

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

YUANYUAN HU,

Plaintiff,

-against-

THE INDIVIDUALS, PARTNERSHIPS AND
UNINCORPORATED ASSOCIATIONS
IDENTIFIED ON SCHEDULE "A",

Defendants.

Civil Action No.

COMPLAINT

JURY TRIAL DEMANDED

COMPLAINT

Plaintiff Yanyan Hu, by and through its undersigned counsel, as and for its Complaint against the Individuals, Partnerships and Unincorporated Associations identified on Schedule A (collectively "Defendants"), which will be filed an exhibit hereto under seal, and in support thereof, state as follows¹:

INTRODUCTION

1. This is an action for patent infringement under 35 U.S.C. § 101, *et seq.*, including 35 U.S.C. § 271.

2. Plaintiff owns one (1) United States Design Patent and Plaintiff's Patent has been registered with the United States Patent and Trademark Office ("USPTO") and is protected from infringement under federal patent law.

3. Without Plaintiff's authorization or license, Defendants are manufacturing,

¹ Since it is unknown when Plaintiff's forthcoming *Ex-Parte* Motion for Entry of Temporary Restraining Order, Preliminary Injunction, and Order Restraining Transfer of Assets will be ruled on, Plaintiff's name has been removed to prevent Defendants from getting advanced notice. Plaintiff will file an Amended Complaint under seal that identifies Plaintiff and provides additional information and allegations.

importing, promoting, reproducing, offering for sale, selling, and/or distributing goods that incorporate and infringe Plaintiff's Patent within this District through various Internet based ecommerce stores and fully interactive commercial Internet websites operating under the seller identification names set forth on Schedule "A" (the "Seller IDs"). Such infringement is both deliberate and willful.

4. As a result, Plaintiff is enduring continuous damages to its design patent at the hands of the Defendants herein, who unlawfully reproduce goods utilizing Plaintiff's Patent to sell for substantial profits. Furthermore, the goodwill associated with Plaintiff's Patent is being harmed by Defendants tricking and confusing the public.

5. In summary, Plaintiff has spent significant amounts of resources in connection with patent enforcement efforts, including legal fees and investigative fees to battle the harm caused by Defendants' infringement actions.

THE PARTIES

6. Plaintiff is a citizen of China.

7. Plaintiff and her business partners are running and operating her business of developing, marketing, selling, licensing and distributing a U.S. Patent (the "Patent-in-Suit") products under two brands trademarks registered with the United States Patent and Trademark Office ("USPTO").

8. In the United States, Plaintiff sells products directly to consumers through its authorized seller account on Amazon.com.

9. Plaintiff is the owner of all rights to Patent-in-Suit, including rights to sue for past infringement. A copy of the Patent-in-Suit is attached. attached hereto as **Exhibit 1**.

10. Defendants are all merchants who sell products that infringe the Patent-in-Suit to

consumers in the United States (including the State of Illinois) attached hereto as **Exhibit 2**.

11. Defendants conduct business in the U.S. and other countries by means of their user accounts and merchant storefronts on Amazon as well as potential yet undiscovered additional online marketplace platforms.

12. Defendants' Merchant Storefronts share unique identifiers, such as design elements along with similarities or lower price, description of the goods offered and of the counterfeit products themselves offered for sale.

13. At present, many of the Defendants can only be identified through their storefronts and other limited publicly available information. Plaintiffs will voluntarily amend its Complaint as needed if Defendants provide additional credible information regarding their identities.

JURISDICTION AND VENUE

14. Because Plaintiff asserts claims under a federal statute, 35 U.S.C. §§ 271(a), 281, and 284 - 85, this Court has subject matter jurisdiction under 28 U.S.C. §§ 1331 and 1338(a).

15. Each Defendant sells and/or offers to sell infringing products through various "storefronts" via online retail websites accepting US Dollars through Amazon.com website platforms through which each Defendant targets residents in this judicial district and, upon information and belief, ships infringing products to residents within the Northern District of Illinois. Thus, each Defendant is committing, inter alia, patent infringement in this District.

16. Venue in the Northern District of Illinois is proper pursuant to 28 U.S.C. § 1391 because a substantial part of the events that give rise to the claim occur within this District, each Defendant has committed acts of infringement in and has significant contacts within this District, and each Defendant as delineated in Schedule A is selling or offering to sell the infringing products

in the product listings targeted at this District.

17. In addition, on information and belief, each of the Defendants is a foreign entity or individual and "a defendant not resident in the United States may be sued in any judicial district " 28 U.S.C. § 1391(c)(3).

COUNT I
Infringement of the Patent-in-Suit
[35 U.S.C. § 271]

18. Plaintiff repeats and realleges Paragraphs 1-17 as if set forth fully herein.

19. Plaintiff is the owner, by assignment, of all rights to the Patent-in-Suit, including rights to enforce for past infringement.

20. The Patent-in-Suit discloses the designs for certain picture lights.

21. The Patent-in-Suit is valid and enforceable.

22. Defendants sell products infringe the design disclosed in the Patent-in-Suit.

23. Defendants sell infringing products directly to consumers in the United States and Illinois through their stores on the Amazon.com marketplace that are all available to consumers in the United States, including Illinois.

24. As comparison between the accused products and the design disclosed in the Patent-in-Suit shows that the Defendants' products infringe the Patent-in-Suit.

25. Defendants are directly liable for infringing Plaintiff's Patent under the Patent Act, 35 U.S.C. § 271.

26. The Defendants have willfully and deliberately infringed the claims of the Patent-in-Suits. The Defendant's infringement of the Patent-in-Suits is obvious and notorious. The Defendants have no good faith basis that the unauthorized products do not infringe the Patent-in-Suits. The willful infringement, without regard to Plaintiff's patent rights, constitute egregious and

wanton conduct sufficient to establish willful infringement under 35 U.S.C. § 284.

27. By reason of the ongoing and continuous infringement of the Patent-in-Suits by the Defendants, Plaintiff is entitled to the entry of permanent injunction enjoining the Defendants from further infringing Plaintiff's patent rights, pursuant to 35 U.S.C. § 283.

28. Plaintiff has suffered, and is continuing to suffer, damages as the Defendants' infringement of the Patent-in-Suits, and Plaintiff is entitled to compensation, including Defendants' profits, and other monetary relief to the fullest extent allowed by law, including attorneys' fees, pursuant to 35 U.S.C. §§ 284, 285, and 289.

29. By these infringing acts, Defendants have irreparably harmed Plaintiff and such injury will continue and grow unless Defendants are enjoined by this Court.

RELIEF

WHEREFORE, Plaintiff respectfully requests that this Court enter judgment as follows:

- (1) a judgment in favor of Plaintiffs that Defendant have infringed the Patent-in-Suit;
- (2) a permanent injunction enjoining Defendants and their officers, directors, agents, servants, affiliates, employees, divisions, branches, subsidiaries, parents, and all others acting in active concert therewith from infringement, inducing the infringement of, or contributing to the infringement of the Patent-in-Suit, or such other equitable relief the Court determines is warranted;
- (3) a judgment and order requiring Defendants pay to Plaintiffs their damages, costs, expenses, lost profits, and prejudgment and post-judgment interest for Defendants' infringement of the Patent-in-Suit as provided under 35 U.S.C. § 284, and an accounting of ongoing post-judgment infringement;
- (4) a determination that this is an exceptional case within the meaning of 35 U.S.C. §

285 and an award to Plaintiffs the costs, expenses, and reasonable attorneys' fees incurred in this action; and

(5) that, upon Plaintiffs' request, all in privity with Defendants and with notice of the injunction, including but not limited to any online marketplace platforms, such as Amazon.com, eBay.com, wish.com, and Walmart, and vendors of sponsored search terms or online ad-word providers, financial services providers, including but not limited to credit card providers, banks, merchant account providers, third party payment processors, web hosts, and Internet search engines, such as Google, Bing, and Yahoo shall:

- a. cease providing services used by Defendants, currently or in the future, to sell or offer for sale goods under the Patent-in-Suit;
- b. cease displaying any advertisements in any form, connected or associated with Defendants in connection with the sale of infringing goods under the Patent-in-Suit; and
- c. disable all links to the marketplace accounts identified on Schedule A from displaying in search results, including from any search index.

DEMAND FOR JURY TRIAL

Plaintiff, under Rule 38 of the Federal Rules of Civil Procedure, requests a trial by jury of any issues so triable by right.

Dated: August 22, 2023

Respectfully submitted,

J.ZHANG & ASSOCIATES, P.C.

Attorneys for Plaintiff

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