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3 **UNITED STATES DISTRICT COURT**
4 **FOR THE WESTERN DISTRICT OF WASHINGTON**
5 **AT SEATTLE**

6 Shenzhen Laiderei Lighting Technology Co Ltd.,

7 Plaintiff,

8 v.

9 Zhifen Zhang d/b/a rbay,
10 Defendant.

CASE NO. 2:24-CV-0562

**COMPLAINT FOR DECLARATORY
JUDGMENT**

11 **NOW COMES** Shenzhen Laiderei Lighting Technology Co Ltd d/b/a lediarycn (“Plaintiff”), by
12 and through its undersigned counsel, and for its complaint against defendant Zhifen Zhang d/b/a
13 rbay (“Defendant”) alleges as follows:

14 **Introduction**

15 1. This action is filed by Plaintiff to, *inter alia*, obtain determinations that: (i) Plaintiff does not
16 infringe any valid or enforceable claim of U.S. Patent No. D1,008,442 (the “’442 Patent”);
17 and (ii) the ‘442 Patent is invalid and unenforceable. A true and correct copy of the ‘442
18 Patent is attached as **Exhibit 1**.

19 **Parties**

20 2. Plaintiff is a Chinese limited company with its principal place of business in Shenzhen,
21 China.
22 3. Defendant is, on information and belief, a Chinese individual or entity and purported owner
23 of the ‘442 Patent.
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25 **Jurisdiction and Venue**

- 1 4. This Court has original subject matter jurisdiction over the claims in this action pursuant to
2 35 U.S.C. § 100, et seq. and 28 U.S.C. §§ 1331, 1338(a), and 2201-2202.
- 3 5. This Court has jurisdiction over the claims herein arising under the laws of the State of
4 Washington pursuant to 28 U.S.C. § 1367(a), because the state law claims are so related to
5 the federal claims that they form part of the same case or controversy and derive from a com-
6 mon nucleus of operative facts.
- 7 6. Venue is proper in this Court pursuant to 28 U.S.C. § 1391, and this Court may properly ex-
8 ercise personal jurisdiction over Defendant because Defendant, through its wrongful enforce-
9 ment of the '442 Patent against Plaintiff on the Amazon.com platform that is based in this fo-
10 rum, has caused Plaintiff's sales of certain ceiling fan products into Washington and else-
11 where to cease. Prior to Defendant's wrongful enforcement of the '442 Patent against the
12 Products, Plaintiff enjoyed sales of the products on the Amazon.com platform, however once
13 Defendant wrongfully enforced its '442 Patent against the products through Amazon.com's
14 infringement reporting function, Plaintiff's sales of the products into Washington and else-
15 where to cease. Defendant has committed and is committing tortious acts in Washington and
16 this Judicial District, and caused Plaintiff injury in Washington, including through the wrong-
17 ful prevention of Plaintiff's sales and shipments of its products into Washington and this Ju-
18 dicial District.
- 19 7. Based on Defendant's actions there exists an actual substantial controversy between the par-
20 ties with adverse legal interests such immediacy and existence so to warrant a declaratory
21 judgment.
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24 **Plaintiff's Business**

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8. Plaintiff is registrant of and operates the Amazon.com storefront LEDAIRY through which it sells a wide variety of home goods, including ceiling fans, under Plaintiff’s registered trademark LEDIARY® (U.S. Reg. No. 5,649,172). Two products Plaintiff sold, each a ceiling fan, were designated with Amazon Standard Identification Numbers (ASINs) B0CCV31QX9 and B0CCV5B8SG, and are shown below (the “Products”):



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Defendant’s Wrongful Acts

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9. On April 6, 2024, Plaintiff received a notification from Amazon that an infringement complaint had been issued against the Products. A true and correct copy of that Complaint ID 14939797031 (the “Complaint”) is attached hereto as **Exhibit 2**
10. On information and belief and as identified in the Complaint, Defendant, who has represented to Amazon.com that it owns the rights in the ‘442 Patent, caused the Complaint to be submitted to Amazon.com and used to prevent Plaintiff from selling the Products.
11. Since on or about April 6, 2024, Plaintiff has been prevented from selling the Products on the Amazon.com platform, including into Washington.
12. Defendant’s wrongful enforcement of the ‘442 Patent has and continues to cause harm to Plaintiff by interfering with Plaintiff’s ability to sell Products.
13. Defendant’s conduct and accusations of infringement raise an actual case or controversy between the parties.

Count I - Declaratory Judgment of Invalidity

- 1 **14.** Plaintiff repeats, re-alleges, and incorporates by reference the allegations set forth in Para-
2 graphs 1 through 13.
- 3 **15.** The ‘442 Patent includes a single claim to the ornamental design for a “CEILING FAN
4 WITH LIGHT” as shown and described in the ‘442 Patent. A true and correct copy of the
5 ‘442 Patent is attached hereto as **Exhibit 1**
- 6 **16.** On information and belief, ceiling fan products exhibiting the same features as those dis-
7 closed and claimed by the ‘442 Patent, including the Product, were on sale, sold, or described
8 in one or more printed publications prior to the priority date of the ‘442 patent rendering the
9 ‘442 patent invalid under one or more of 35 U.S.C. §§ 102, 103.
- 10 **17.** Additionally, or in the alternative, the drawings of the ‘442 Patent are indefinite.
- 11 **18.** Only solid lines may be used to identify the subject matter of the claimed design.
- 12 **19.** Dashed (or broken) lines cannot form the subject matter of the claimed design.
- 13 **20.** Many of the drawings in the ‘442 Patent includes lines that at some points appear to be solid
14 lines, but at other points appear to be dashed (or broken) lines.
- 15 **21.** Due to the indefinite nature of the ‘442 Patent’s drawings, it is not possible to discern the
16 proper scope of the ornamental design purportedly claimed in the ‘442 Patent.
- 17 **22.** The ‘442 Patent is invalid under 35 U.S.C. § 112 at least for failing to distinctly set forth the
18 subject matter of the invention.
- 19 **23.** Additionally, or in the alternative, the ‘442 Patent is invalid under 35 U.S.C. § 171 because
20 the design of the purported invention is primarily functional, rather than ornamental.
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Count II - Unfair Business Practices, WASH. REV. CODE § 19.86.020

1 24. Plaintiff repeats, re-alleges, and incorporates by reference the allegations set forth in Para-
graphs 1 through 23.

2 25. Defendant has engaged in acts which violate Washington law including, without limitation
3 through, in the course of business, disparaging the goods, services, or business of another by
4 making a false or misleading representation of fact.

5 26. Defendant made a false and/or misleading statement of fact to Amazon.com when it repre-
6 sented to Amazon.com that the Products infringed the '442 Patent.

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8 27. Plaintiff has been damaged by Defendant's representations at least insofar as Plaintiff has
9 been prevented from selling the Products on Amazon.com and has lost income.

10 28. On information and belief, each time a company submits an infringement complaint to Ama-
11 zon, like Defendant did, Amazon maintains a record of that complaint.

12 29. On information and belief, Amazon does not rank the complaints or reconsider the merits of
13 the complaints in the event that they are determined, such as by a court, to be unfounded.

14 30. On information and belief, if a seller like Plaintiff receives too many complaints, Amazon
15 will permanently revoke its ability to sell on Amazon and may liquidate the seller's remain-
16 ing funds.

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18 31. On information and belief, if a seller's ability to sell on Amazon is revoked, it loses all of its
19 reviews and Amazon site rankings.

20 32. Thus, even if a seller like Plaintiff relaunches a product that had been complained of, but for
21 example, a court had determined that the complaint was unfounded, the seller will have to re-
22 build its ranking which is extremely difficult to do.
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1 33. Due to Defendant's wrongful Complaint, Plaintiffs' Amazon seller profile has been perma-
2 nently damaged, and Plaintiff's Amazon.com seller account is at further risk of being re-
voked.

3 34. Defendant's submission of its wrongful Complaint to Amazon.com to effect the removal of
4 the Products offends public policy and is unethical, oppressive, and unscrupulous.

5 35. Plaintiff is entitled to injunctive relief, damages, costs, and attorney's fees.

6 **Count III - Tortious Interference with Prospective Economic Advantage**

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8 36. Plaintiff repeats, re-alleges, and incorporates by reference the allegations set forth in Para-
9 graphs 1 through 35.

10 37. Prior to April 6, 2024 Plaintiff has a business relationship with Amazon.com wherein Plain-
11 tiff was permitted to sell the Products on the Amazon.com platform.

12 38. Between 2017 and April 2024, Plaintiff sold on average Products through the United States
13 and into Washington.

14 39. Plaintiff reasonably expected that it would continue to sell the Products on the Amazon.com
15 platform.

16 40. Defendant was aware of the business relationship Plaintiff, and other who were selling the
17 Products on Amazon.com, had with Amazon.com, and knew that Plaintiff, like all other sell-
18 ing the Products, expected to continue to sell the Products on Amazon.com.

19 41. Defendant willfully, intentionally and unjustifiably induced Amazon to terminate Plaintiff's
20 expectancy of continued sales of the Products on Amazon.com by making false claims of
21 patent infringement against Plaintiff.
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42. Plaintiff has suffered damages as a result of Defendant's wrongful conduct at least insofar as Plaintiff has been prevented from selling products through Amazon.com, has lost sales, and its seller reputation has been damaged due to Defendant's tortious actions.

WHEREFORE, Plaintiff prays that this Court enter an Order granting the following relief on the claims herein against Defendant:

- A. A declaration that the claim of the '442 Patent is invalid;
- B. A declaration that the '427 Patent is void and unenforceable;
- C. Declaring that Plaintiff is the prevailing party and that this is an exceptional case, awarding Plaintiff its costs, expenses, and reasonable attorney's fees under 35 U.S.C. § 285;
- D. Awarding Plaintiff damages for the injury it suffered due to Defendant's wrongful enforcement of the '442 Patent;
- E. Permanently enjoining Defendant and all those acting in concert or participation with it from attempting to enforce the '442 Patent and/or contacting third-parties to remove Plaintiff's or third-parties' products as infringing the '442 Patent;
- F. Awarding Plaintiff its reasonable attorneys' fees and costs under WASH. REV. CODE § 9.86.090;
- G. Awarding Plaintiff such other and additional and equitable relief as the Court deems just and proper.

Dated April 23, 2024.

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