

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION**

DELTA FAUCET COMPANY,	)	
	)	
Plaintiff,	)	
	)	
v.	)	CASE NO.
	)	
WENZHOU XIN XIN	)	
SANITARY WARE CO., LTD.,	)	JURY DEMAND
	)	
Defendant.	)	

**COMPLAINT FOR PATENT INFRINGEMENT**

Plaintiff, Delta Faucet Company (“Delta” or “Plaintiff”), for its Complaint against Defendant Wenzhou Xin Xin Sanitary Ware Co., Ltd. (“Wenzhou” or “Defendant”), alleges as follows:

**NATURE OF THE ACTION**

1. This is an action for patent infringement under 35 U.S.C. § 271, *et. seq.*, by Plaintiff against Defendant for infringement of United States Patent No. 11,725,369 (“the ‘369 patent”), by making, using, offering to sell, selling and/or importing vessel rinsing apparatuses and components thereof.

**PARTIES**

2. Delta is a corporation organized and existing under the laws of Indiana, having a principal place of business at 55 East 111<sup>th</sup> Street, Indianapolis, Indiana, 46280.

3. On information and belief, Wenzhou is a limited company organized and existing under the laws of the People’s Republic of China.

4. Wenzhou is engaged in the business of manufacturing, and selling products on Amazon, and is a competitor of Delta in the kitchen market.

### **JURISDICTION AND VENUE**

5. This Court has subject matter jurisdiction over the matters asserted in this Complaint under 28 U.S.C. §§ 1331 and 1338(a).

6. As a foreign corporation personal jurisdiction exists over Wenzhou at least by virtue of the Federal Rule of Civil Procedure 4(k)(2). In addition, this Court has personal jurisdiction over Wenzhou because it has committed acts of patent infringement and/or induced acts of patent infringement by others in the State of Indiana and in this District. Wenzhou directly and/or through intermediaries (including distributors, retailers, and others like Amazon) has offered to sell, sold, and/or imported into the United States, including to customers located within the State of Indiana and this District, products that infringe one or more claims of the '369 patent. Wenzhou has purposefully and voluntarily placed these infringing products into the stream of commerce with the awareness and/or intent that they will be purchased by consumers in the State of Indiana and in this District.

7. Venue is proper in this District pursuant to 28 U.S.C. §§ 1391 and 1400(b). Wenzhou has committed substantial acts of infringement in this District.

### **FACTUAL BACKGROUND**

#### **The '369 Patent**

8. The '369 patent, titled "Vessel Rinsing Apparatus," issued on August 15, 2023. A true and correct copy of the '369 patent is attached as **Exhibit 1**.

9. Delta owns by assignment 100% of the right, title, and interest in and to the '369 patent.

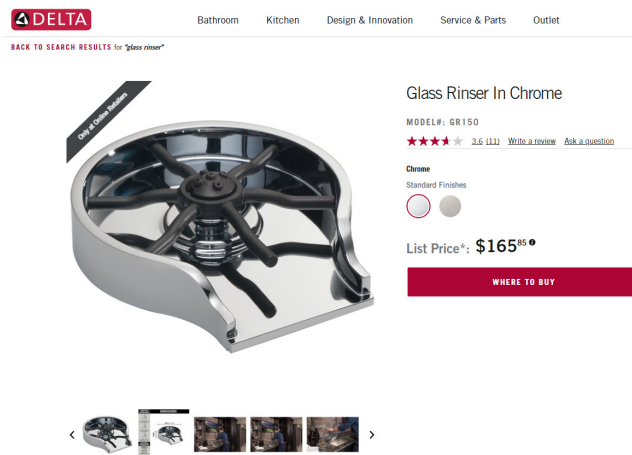
10. As the owner of the '369 patent, Delta is authorized and has standing to bring legal action to enforce all rights arising under the '369 patent.

### **DELTA**

11. Since its founding in 1954, Delta established itself as a leader in the design and manufacture of high quality, innovative faucets.

12. Delta has and continues to employ engineers with experience in the plumbing industry.

13. Delta launched its Glass Rinser into the field and has enjoyed significant recognition and sales. An example of its Glass Rinser is shown below:



14. Delta holds intellectual property rights in and to its Glass Rinser products, including through the '369 Patent.

### **COUNT I: INFRINGEMENT OF THE '369 PATENT**

15. Delta re-alleges and incorporates by reference all of the preceding paragraphs as if fully set forth in this paragraph.

16. Wenzhou uses Amazon to offer for sale and sell the following glass rinsers: “ASIN Nos. B094F43RJ8, B0B7M47XCH, B08T1QP8ST, B0B7M7M7C3, B09VKBBJYD, B095S2HH8W, B09WDQNMFY, B09QPHKVFD, B0BRXHCYFD, and B0B7M6YCXM”

(“Accused Products”). Additionally, Wenzhou’s Accused Products “are functionally equivalent and only differ in finish, i.e., brushed nickel, matte black, chrome, etc.”

17. The Accused Products made, used, sold, offered for sale, or imported into or within the United States by Wenzhou infringe one or more claims of the ’369 patent, either literally or under the doctrine of equivalents.

18. A claim chart that applies exemplary independent claim 1 of the ’369 patent to a representative Accused Product is attached at Exhibit 2. The remaining Accused Products identified by ASIN No. and already admitted to by Wenzhou as being functionally equivalent, practice the claim noted in **Exhibit 2**.

19. Wenzhou has directly infringed and continues to directly infringe, and has actively and knowingly induced and continues to actively and knowingly induce infringement of one or more claims of the ’369 patent, either literally or under the doctrine of equivalents, by making, using, selling, and/or offering for sale within the United States, through Amazon and/or importing into the United States, the Accused Products.

20. Upon information and belief, Wenzhou has notice of the ’369 patent. *First*, Wenzhou filed an *Inter Partes* review (“IPR”) on a related patent and in the IPR discussed the prosecution history. *Second*, this complaint informs Wenzhou about the ’369 patent. Despite knowledge and notice of the ’369 Patent, Wenzhou continues to offer for sale and sell the Accused Products to customers in the United States, without the consent or authority of Delta. Notwithstanding this knowledge, Wenzhou has knowingly or with reckless disregard, willfully infringed the ’369 patent and has acted despite an objectively high likelihood that its actions constitute infringement of Delta’s valid patent rights.

21. Wenzhou actively induces others to infringe the '369 Patent by selling the Accused Products to others with materials and instructions for operation, with the specific intent and knowledge that the materials and instructions direct, teach or assist others to infringe the '369 Patent. For example, on information and belief, Wenzhou induced infringement of the '369 Patent by encouraging and facilitating infringing use of the Accused Products by users of the Accused Products in the United States, and by taking active steps to encourage and facilitate others' direct infringement of the '369 Patent with knowledge of that infringement. The affirmative acts include, without limitation, advertising, marketing, promoting, offering for sale and/or selling the Accused Products as shown at [Amazon.com : B0B7M6YCXM](https://www.amazon.com/dp/B0B7M6YCXM). Wenzhou further provides instructions, user manuals, advertising and/or marketing materials on Amazon's website that facilitate, direct, or encourage the direct infringement in the United States as shown at [Amazon.com : B0B7M6YCXM](https://www.amazon.com/dp/B0B7M6YCXM) and pictorially as follows:



22. Wenzhou's infringing acts have caused, and are continuing to cause, damage and irreparable injury to Delta, and Delta will continue to suffer damage and irreparable injury unless and until Wenzhou's infringing acts are enjoined by this Court.

23. Delta is entitled to injunctive relief and damages in accordance with 35 U.S.C. §§ 271, 281, 283, and 284.

24. Wenzhou's infringement of the '369 patent has been and continues to be willful and deliberate, justifying a trebling of damages under 35 U.S.C. § 284.

25. Wenzhou's infringement of the '369 patent is exceptional and entitles Delta to attorneys' fees and costs under 35 U.S.C. § 285.

Therefore, Delta seeks a judgment that Wenzhou directly infringes and/or induces infringement of at least claim 1 of the '369 Patent.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff respectfully requests that the Court enter judgment in its favor and against Defendant on Count I set forth above and respectfully requests:

A. That the Court enter judgment that, under 35 U.S.C. §§ 271(a) and (b), Defendant has infringed at least one claim of the '369 patent;

B. That the Court, in accordance with 35 U.S.C. §283, preliminarily and permanently enjoin Defendant, and its parents, subsidiaries, affiliates, successors, predecessors, assigns, and the officers, directors, agents, servants, and employees of each of the foregoing, customers and/or licensees and those persons acting in concert or participation with any of them, are enjoined and restrained from continued infringement, including but not limited to using, making, importing, offering for sale and/or selling products or performing methods that infringe, and from inducing the infringement of the '369 patent prior to its expiration, including any extensions;

C. For an order directing Defendant to file with the Court and serve upon Plaintiff's counsel within 30 days after the entry of an order of injunction a report setting forth the manner and form in which Defendant has complied with the injunction;

D. That the Court award Plaintiff all available and legally permissible damages and relief sufficient to compensate Plaintiff for Defendant's infringement of the '369 patent, including to the full extent permitted by 35 U.S.C. § 284, together with interest, in an amount to be determined at trial;

E. That the Court award Plaintiff treble damages under 35 U.S.C. § 284 as a result of Defendant's willful and deliberate infringement of the '369 patent;

F. That the Court declare this to be an exceptional case under 35 U.S.C. § 285 and award Plaintiff costs, expenses and disbursements in this action, including reasonable attorneys' fees; and

G. That the Court award Plaintiff such other and further relief that this Court deems just and proper.

**DEMAND FOR JURY TRIAL**

In accordance with Fed. R. Civ. P. 38, Delta demands a trial by jury on all issues so triable.

Date: September 11, 2023

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