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15  
 16 IN THE UNITED STATES DISTRICT COURT  
 FOR THE DISTRICT OF ARIZONA

17  
 18 Joyin US Corp,  
*Plaintiff,*  
 19 v.  
 20 Sunny Days Entertainment, LLC,  
 21 *Defendant.*

No. [ ]

ORIGINAL COMPLAINT

24 DATED: April 19, 2024

25  
 26 /s/ Timothy Wang  
 Timothy Wang  
 Counsel for Plaintiff Joyin US Corp

28 ORIGINAL COMPLAINT

1 **ORIGINAL COMPLAINT**

2 Plaintiff Joyin US Corp (“Plaintiff” or “Joyin”) seeks a declaratory judgment of  
3 patent non-infringement and invalidity related to certain bubble blowing devices, as  
4 defined herein (“Joyin Bubble Blowers”), against U.S. Patent No. 11,772,004 (“the ’004  
5 Patent”).  
6

7 **INTRODUCTION**

8  
9 1. Over the past twenty years, online retail marketplaces have revolutionized  
10 how companies reach American consumers. The rise of electronic marketplaces combined  
11 with a dramatic increase in transport speed and improved logistic networks has allowed  
12 even relatively small companies to compete globally. These developments have generally  
13 increased competition and lowered prices.  
14

15 2. Amazon.com, Inc. (“Amazon”) hosts the Amazon marketplace and its  
16 millions of product listings; it is U.S.-specific and targets American consumers. For an  
17 online retailer to effectively compete in the United States, it must sell on the Amazon  
18 Marketplace. According to bigcommerce.com, “Each month more than 197 million people  
19 around the world get on their devices and visit Amazon.com. That’s more than the entire  
20 population of Russia. In 2018, Amazon’s share of the US e-commerce market hit 49%...  
21 that is more than Amazon’s top three competitors combined, with eBay coming in at 6.6%,  
22 Apple at 3% and Walmart at 3.7%.”  
23  
24

25 3. Nine out of ten American consumers use Amazon to price check products  
26 they find elsewhere, and roughly 167 million people have Amazon Prime memberships in  
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1 the United States. Facing the considerable challenges of managing this sprawling hive of  
2 commercial activity, Amazon established intellectual property complaint and enforcement  
3 systems primarily designed to protect itself from contributory infringement liability. These  
4 include a patent infringement reporting mechanism and a binding pseudo-arbitration  
5 evaluation procedure currently known as the Amazon Patent Evaluation Express  
6 (“APEX”).  
7

8  
9 4. In sum, after Amazon receives a patent infringement complaint, it contacts  
10 the accused sellers and urges them to negotiate with the patent owner. If the patent owner  
11 initiates an APEX proceeding, the seller may opt not to participate, but that refusal means  
12 Amazon will remove (“de-list”) the accused product listings from the Amazon  
13 marketplace.  
14

15 5. An APEX is decided by a single neutral evaluator chosen by Amazon. Once  
16 begun, the process lasts only a few weeks. The evaluator is paid a fixed fee for the APEX,  
17 borne by the losing side. The patent owner identifies the accused products by ASIN No.  
18 and a single claim of one patent allegedly infringed. Each side is permitted one brief on  
19 infringement. The evaluator may not consider validity unless the asserted patent claim has  
20 already been ruled invalid by a court or by the U.S. Patent and Trademark Office.  
21

22  
23 6. Amazon’s procedures require the evaluator to determine whether the patent  
24 owner is “likely to be able to prove” the accused products infringe the asserted claim. The  
25 evaluator does not explain their reasoning if they find for the patent owner but must provide  
26 a brief explanation if they rule against the patent owner. If the patent owner wins, Amazon  
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1 de-lists the accused products until the parties notify Amazon that the dispute has been  
2 resolved and the infringement complaint withdrawn. There is no appeal.

3  
4 7. The APEX proceedings are heavily weighted in favor of patent owners. They  
5 are not suited to evaluating complex technical issues, and the speed, limited scope, high  
6 stakes, and inability to appeal all place tremendous pressure on accused sellers to  
7 capitulate, particularly online retailers deriving most of their revenue from Amazon sales.

8  
9 8. It is against this backdrop that Defendant Sunny Days Entertainment, LLC  
10 (“Defendant” or “Sunny Days”) has reported to Amazon meritless “Intellectual Property  
11 Violations” against the Joyin Bubble Blowers, specifically alleging infringement of the  
12 ‘004 Patent, and resulting in the potential delisting of the Joyin Bubble Blowers.

#### 14 **NATURE OF THE ACTION**

15 9. This is an action for Declaratory Judgment of patent non-infringement and  
16 invalidity arising under the Declaratory Judgment Act, 28 U.S.C. § 2201 *et seq.*, and the  
17 United States Patent Laws, 35 U.S.C. § 101 *et seq.*

#### 19 **PARTIES**

20 10. Plaintiff Joyin is a domestic for-profit corporation organized under the laws  
21 of the state of Delaware with a principal place of business located at 315 West Elliot Road,  
22 #107-168, Tempe, Arizona 85284.

24 11. Upon information and belief, Defendant Sunny Days is a domestic for-profit  
25 corporation organized under the laws of the State of South Carolina with a principal place  
26 of business at 6650 Rivers Avenue, Suite 200, North Charleston, South Carolina 29406.  
27

**JURISDICTION AND VENUE**

1  
2 12. This Court has jurisdiction over the subject matter of this action pursuant to  
3 28 U.S.C. §§ 1331, 1338(a) because it arises under the Patent Act, 35 U.S.C. §§ 101 *et*  
4 *seq.* Jurisdiction over the subject matter of this action is further provided under the  
5 Declaratory Judgment Act, 28 U.S.C. §§ 2201 and 2202.  
6

7 13. Defendant Sunny Days is subject to personal jurisdiction in this Court  
8 pursuant to the due process clause and/or the Arizona Long Arm Statute, due at least to  
9 Sunny Days’ substantial business in this State and District, including: regularly conducting  
10 and soliciting business, engaging in other persistent conduct, and/or deriving substantial  
11 revenue from Arizona residents. Further, Sunny Days is subject to personal jurisdiction in  
12 this Court due at least to Sunny Days’ patent enforcement activities targeted at Joyin, an  
13 Arizona-based corporation.  
14  
15

16 14. Venue is proper in this District pursuant to 28 U.S.C. 1391(b).  
17

18 **THE JOYIN PRODUCTS**

19 15. Joyin is an e-commerce corporation founded in 2021. Since then, Joyin has  
20 grown to become one of the fastest-growing designers and manufacturers of toys, party  
21 supplies, and seasonal products. Joyin’s products are recognized for offering consumers  
22 great value without compromising quality.  
23

24 16. Joyin also releases products under its Joiedomi brand, a home products line,  
25 Spooktacular Creations, a successful Halloween line, and Sloosh, a summer play line.  
26  
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1 17. Currently, the company has over ten thousand products and releases over two  
2 thousand new products a year. At the urging of satisfied customers, Joyin is now working  
3 with retailers to deliver the same great experience at local retail stores  
4

5 18. Joyin sells products via its website, joyin.com, and via e-commerce  
6 storefronts such as Amazon. Joyin sells on Amazon under the “JoyinDirect” storefront.  
7



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12 19. The Joyin Bubble Blowers at issue are identified by ASIN Nos.  
13 B086SP5KMT, B091G47R3M, B0CLSFNNV, B0BZXNZZ67, B0CLSG76YV, and  
14 B0BZXLZSJ8. The Joyin Bubble Blowers can be divided into two groups: the “Blasters”  
15 and the “Lawnmowers.” The same Joyin Bubble Blowers are also sold by Joyin under  
16 ASIN B07VFCQ3BT. As shown herein, the Joyin Bubble Blowers have been on sale on  
17 Amazon since at least 2019.  
18  
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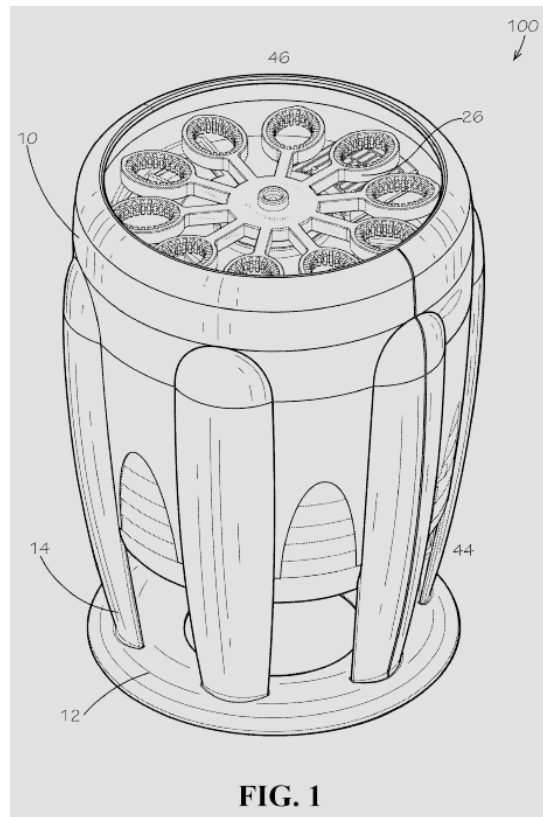
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28 ORIGINAL COMPLAINT



1 plurality of bubble wands rigidly affixed to an upper portion of the gear shaft. Further, the  
2 gear shaft is configured to continuously rotate about the rotational axis, such that each of  
3 the plurality of bubble wands repetitively cycle between the two positions of (1) passing  
4 over the liquid fountain unit so as to amass upwardly blown bubble solution, and (2)  
5 passing over the fan such that the amassed bubble solution contacts the upwardly blown  
6 air and forms a bubble.” Exhibit A at Abstract.  
7

8  
9 26. The ‘004 Patent issued on October 3, 2023 and has a purported effective  
10 filing date of June 4, 2021.

11 27. The ‘004 Patent has two independent claims and eighteen dependent claims,  
12 each claiming a bubble blowing apparatus.  
13





**DEFENDANT SUNNY DAYS**

1  
2 28. Sunny Days is a supplier, distributor, and manufacturer of branded and  
3 licensed toy products.

4  
5 29. On or around March 26, 2024, Sunny Days initiated an APEX procedure  
6 asserting claim 1 of the '004 Patent against the Joyin Bubble Blowers. *See* Exhibit B,  
7 Amazon Patent Evaluation Express Agreement.

8  
9 30. Joyin has opted not to participate in the APEX, facing the risk of imminent  
10 delisting of the Joyin Bubble Blowers.

11 **COUNT I:**  
12 **DECLARATORY JUDGMENT OF PATENT NON-INFRINGEMENT**

13 31. Joyin incorporates by reference the preceding paragraphs as though fully set  
14 forth herein.

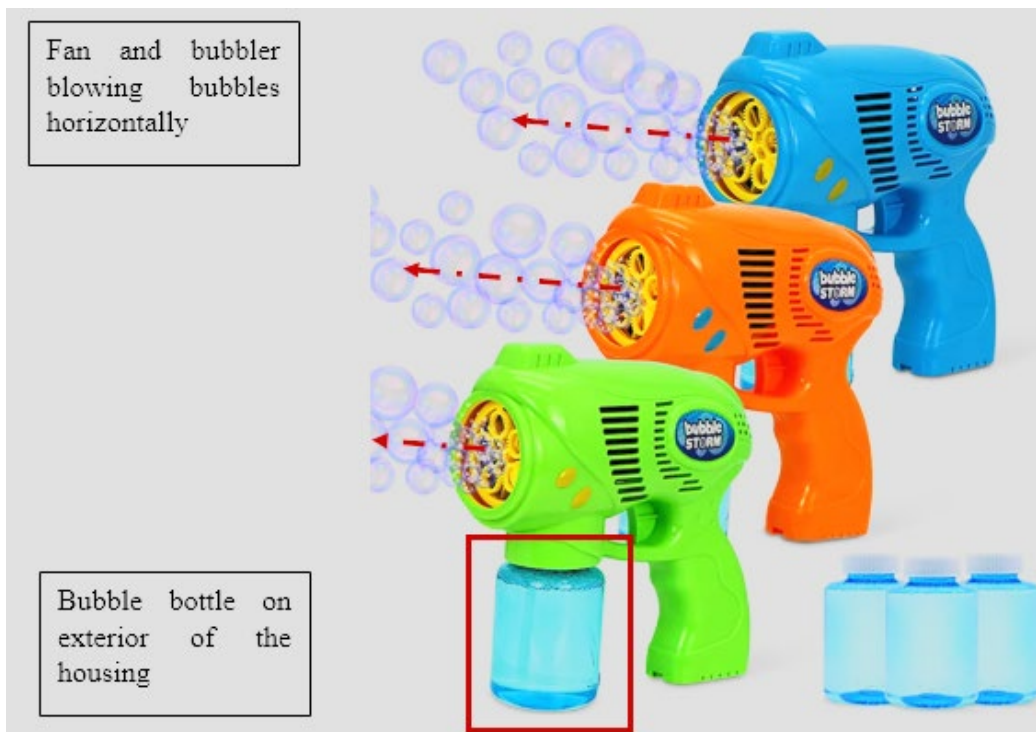
15  
16 32. An actual, continuing and justiciable controversy exists between Joyin and  
17 Sunny Days as to the alleged infringement of the '004 Patent, as evidenced by Sunny Days'  
18 allegations of infringement on Amazon, as set forth above.

19  
20 33. Pursuant to the Declaratory Judgment Act, Joyin requests a judicial  
21 determination and declaration that Joyin does not infringe and has not infringed, either  
22 directly or indirectly, literally or under the doctrine of equivalents, any presumably valid  
23 claim of the '004 Patent.

24  
25 34. For example, the Joyin Bubble Blowers do not meet each and every  
26 limitation of independent claims 1 and 11. Likewise, since the independent claims are not  
27 infringed, neither are their dependent claims. *Wahpeton Canvas Co. v. Frontier, Inc.*, 870  
28

1 F.2d 1546, 1552 n.9, 1553 (Fed. Cir. 1989) (a dependent claim cannot be infringed if any  
2 claim from which it depends is not infringed).

3  
4 35. Regarding independent claims 1 and 11, the Joyin Bubble Blowers do not  
5 comprise “a liquid fountain unit disposed in the housing... including a first basin.” In  
6 comparison, the Blasters clearly comprise a removable bubble *bottle* that is attached  
7 *outside* the housing.



21 36. Further, the Joyin Bubble Blowers do not comprise “a first bubbler  
22 configured to eject the liquid bubble solution in an upward direction.” For example, the  
23 Blasters and Lawnmowers clearly comprise an analogous first bubbler configured to eject  
24 liquid bubble solution in a *horizontal* direction. Similarly, the Joyin Bubble Blowers do not  
25 comprise “wherein the first bubbler is positioned to introduce the liquid bubble solution  
26 upwardly into a first one of the plurality of openings on the disc.” For example, the Blasters  
27  
28

1 and Lawnmowers clearly comprise an analogous first bubbler positioned to introduce  
2 liquid bubble solution *horizontally*. Similarly, the Joyin Bubble Blowers do not comprise  
3 a “fan positioned to blow an upward stream of air.” For example, the Blasters and  
4 Lawnmowers clearly comprise an analogous fan positioned to blow a *horizontal* stream of  
5 air.  
6

7 37. Moreover, since Claims 1 and 11 are invalid, they cannot be infringed upon.  
8

9 **COUNT II:**  
10 **DECLARATORY JUDGMENT OF PATENT INVALIDITY**

11 38. Joyin incorporates by reference the preceding paragraphs as though fully  
12 set forth herein.

13 39. An actual, continuing and justiciable controversy exists between Joyin and  
14 Sunny Days as to the invalidity of the claims of the ‘004 Patent, as evidenced by Sunny  
15 Days’ allegations of infringement on Amazon, as set forth above.  
16

17 40. Pursuant to the Declaratory Judgment Act, Joyin requests a judicial  
18 determination and declaration that the claims of the ‘004 Patent are invalid for failing to  
19 satisfy one or more of the statutory conditions of patentability, including 35 U.S.C. § 102  
20 and/or 103, in light of the cited prior art references herein and any prior art references that  
21 may come to light during the course of discovery.  
22

23 41. Under 35 U.S.C. § 102, the claims of the ‘004 Patent are unpatentable over  
24 the Joyin Bubble Blowers themselves, which were offered for sale as early as July of 2019,  
25 over twenty-two months before the purported earliest effective filing date of the ‘004 Patent  
26 (June 4, 2021).  
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1 A. Preliminary and permanent injunctions ordering Defendant Sunny Days to  
2 withdraw all Amazon infringement complaints lodged against the Joyin Bubble  
3 Blowers regarding the '004 Patent, and to refrain from lodging any further  
4 infringement complaints regarding the same.  
5

6 B. A declaration that the Joyin Bubble Blowers do not infringe any of the  
7 presumably valid claims of the '004 Patent;  
8

9 C. A declaration that various claims of the '004 Patent are invalid for failing to  
10 satisfy the statutory conditions for patentability;  
11

12 D. A declaration that this case is exceptional and an award to Plaintiff of its  
13 costs, expenses, and reasonable attorney fees incurred in this action pursuant to 35  
14 U.S.C § 285;

15 E. Any and all other relief that is just and proper.  
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1 Dated: April 19, 2024

Respectfully submitted,

2 /s/ Timothy Wang

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