

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
Eastern Division**

FLOYD A. DAVIS III and)	
YORGIE LLC,)	
Plaintiffs,)	
)	
v.)	Case No.
)	
CHANGZHOU HAOLING VEHICLE)	Judge
INDUSTRY COMPANY LIMITED,)	
MOD VANTEN INC.,)	
WOFEILI LLC,)	JURY TRIAL DEMANDED
FAMETRADE LLC,)	
SCARMAN LLC,)	
SEVEN BLACKSMITHS LLC,)	
VERMEYEN LLC and)	
AINUOSEN LLC,)	
Defendants.)	

COMPLAINT

NOW COME Plaintiffs, FLOYD A. DAVIS III (“Davis”) and YORGIE LLC (“Yorgie”), and as a complaint against the above-named Defendants, CHANGZHOU HAOLING VEHICLE INDUSTRY COMPANY LIMITED (“Haoling”), MOD VANTEN INC. (“Mod Vanten”), WOFEILI LLC (“Wofeili”), FAMETRADE LLC (“Fametrade”), SCARMAN LLC (“Scarman”), SEVEN BLACKSMITHS LLC (“Seven Blacksmiths”), VERMEYEN LLC (“Vermeyen”) and AINUOSEN LLC (“Ainuosen”) (collectively “Defendants”), hereby state as follows:

Parties

1. Davis is a natural person resident and having a primary place of business at 40842 North Prairie Avenue, Antioch, Illinois.

2. Yorgie LLC is a Wisconsin-registered limited liability company having a business address at 6309 60th Street, Suite 200, Kenosha, Wisconsin.

3. On information and belief, defendant Haoling is a privately-owned China-registered company having places of business at 2050 South Mount Prospect Road, Suite B, Des Plaines, Illinois (“Haoling’s Des Plaines address”); 228 Huanzhen North Road, Menghe Town, Changzhou, Jiangsu, China; 2376 Davis Avenue, Unit B, Hayward, California (“Haoling’s California address”); 981 S Corporate Drive, Suite B, Mobile, Alabama (“Haoling’s Alabama address”); and other locations in the United States.

4. On information and belief, defendant Mod Vanten is an Illinois corporation having a place of business at Haoling’s Des Plaines address.

5. On information and belief, defendant Wofeili is a Wyoming-registered limited liability company having a place of business at Haoling’s Des Plaines address.

6. On information and belief, defendant Fametrade is a Wyoming-registered limited liability company having a place of business at Haoling’s California address.

7. On information and belief, defendant Scarman is a Texas-registered limited liability company having a place of business at Haoling’s Alabama address.

8. On information and belief, defendant Seven Blacksmiths is a California-registered limited liability company having a place of business at Haoling’s California address.

9. On information and belief, defendant Vermeyen is a Texas-registered limited liability company having a registered office address at 2186 Jackson Keller Road, Suite 1184, San Antonio, Texas, which is solely a mailbox address for receiving mail.

10. On information and belief, defendant AINUOSEN is a Wyoming-registered limited liability company having a registered principal office address at 312 West 2nd Street, Unit #A1827, Casper, Wyoming, which is solely a mailbox address for receiving mail.

11. On information and belief, each of Defendants Mod Vanten, Wofeili, Fametrade, Scarman, Seven Blacksmiths, Vermeyen and Ainusosen (collectively the “Haoling-Controlled Companies”) is an instrumentality of Defendant Haoling, registered and operated on behalf of Haoling through persons working for Haoling, such that all defendants together have operated as a single integrated system under Haoling management, with each of the Haoling-Controlled Companies functioning as an *alter ego* of Haoling in all matters relevant to this action, and in some such matters functioning as *alter egos* of each other.

12. Defendant Haoling and the Chinese government’s Jiangsu Provincial Department of Commerce have published information stating that Haoling has a “professional cross-border e-commerce operation team of more than 100 people” and business premises in various United States locations including Chicago, Oakland and Mobile. On information and belief, such statements refer to the Des Plaines, Hayward and Mobile addresses stated in paragraph 3.

13. Defendant Mod Vanten’s filings to the State of Illinois identify its principal address as Haoling’s Des Plaines address and its chief executive officer, president, chief financial officer, secretary, director and registered agent as Zhaoshan Ji (“Mr. Ji”).

14. On information and belief, Mr. Ji is the head of e-commerce for Defendant Haoling and conducts business using various names including Zhaoshan Ji, Ji Zhaoshan, Jeson Ji and Jason Ji and uses various email addresses including jeson@egobikeusa.com.

15. E-Go Bike LLC, the entity to which “egobikeusa.com” refers, was a California limited liability company, dissolved in November 2021, that, on information and belief, was registered by Bing Liu, majority owner of Defendant Haoling, to conduct Haoling business.

16. Though formally dissolved in California, E-Go Bike LLC remains registered in

Alabama as a foreign limited liability company located at Haoling's Alabama address.

17. Current signage at Haoling's Des Plaines address identifies such address as a location of E-Go Bike LLC.

18. Defendant Wofeili is listed owner of the registered trademark "Yikato," trade name of an automotive accessories business located at Haoling's Des Plaines address, a business which, on information and belief, Defendant Haoling operates through Wofeili.

19. On information and belief, Mr. Ji is engaged in operating Defendant Fametrade for Defendant Haoling and uses the email address jeson@egobikeusa.com for such purposes.

20. On information and belief, an e-commerce specialist known as "Ken" employed by Defendant Haoling is also engaged in operating Defendant Fametrade for Haoling and uses the email address ken@ecotricusa.com for such purposes.

21. The trademark "Ecotric" to which "ecotricusa.com" refers is a registered trademark of Defendant Aiuosen and, on information and belief, is used by Defendant Haoling in China and the United States.

22. On information, including without limitation findings of a United States Court in the District of Minnesota, and on belief, "Ecotric" and "Seven Blacksmiths" are trade names for E-Go Bike LLC and continue to be used by Defendant Haoling subsequent to dissolution of E-Go Bike LLC, including without limitation through Defendants Fametrade and Seven Blacksmiths.

23. In 2023, Defendant Seven Blacksmiths identified its president as Wang Yiping, an individual who, on information and belief, is one-third owner of Defendant Haoling and uses the email address haoling.wyp@126.com for Haoling business purposes in the United States.

Jurisdiction and Venue

24. This action arises from infringements by Haoling and the Haoling-Controlled

Companies of patent rights held by Davis and Yorgie; accordingly, this action arises under the Patent Laws of the United States, specifically 35 U.S.C. §§ 271, 281 and 283. Jurisdiction is conferred on this Court pursuant to 28 U.S.C. §§ 1331 and 1338(a).

25. This action also arises from infringements by Haoling and the Haoling-Controlled Companies of unregistered trade dress rights held by Davis and Yorgie; accordingly, this action arises under the Lanham Act, specifically 15 U.S.C. §§ 1116, 1117(a) and 1125(a). Jurisdiction is conferred on this Court pursuant to 15 U.S.C. §§ 1121(a) and 28 U.S.C. §§ 1331 and 1338(a).

26. This action also arises from infringements by Haoling and the Haoling-Controlled Companies of registered copyrights held by Yorgie; accordingly this action arises under the Copyright Act (17 U.S.C. 101 *et seq.*). Jurisdiction is conferred on this Court pursuant to 28 U.S.C. §§ 1331 and 1338(a).

27. This action also arises from unfair competition related to the patent, trade dress and copyright infringements referred to in herein. Jurisdiction is conferred on this Court pursuant to 28 U.S.C. § 1338(b), and under supplemental jurisdiction.

28. Venue is proper in this judicial district because a substantial part of the events giving rise to the present claims occurred in this district, including, upon information and belief, at the above-stated Des Plaines, Illinois address used by Defendants, and because a substantial part of the property that is the subject of the action is situated in this district.

Background

29. Davis is an inventor and businessman who conducts business in the area of automotive accessories through his company Yorgie, of which he is sole owner.

30. Davis is named inventor and owner of United States Patent No. 10,647,241 (“the

‘241 Patent”) covering innovative truck-bed caddies. A true and correct copy of the patent is attached hereto as Exhibit A. For years, Yorgie has manufactured, promoted and sold caddies covered by the ‘241 Patent in the United States (“LAST BOKS® truck-bed caddies”).

31. LAST BOKS® truck-bed caddies have an overall appearance characterized by non-functional shape configuration that has acquired distinctiveness by virtue of Plaintiffs’ exclusive use of such shape configuration in substantially unchanged form for longer than five years, such that it constitutes a trade dress that consumers have come to recognize as coming from a single source, distinguishing Plaintiffs’ caddies from any offered by competitors.

32. LAST BOKS® truck-bed caddies are offered and sold in various sizes, including a size 48 inches in width (“Davis’ 48-inch caddy”) introduced in 2020, all having the trade dress referred to in paragraph 31.

33. Yorgie is owner of United States Copyright Registration No. VA 2-266-577 (“the ‘577 Registration), having an effective date of registration of June 8, 2021, for a group of photographs. A true and correct copy of the Certificate of Registration with true and correct copies of the photographs for which the registration was granted is attached hereto as Exhibit B.

34. The photographs for which the ‘577 Registration was granted have been published nationwide and internationally since 2020 to promote and advertise LAST BOKS® truck-bed caddies, including on the Internet and at Internet-based points of sale.

35. LAST BOKS® truck-bed caddies have been advertised, promoted, offered and sold in numerous channels of trade for years, domestically and internationally, including without limitation on Internet websites such as Amazon.com and eBay.com.

COUNT I – PATENT INFRINGEMENT

36. Paragraphs 1-35 are realleged and incorporated by reference as if set forth herein.

37. On or about November 1, 2023, product offerings (“Infringing Offers”) began to be published on the Internet, displaying, describing, promoting and offering to sell a truck-bed caddy (“Infringing Product”) in the United States having the exact same physical configuration and trade dress as Davis’ 48-inch caddy, without authorization from Davis or Yorgie.

38. The photos of the Infringing Product shown in this paragraph are true and correct copies of some of the images published in the Infringing Offers.



39. The Infringing Offers together describe the Infringing Product as a “Tailgate Bed Cargo Box,” 48 inches in width, that “pulls out through the opening onto your tailgate like a large utility drawer,” having “mounting accessories” including “straps and rubber-coated S-hooks” for installation in a pickup truck bed.

40. One of the Infringing Offers on the website Amazon.com (the “infringing Amazon HECASA Listing”) identified the Infringing Product as manufactured by “Wofeili LLC” and offered it under the trademark HECASA.

41. One of the Infringing Offers on the website Amazon.com (the “infringing Amazon KUAFU Listing”) identified the Infringing Product as manufactured by “Scarman LLC” and offered it under the trademark KUAFU, a trademark registered to Defendant Vermeyen.

42. An Infringing Offer on the website Walmart.com (the “infringing Walmart Listing”)

identified the seller of the Infringing Product as “Fametrade LLC” and offered such product under the trademark KOJEM, a trademark registered to Defendant Fametrade.

43. The entity that published the infringing Walmart Listing uses the email address ken@ecotricusa.com.

44. An Infringing Offer on the website Snapklik.com (the “infringing Snapklik Listing”) identified the manufacturer of the Infringing Product as “Wofeili LLC.”

45. One of the Infringing Offers on the website eBay.com (the “infringing Lucksports-Mall Listing”), identifying the Infringing Product by the stock keeping unit (“SKU”) code “LYAP-X1021,” stated that it was located and would be shipped from Des Plaines, Illinois, while also noting “We use multiple warehouses, and will select the nearest warehouse for delivery, according to your order address and our inventory.”

46. One of the Infringing Offers on the website eBay.com (the “infringing Gogreenbike Listing”), also identifying the Infringing Product by the SKU code “LYAP-X1021,” stated that it was located and would be shipped from Hayward, California, while also noting “We use multiple warehouses, and will select the nearest warehouse for delivery, according to your order address and our inventory.”

47. Infringing Offers on the websites LiteMF.com, Shopotam.com, GdePosylka.com and Alimart.am also identifying the Infringing Product by the SKU code “LYAP-X1021” and stated that it was located and would be shipped from the United States.

48. On or about December 4, 2023, Amazon.com staff informed Davis that the infringing Amazon HECASA Listing was created and maintained by a seller identifying itself as “Wofeili LLC” and using the email address MODVANTEN@hotmail.com.

49. On or about December 4, 2023, Amazon.com staff informed Davis that the infringing

Amazon KUAFU Listing was created and maintained by a seller identifying itself as “GOTEREAL INC” and using the email address gotereal@hotmail.com.

50. GOTEREAL INC. was an Alabama corporation, formally dissolved in October 2022, shown by Alabama state records to have had a principal place of business at Haoling’s Alabama address. On information and belief, the trade name “GOTEREAL INC” and email address gotereal@hotmail.com are used by Defendant Haoling.

51. Defendants’ making, offering to sell, selling and using of the Infringing Product in the United States, as well as their importation of such product to the United States, and their inducement of others to engage in such acts, were not authorized by Davis or Yorgie.

52. Defendants’ conduct constitutes patent infringement in violation of 35 U.S.C. § 271(a) and (b), at least with respect to claims 1, 2, 6, 7, 8, 9, 14, 16, 17 and 20 of the ‘241 Patent.

53. Exemplary of the infringement of the ‘241 Patent is that of claim 1, as follows:

- The claim is for a “truck-bed caddy” for use “[i]n combination with a pickup truck having a truck bed,” as shown and described by the Infringing Offers.
- The claim requires such caddy to include “a body member having a bottom wall,” structure present in the Infringing Product as shown in the Infringing Offers.
- The claim also requires such body member to have “a forward wall extending upwardly from the bottom wall across the truck bed,” structure present in the Infringing Product as shown in the Infringing Offers.
- The claim also requires such body member to have “a pair of sidewalls each connected to the bottom and forward walls,” structure present in the Infringing Product as shown in the Infringing Offers.

- The claim also requires the caddy to include “at least two elongate members movably securing the body member with respect to an interior of the truck in a position rearward of inward truck wheel structures and permitting rearward movement of the secured body member onto an open tailgate,” elements present in the Infringing Product as shown in the Infringing Offers.

54. On information and belief, Defendants willfully infringed Davis’ patent rights, being informed of ‘241 Patent prior to making and marketing the Infringing Product.

55. Davis and Yorgie have been irreparably harmed by the infringement and have suffered damages in an amount to be determined at trial.

COUNT II – TRADE DRESS INFRINGEMENT AND UNFAIR COMPETITION

56. Paragraphs 1-55 are realleged and incorporated by reference as if set forth herein.

57. The trade-dress elements of LAST BOKS® truck-bed caddies generally and Davis' 48-inch caddy specifically include, in combination: the particular proportions of the side walls including the angled shaping of their top edges; the particular relative dimensions of the forward wall, side walls and bottom wall; the particular rib-like shape features within each wall including the specific angles, contours, depths and proportions of such shape features; and the smooth central area of the forward wall containing a geometric shape feature.

58. On information and belief, Defendants obtained a unit of Davis’ 48-inch caddy and, by a reverse-molding process, created a mold which they have since used to manufacture the Infringing Product, having all elements of the trade dress described in paragraph 57.

59. Defendants have advertised, promoted, displayed, offered and sold the Infringing Product in channels of trade that Davis and Yorgie have used for years for their advertising,

promoting, displaying, offering and selling of LAST BOKS® truck-bed caddies including Davis' 48-inch caddy, including without limitation Amazon.com.

60. By such unauthorized conduct, Defendants have willfully and recklessly infringed Davis' and Yorgie's rights in the trade dress, engaged in unfair competition, and indicated false designation of origin, in violation of 15 U.S.C. § 1125(a), 815 ILCS 510/2 and the common law.

61. The Infringing Product, in its shape configuration and appearance, is a slavish copy of Davis' 48-inch caddy, visually indistinguishable therefrom apart from the absence of the words "LAST BOKS," and such likeness gives consumers a false impression that it comes from the same source as LAST BOKS® truck-bed caddies.

62. Defendants' displaying of the Infringing Product, including without limitation in marketing materials such as the Infringing Offers, is likely to cause confusion, mistake and deception as to the source of the Infringing Product and to suggest that it is made with the involvement or approval of Davis and Yorgie.

63. The Infringing Product lacks the high manufacturing quality and material durability characteristic of LAST BOKS® truck-bed caddies and is, by sharp contrast, a poorly-made product lacking the durability desired by users of truck-bed caddies.

64. Davis and Yorgie have been irreparably harmed by the trade dress infringement and unfair competition and have suffered damages in an amount to be determined at trial.

COUNT III – COPYRIGHT INFRINGEMENT

65. Paragraphs 1-64 are realleged and incorporated by reference as if set forth herein.

66. The Infringing Offers published by Defendants include images ("Infringing Images") that, on information and belief, Defendants made or caused to be made after viewing LAST BOKS® marketing materials featuring Yorgie's copyright-protected photographs for which the

'577 Registration was granted ("Copyright Images").

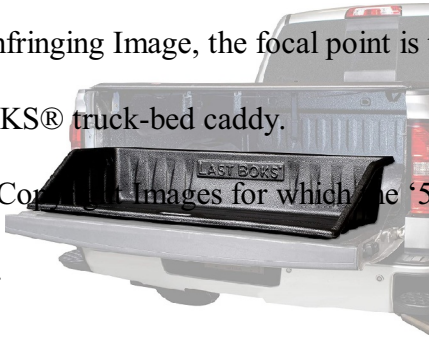
67. The Infringing Images were made and published without authorization from Davis or Yorgie.

68. The Infringing Images are derivative of the Copyright Images and are substantially similar thereto, such that Defendants' making of such images constitutes copyright infringement.

69. The focal point of each of the Copyright Images is a LAST BOKS® truck-bed caddy, the photograph being taken and edited with lighting, perspective and surrounding details that display the caddy and its distinctive appearance in way that attracts and interests consumers.

70. Each of the Infringing Images is substantially similar to one of the corresponding Copyright Images. In every Infringing Image, the focal point is the Infringing Product, an object made to look like a LAST BOKS® truck-bed caddy.

71. Exemplary of the Copyright Images for which the '577 Registration was granted are those shown in this paragraph.



72. Exemplary of the Infringing Images are those shown in this paragraph, each of which is derived from and substantially similar to the corresponding image shown in paragraph 71.





73. Whether regarded individually or regarded as a set of images, the Infringing Images are substantially similar to and likely to be mistaken for the Copyright Images.

74. On information and belief, in the course of planning to make and publish the Infringing Images, Defendants made unauthorized verbatim copies Copyright Images.

75. On information and belief, Defendants willfully infringed copyright in the Copyright Images, in the knowledge that they were making unauthorized copies thereof for use in commercial competition against LAST BOKS® truck-bed caddies.

PRAYER FOR RELIEF

WHEREFORE, Davis and Yorgie pray that this Court enter judgment in their favor and against Defendants, as follows:

- A. Entering judgment of patent infringement against Defendants;
- B. Entering judgment against Defendants under 15 U.S.C. § 1125(a);
- C. Entering judgment against Defendants under 815 ILCS 510/1 *et seq.*;
- D. Entering judgment of trade dress infringement against Defendants;
- E. Entering judgment of unfair competition against Defendants;
- F. Entering judgment of copyright infringement against Defendants;
- G. Enjoining Defendants from further display, advertisement, making, offering to sell,

- sale, use, and importation of the Infringing Product;
- H. Enjoining Defendants from further copying of the Copyright Images, including without limitation copying and publication of the Infringing Images;
- I. Awarding damages adequate to compensate Davis and Yorgie for the patent infringement, together with prejudgment interest, pursuant to 35 U.S.C. § 284;
- J. Awarding treble damages to Davis and Yorgie for willful patent infringement pursuant to 35 U.S.C. § 284;
- K. Awarding damages to Davis and Yorgie for violation of the Lanham Act, pursuant to 15 U.S.C. § 1117;
- L. Awarding damages to Davis and Yorgie for violation of the common law of trade dress and unfair competition;
- M. Awarding punitive damages to Davis and Yorgie in view of Defendants' willful and reckless conduct, including with respect to trade dress rights;
- N. Awarding damages to Yorgie for the copyright infringement, including willful infringement, pursuant to 17 U.S.C. § 504;
- O. Finding this case exceptional within the meaning of 35 U.S.C. § 285 and 15 U.S.C. § 1117 and ordering Defendants to pay Davis and Yorgie their reasonable attorneys' fees;
- P. Awarding Davis and Yorgie their full costs and reasonable attorneys' fees under 17 U.S.C. § 505; and
- Q. Ordering such other and further relief as this Court deems just and proper.

Jury Demand

Davis and Yorgie hereby demand trial by jury on all issues triable to a jury.

Dated this 26th day of January, 2024.

Respectfully submitted,

FLOYD A. DAVIS III and YORGIE LLC

By /s/ Peter N. Jansson
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