets contain each and every aspect of the claimed designs in the '734 patent.

107. Sweethome's Infringing Composed-Style Faucets have an overall appearance that is substantially the same as the claimed designs in the '734 patent.

108. Sweethome's Infringing Composed-Style Faucets have an overall appearance that is confusingly similar to the claimed designs in the '734 patent.

109. Sweethome has had actual notice of the '734 patent since at least October 21, 2021.

110. Sweethome's infringement of the '734 patent has been and continues to be willful.

111. Sweethome's conduct has caused and will continue to cause Kohler substantial damage, including irreparable harm, for which Kohler has no adequate remedy at law, unless and until Sweethome is enjoined from infringing the '734 patent.

COUNT VII

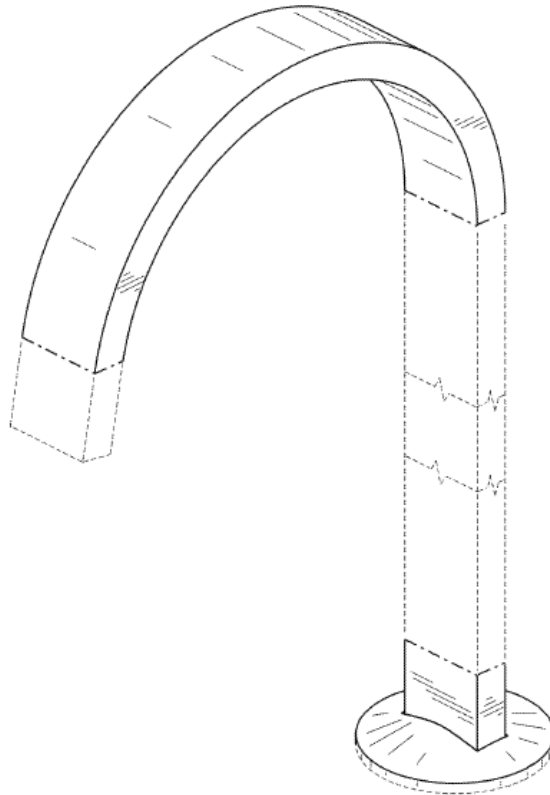
INFRINGEMENT OF U.S. DESIGN PATENT NO. D823,441

112. Kohler repeats and realleges each and every allegation contained in paragraphs 1–111, inclusive, as though fully set forth herein.

113. The '441 patent is valid and enforceable.

1 114. Kohler is the owner of all right, title, and interest in and to the designs covered
2 by the '441 patent, and Kohler is entitled to receive all damages and the benefits of all
3 other remedies for Sweethome's infringement.

4 115. Figure 1 from the '441 patent illustrates one of the claimed ornamental
5 designs for a faucet:



19 FIG. 1

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21 116. Without permission or authorization from Kohler, Sweethome has imported,
22 used, offered for sale, and/or sold and continues to import, use, offer for sale, and/or sell
23 the Deck Mount Double Handle Bathroom Sink Faucet 3 Holes Square Bathroom Faucet
24 and the Basin Faucet Brass Polished Black Deck Mounted Square Bathroom Sink Faucet
25 3 Hole Double Handle Hot & Cold Water Faucet (collectively "the Infringing Component
26 Ribbon-Style Faucets"), which infringe the '441 patent.

27 117. The following are images from Sweethome's website showing the Deck
28 Mount Double Handle Bathroom Sink Faucet 3 Holes Square Bathroom Faucet and the

1 Basin Faucet Brass Polished Black Deck Mounted Square Bathroom Sink Faucet 3 Hole
2 Double Handle Hot & Cold Water Faucet:



13 (Exhibit Q.)



15 (Exhibit V.)

16 118. Sweethome's Infringing Component Ribbon-Style Faucets contain each and
17 every aspect of the claimed designs in the '441 patent.

18 119. Sweethome's Infringing Component Ribbon-Style Faucets have an overall
19 appearance that is substantially the same as the claimed designs in the '441 patent.

20 120. Sweethome's Infringing Component Ribbon-Style Faucets have an overall
21 appearance that is confusingly similar to the claimed designs in the '441 patent.

22 121. Sweethome has had actual notice of the '441 patent since at least October 21,
23 2021.

24 122. Sweethome's infringement of the '441 patent has been and continues to be
25 willful.

26 123. Sweethome's conduct has caused and will continue to cause Kohler
27 substantial damage, including irreparable harm, for which Kohler has no adequate remedy
28 at law, unless and until Sweethome is enjoined from infringing the '441 patent.

COUNT VIII

INFRINGEMENT OF U.S. DESIGN PATENT NO. D844,752

124. Kohler repeats and realleges each and every allegation contained in paragraphs 1–123, inclusive, as though fully set forth herein.

125. The '752 patent is valid and enforceable.

126. Kohler is the owner of all right, title, and interest in and to the designs covered by the '752 patent, and Kohler is entitled to receive all damages and the benefits of all other remedies for Sweethome's infringement.

127. Figure 1 from the '752 patent illustrates one of the claimed ornamental designs for a faucet:

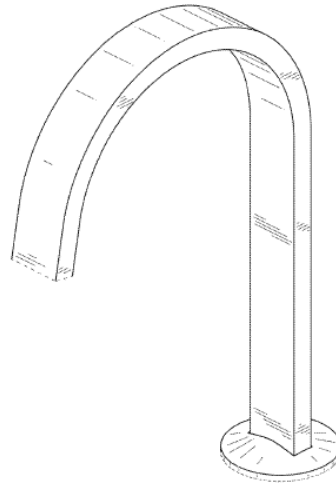


FIG. 1

128. Without permission or authorization from Kohler, Sweethome has imported, used, offered for sale, and/or sold and continues to import, use, offer for sale, and/or sell the Infringing Component Ribbon-Style Faucets that infringe the '752 patent.

129. Sweethome's Infringing Component Ribbon-Style Faucets contain each and every aspect of the claimed designs in the '752 patent.

130. Sweethome's Infringing Component Ribbon-Style Faucets have an overall appearance that is substantially the same as the claimed designs in the '752 patent.

131. Sweethome's Infringing Component Ribbon-Style Faucets have an overall appearance that is confusingly similar to the claimed designs in the '752 patent.

1 132. Sweethome has had actual notice of the '752 patent since at least October 21,
2 2021.

3 133. Sweethome's infringement of the '752 patent has been and continues to be
4 willful.

5 134. Sweethome's conduct has caused and will continue to cause Kohler
6 substantial damage, including irreparable harm, for which Kohler has no adequate remedy
7 at law, unless and until Sweethome is enjoined from infringing the '752 patent.

8 **COUNT IX**

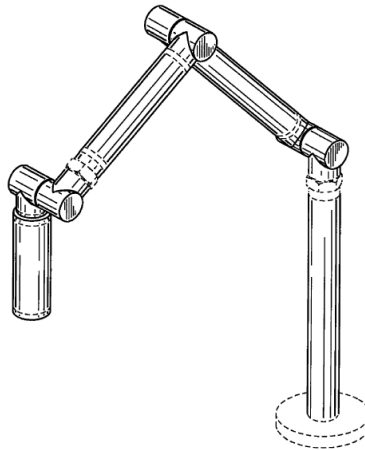
9 **INFRINGEMENT OF U.S. DESIGN PATENT NO. D585,111**

10 135. Kohler repeats and realleges each and every allegation contained in
11 paragraphs 1–134, inclusive, as though fully set forth herein.

12 136. The '111 patent is valid and enforceable.

13 137. Kohler is the owner of all right, title, and interest in and to the designs covered
14 by the '111 patent, and Kohler is entitled to receive all damages and the benefits of all
15 other remedies for Sweethome's infringement.

16 138. Figure 1 from the '111 patent illustrates one of the claimed ornamental
17 designs for a faucet:



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FIG. 1

139. Without permission or authorization from Kohler, Sweethome has imported,
used, offered for sale, and/or sold and continues to import, use, offer for sale, and/or sell

1 the Three Section Swing Arm Extension Folding Kitchen Faucets (marked A00072),
2 which infringe the '111 patent.

3 140. The following is an image from Sweethome's website showing the Three
4 Section Swing Arm Extension Folding Kitchen Faucets (marked A00072):



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14 (Exhibit S.)

15 141. Sweethome's Three Section Swing Arm Extension Folding Kitchen Faucets
16 (marked A00072) contain each and every aspect of the claimed designs in the '111 patent.

17 142. Sweethome's Three Section Swing Arm Extension Folding Kitchen Faucets
18 (marked A00072) have an overall appearance that is substantially the same as the claimed
19 designs in the '111 patent.

20 143. Sweethome's Three Section Swing Arm Extension Folding Kitchen Faucets
21 (marked A00072) have an overall appearance that is confusingly similar to the claimed
22 designs in the '111 patent.

23 144. Sweethome has had actual notice of the '111 patent since at least the filing
24 of this Complaint.

25 145. Sweethome's infringement of the '111 patent has been and continues to be
26 willful.

1 146. Sweethome's conduct has caused and will continue to cause Kohler
2 substantial damage, including irreparable harm, for which Kohler has no adequate remedy
3 at law, unless and until Sweethome is enjoined from infringing the '111 patent.
4

5 **COUNT X**

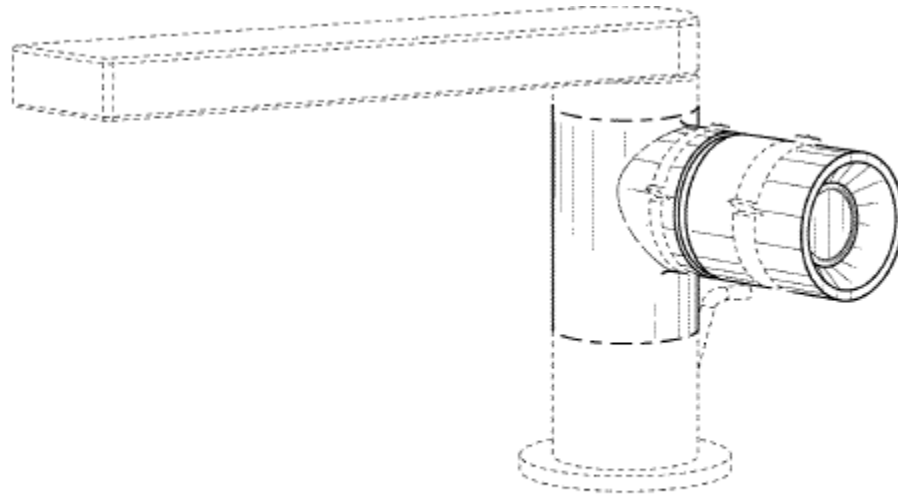
6 **INFRINGEMENT OF U.S. DESIGN PATENT NO. D778,408**

7 147. Kohler repeats and realleges each and every allegation contained in
8 paragraphs 1–146, inclusive, as though fully set forth herein.

9 148. The '408 patent is valid and enforceable.

10 149. Kohler is the owner of all right, title, and interest in and to the designs covered
11 by the '408 patent, and Kohler is entitled to receive all damages and the benefits of all
12 other remedies for Sweethome's infringement.

13 150. Figure 1 from the '408 patent illustrates one of the claimed ornamental
14 designs for a faucet:



23 **FIG. 1**

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25 151. Without permission or authorization from Kohler, Sweethome has imported,
26 used, offered for sale, and/or sold and continues to import, use, offer for sale, and/or sell
27 the Single Hole Bathroom Vessel Sink Faucet Solid Brass, which infringes the '408 patent.
28

1 152. The following is an image from Sweethome’s website showing the Single
2 Hole Bathroom Vessel Sink Faucet Solid Brass:



14 (Exhibit T.)
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16 153. Sweethome’s Single Hole Bathroom Vessel Sink Faucet Solid Brass contains
17 each and every aspect of the claimed designs in the ’408 patent.

18 154. Sweethome’s Single Hole Bathroom Vessel Sink Faucet Solid Brass has an
19 overall appearance that is substantially the same as the claimed designs in the ’408 patent.

20 155. Sweethome’s Single Hole Bathroom Vessel Sink Faucet Solid Brass has an
21 overall appearance that is confusingly similar to the claimed designs in the ’408 patent.

22 156. Sweethome has had actual notice of the ’408 patent since at least the filing
23 of this Complaint.

24 157. Sweethome’s infringement of the ’408 patent has been and continues to be
25 willful.

26 158. Sweethome’s conduct has caused and will continue to cause Kohler
27 substantial damage, including irreparable harm, for which Kohler has no adequate remedy
28 at law, unless and until Sweethome is enjoined from infringing the ’408 patent.

COUNT XI

INFRINGEMENT OF U.S. DESIGN PATENT NO. D767,722

159. Kohler repeats and realleges each and every allegation contained in paragraphs 1–158, inclusive, as though fully set forth herein.

160. The '722 patent is valid and enforceable.

161. Kohler is the owner of all right, title, and interest in and to the designs covered by the '722 patent, and Kohler is entitled to receive all damages and the benefits of all other remedies for Sweethome's infringement.

162. Figure 1 from the '722 patent illustrates one of the claimed ornamental designs for a faucet:

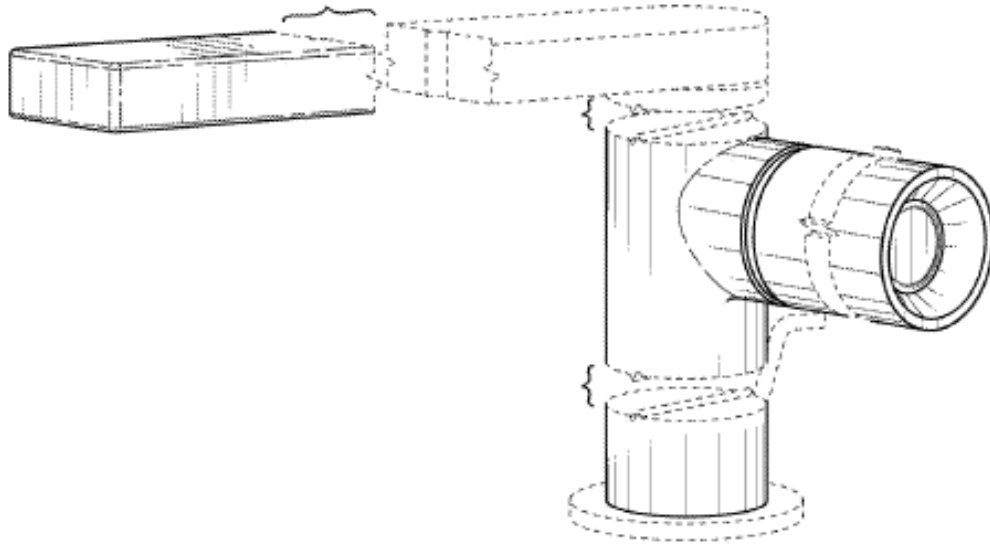


FIG. 1

163. Without permission or authorization from Kohler, Sweethome has imported, used, offered for sale, and/or sold and continues to import, use, offer for sale, and/or sell the Single Hole Bathroom Vessel Sink Faucet Solid Brass, which infringes the '722 patent.

164. The following is an image from Sweethome's website showing the Single Hole Bathroom Vessel Sink Faucet Solid Brass:



(Exhibit T.)

165. Sweethome's Single Hole Bathroom Vessel Sink Faucet Solid Brass contains each and every aspect of the claimed designs in the '722 patent.

166. Sweethome's Single Hole Bathroom Vessel Sink Faucet Solid Brass has an overall appearance that is substantially the same as the claimed designs in the '722 patent.

167. Sweethome's Single Hole Bathroom Vessel Sink Faucet Solid Brass has an overall appearance that is confusingly similar to the claimed designs in the '722 patent.

168. Sweethome has had actual notice of the '722 patent since at least the filing of this Complaint.

169. Sweethome's infringement of the '722 patent has been and continues to be willful.

170. Sweethome's conduct has caused and will continue to cause Kohler substantial damage, including irreparable harm, for which Kohler has no adequate remedy at law, unless and until Sweethome is enjoined from infringing the '722 patent.

COUNT XII

INFRINGEMENT OF U.S. DESIGN PATENT NO. D767,732

171. Kohler repeats and realleges each and every allegation contained in paragraphs 1–170, inclusive, as though fully set forth herein.

172. The '732 patent is valid and enforceable.

173. Kohler is the owner of all right, title, and interest in and to the designs covered by the '732 patent, and Kohler is entitled to receive all damages and the benefits of all other remedies for Sweethome's infringement.

174. Figure 1 from the '732 patent illustrates one of the claimed ornamental designs for a faucet:

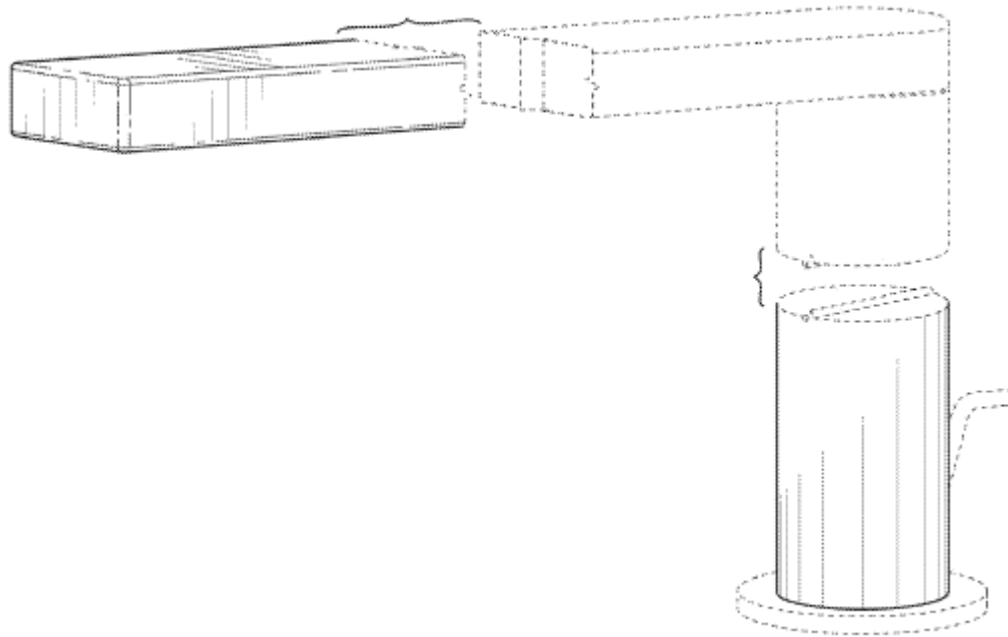


FIG. 1

175. Without permission or authorization from Kohler, Sweethome has imported, used, offered for sale, and/or sold and continues to import, use, offer for sale, and/or sell the Infringing Composed-Style Faucets that infringe the '732 patent.

176. Sweethome's Infringing Composed-Style Faucets contain each and every aspect of the claimed designs in the '732 patent.

1 177. Sweethome's Infringing Composed-Style Faucets have an overall
2 appearance that is substantially the same as the claimed designs in the '732 patent.

3 178. Sweethome's Infringing Composed-Style Faucets have an overall
4 appearance that is confusingly similar to the claimed designs in the '732 patent.

5 179. Sweethome has had actual notice of the '732 patent since at least the filing
6 of this Complaint.

7 180. Sweethome's infringement of the '732 patent has been and continues to be
8 willful.

9 181. Sweethome's conduct has caused and will continue to cause Kohler
10 substantial damage, including irreparable harm, for which Kohler has no adequate remedy
11 at law, unless and until Sweethome is enjoined from infringing the '732 patent.

12 **COUNT XIII**

13 **INFRINGEMENT OF U.S. DESIGN PATENT NO. D583,022**

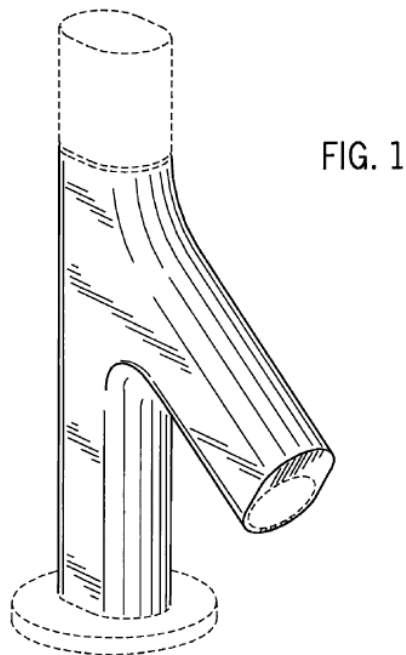
14 182. Kohler repeats and realleges each and every allegation contained in
15 paragraphs 1–181, inclusive, as though fully set forth herein.

16 183. The '022 patent is valid and enforceable.

17 184. Kohler is the owner of all right, title, and interest in and to the designs covered
18 by the '022 patent, and Kohler is entitled to receive all damages and the benefits of all
19 other remedies for Sweethome's infringement.

20 185. Figure 1 from the '022 patent illustrates one of the claimed ornamental
21 designs for a faucet:
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186. Without permission or authorization from Kohler, Sweethome has imported, used, offered for sale, and/or sold and continues to import, use, offer for sale, and/or sell the Basin faucets sinks mixer faucets hot and cold water faucets stainless steel panel mount faucets, black/ white/ chrome (“Basin Faucets”), which infringe the ’022 patent.

187. The following is an image from Sweethome’s website showing a representative Basin Faucet:



1 (Exhibit U.)

2 188. Sweethome's Basin Faucets contain each and every aspect of the claimed
3 designs in the '022 patent.

4 189. Sweethome's Basin Faucets have an overall appearance that is substantially
5 the same as the claimed designs in the '022 patent.

6 190. Sweethome's Basin Faucets have an overall appearance that is confusingly
7 similar to the claimed designs in the '022 patent.

8 191. Sweethome has had actual notice of the '022 patent since at least the filing
9 of this Complaint.

10 192. Sweethome's infringement of the '022 patent has been and continues to be
11 willful.

12 193. Sweethome's conduct has caused and will continue to cause Kohler
13 substantial damage, including irreparable harm, for which Kohler has no adequate remedy
14 at law, unless and until Sweethome is enjoined from infringing the '022 patent.

15 **PRAYER FOR RELIEF**

16 Wherefore, Kohler respectfully prays for entry of a judgment and relief as follows:

17 A. For a judgment that Sweethome has infringed the '326, '775, '779, '780,
18 '110, '734, '441, '752, '111, '408, '722, '732, and '022 patents;

19 B. For a preliminary and permanent injunction enjoining Sweethome and its
20 agents, officers, directors, employees and all persons in privity or active concert or
21 participation with them, directly or indirectly, from infringing the '326, '775, '779, '780,
22 '110, '734, '441, '752, '111, '408, '722, '732, and '022 patents;

23 C. For a judgment and award that Sweethome account for and pay to Kohler
24 damages adequate to compensate for Sweethome's infringement of the '326, '775, '779,
25 '780, '110, '734, '441, '752, '111, '408, '722, '732, and '022 patents;

26 D. For a judgment and award of Sweethome's total profits in an amount
27 subject to proof at trial, pursuant to 35 U.S.C. § 289;

28

1 E. For a judgment and award of any supplemental damages sustained by
2 Kohler for any continuing post-verdict infringement of the '326, '775, '779, '780, '110,
3 '734, '441, '752, '111, '408, '722, '732, and '022 patents until entry of final judgment
4 with an accounting as needed;

5 F. For a finding that Sweethome's infringement is willful and an award of
6 increased damages for willful infringement pursuant to 35 U.S.C. § 284;

7 G. For an order finding that this case is exceptional case under 35 U.S.C. § 285
8 and awarding Kohler its costs, expenses, and disbursements incurred in this action,
9 including reasonable attorneys' fees as available by law to be paid by Sweethome;

10 H. For an award of pre-judgment interest, post-judgment interest, and costs in
11 this action; and

12 I. For an award of such other relief to Kohler as this Court deems just and
13 proper.

14 **DEMAND FOR JURY TRIAL**

15 Pursuant to Fed. R. Civ. P. 38(b) and Local Rule 38-1, Plaintiff hereby demands a
16 trial by jury of all issues so triable.

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1 DATED: August 22, 2023
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