

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

TSUEN JER ENTERPRISE CO., LTD.,	) )	
Plaintiff,	) )	_____
v.	) )	<b><u>Complaint and Jury Demand</u></b>
CINMAR, LLC.	) )	
d.b.a FRONTGATE	) )	
Defendant.	) )	

Plaintiff Tsuen Jer Enterprise Co., Ltd. (“Tsuen Jer” or Plaintiff), through its attorneys, as its complaint against Cinmar, LLC, which operates under the name Frontgate, (referred to herein as “Frontgate”, “Cinmar” or “Defendant”), alleges as follows:

PARTIES

1. Plaintiff Tsuen Jer Enterprise Co., Ltd. is an entity incorporated and duly existing under the laws of Taiwan, headquartered in Taipei City, Taiwan. Tsuen Jer is a leading manufacturer of home décor clocks, which it sells into the United States and throughout the world. Tsuen Jer owns all right, title and interest in the invention disclosed by, and has standing to sue for infringement of United States

Patent No. 11,079,721 (the “’721 Patent”), which is entitled “Light-Emitting Clock” (Exhibit A).

2. Defendant Cinmar, LLC, upon information and belief, is a limited liability entity duly created and existing under the laws of the State of Delaware with a retail establishment at 1900 Northern Blvd., Unit C2 in Manhasset, NY. 11030 in this District, where it maintains inventory for sale and employs, inter alia, retail sales service personnel. Defendant also does business under numerous different trade names, including Frontgate, Garnet Hill, Grandin Road and Travel-Smith, and sells home decor products, including, without limitation, clocks with illuminated dials which infringe upon the ‘721 Patent (“Infringing Clocks”). More particularly, Defendant, under its Frontgate brand has previously been, and/or is, upon information and belief, manufacturing, using, offering for sale and/or selling in the U.S. and within this District Infringing Clocks that infringe one or more claims of the ‘721 Patent. More particularly, Defendant Cinmar has, literally and/or under the doctrine of equivalents, infringed the ‘721 Patent directly and/or through acts of contributory infringement or inducement in violation of 35 U.S.C. § 271. Such infringement has been as a sole and/or joint tortfeasor.

#### JURISDICTION AND VENUE

3. Jurisdiction exists under 28 U.S.C. § 1338(a) because this is an action for infringement of Tsuen Jer’s ‘721 Patent.

4. (a) The Defendant resides and/or has a regular and established place of business in this judicial district, and has infringed the rights of Tsuen Jer in this judicial district by selling, offering to sell, or distributing clocks that violate Tsuen Jer's '721 Patent, and/or has induced or contributed to infringement of Tsuen Jer's '721 Patent.

(b) Venue is proper under 28 U.S.C. § 1400(b).

## COUNT ONE

### Patent Infringement

5. Tsuen Jer is a manufacturer of clocks, including wall décor clocks, tabletop alarm clocks, mantel alarm clocks, pendulum clocks, and other types of of clocks.


6. Tsuen Jer has long been a leading innovator in the clock industry. To address the inadequacies of existing clocks, Tsuen Jer has employed its over thirty years of experience and its proprietary techniques to develop unique clocks, including its Light-Emitting Clock (the "Invention") which is the subject of the '721 Patent.

7. On September 20, 2018, Tsuen Jer filed a non-provisional U.S. patent application for the Invention including 12 claims (the "Claims"). The subject patent application was published with the Claims on January 30, 2020, under United States

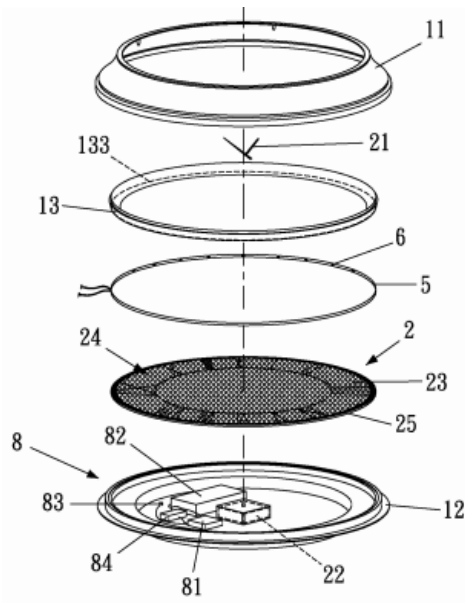
Patent Publication Number US 2020-0033809 A1. On August 3, 2021, the '721 Patent issued on the non-provisional application.

8. Upon information and belief, as more fully appears below, Defendant has sold and/or continues to sell clocks which infringe one or more of the Claims of the '721 Patent, including, without limitation, claims 1, 2, 4-5, and 7-12 (the "Claims"), literally or under the doctrine of equivalents, including at least the Infringing Clocks.

9. The Infringing Clock, including, without limitation the Jameson Illuminated Indoor/Outdoor Clock made and/or sold by Defendant, infringes one or more of the Claims, insofar as they incorporate elements recited in one or more claims of the '721 Patent, for example and not by way of limitation, as set forth in the table below:

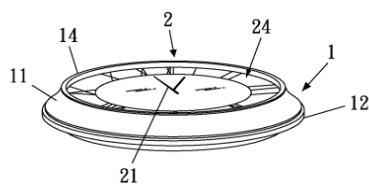
Claim Language	Patent Drawing Figure	Infringing Jameson Clock	Comment
Claim 1: A light emitting clock, comprising:			Both the original clock and the infringing clock are illuminated by substantially identical illumination mechanisms

a case having a front cover, a back cover and a washer,

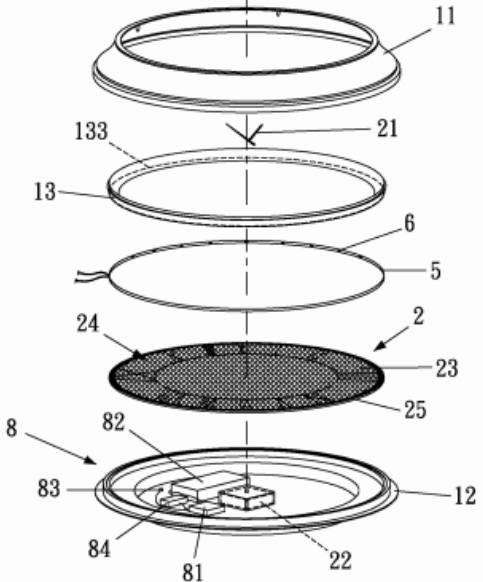

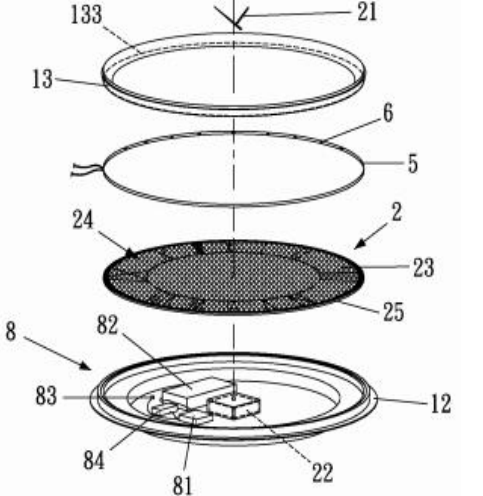

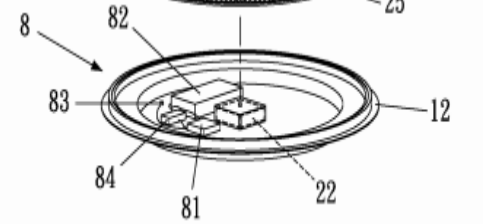



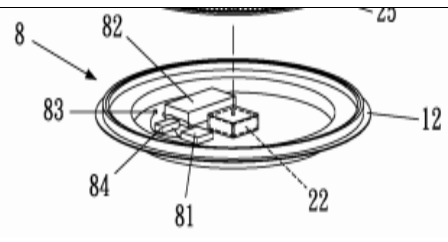
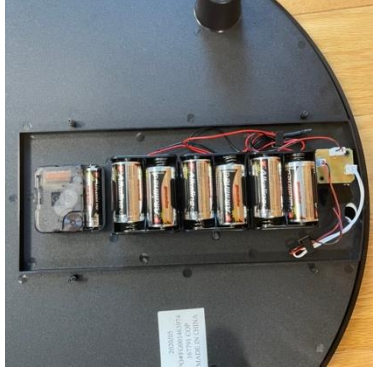
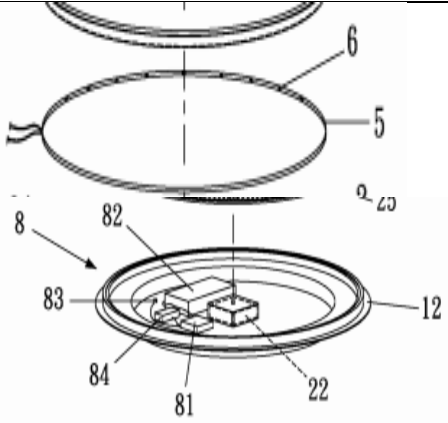

The original clock and the infringing clock include a front cover 11, a back cover 12, and a washer 13.


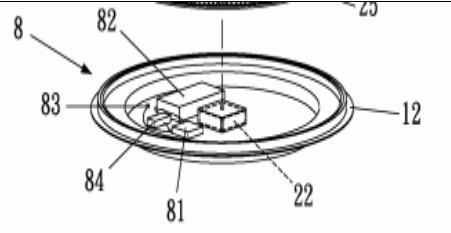
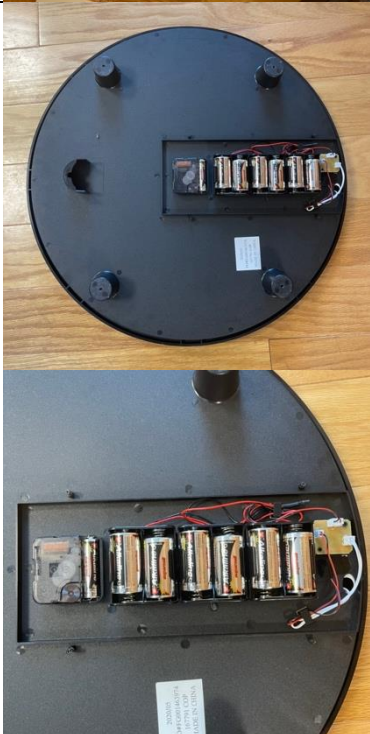
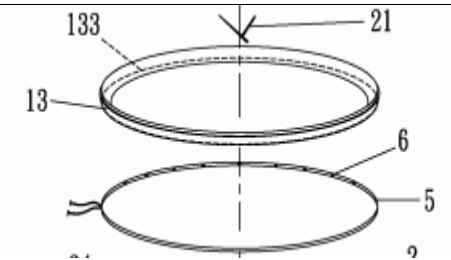

the front cover being coupled to the back cover



The infringing clock's front cover is coupled to the back cover.


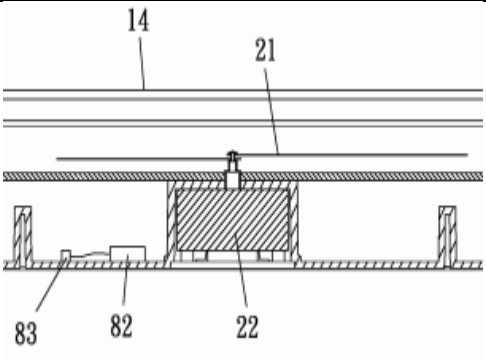
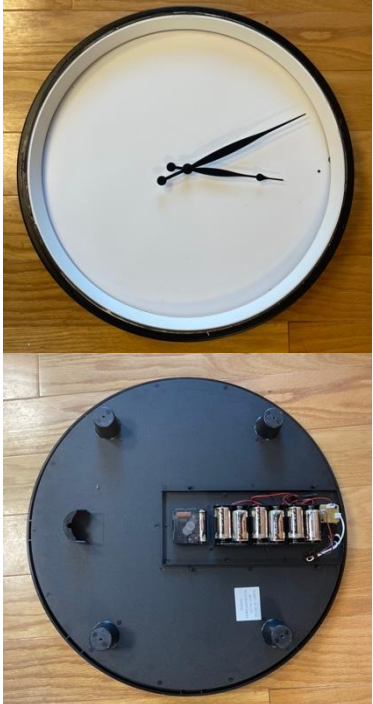
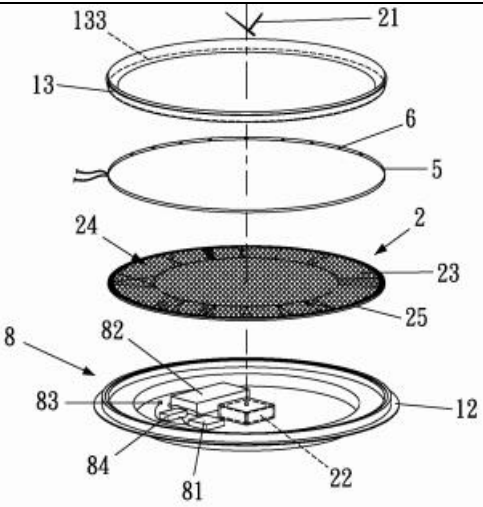

<p>with the washer disposed between the front cover and the back cover;</p>			<p>Both the washer 13 of the original clock and of the infringing clock is disposed between the front cover 11 and back cover 12</p>
<p>a dial disposed between the washer and the back cover;</p>			<p>Both the original clock and the infringing clock include dial 2 which is disposed between washer 13 and back cover 12</p>
<p>a light-emitting mechanism comprising a switch</p>			<p>Both the original clock and the infringing clock include a light-emitting mechanism comprising a switch wherein the infringing clock's switch is a light</p>

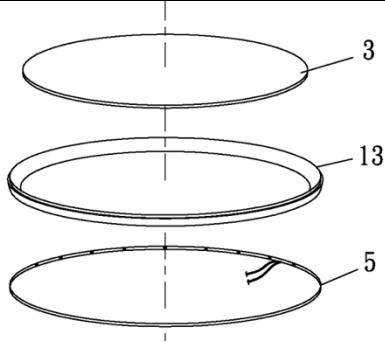

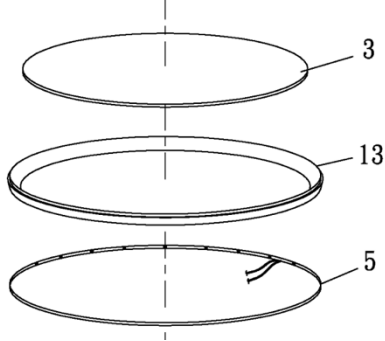


<p>a power unit electrically connected to the switch, and</p>			<p>sensor. Both the original clock and the infringing clock include power unit 82 electrically connected to the switch 81</p>
<p>at least one lamp strip electrically connected to the switch,</p>			<p>Both the original clock and the infringing clock include at least one lamp strip 5 electrically connected to the switch 81</p>

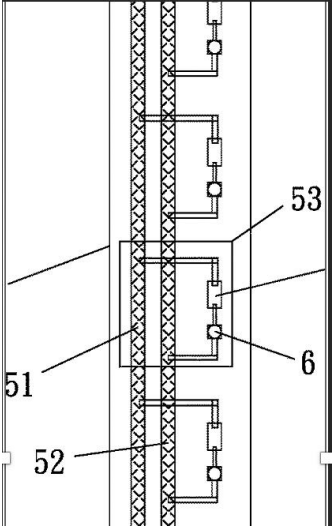

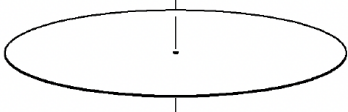

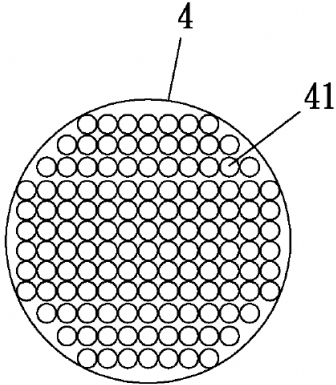

			
<p>wherein the switch and the power unit are disposed on the back cover, with</p>			<p>Both the original clock and the infringing clock have switch 81 and power unit 82 disposed on back cover 12</p>
<p>the lamp strip annularly disposed at the washer, and</p>			<p>Both the original clock and infringing clock have lamp strip 5 annularly disposed at washer 13</p>

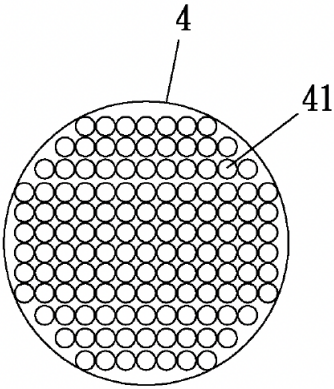

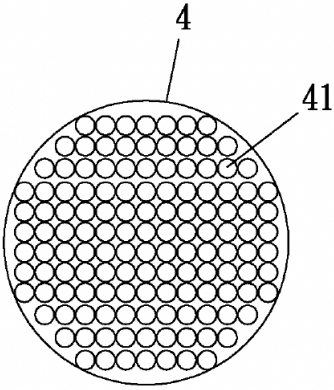



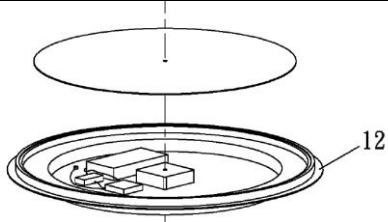

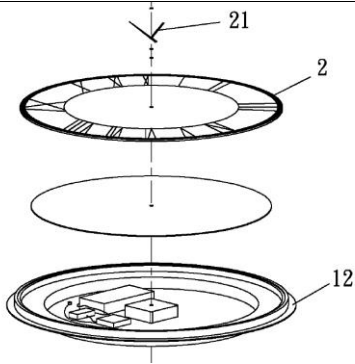

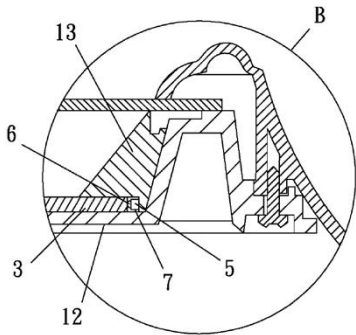
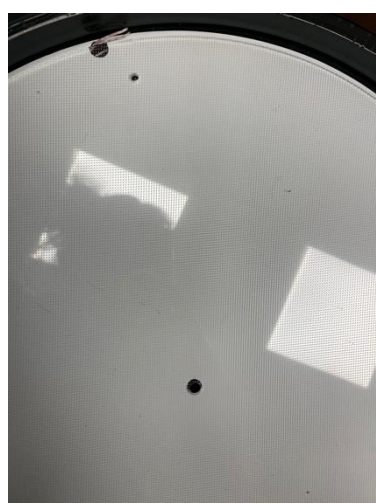
<p>a light-emitting surface of the lamp strip at least faces a rim of the dial</p>			<p>Both the original clock and the infringing clock have lamp strip 5 facing a rim of dial 2</p>
<p>a movement disposed on the back cover; and</p>			<p>Both the original clock and the infringing clock have movement 22 disposed on back cover 12</p>

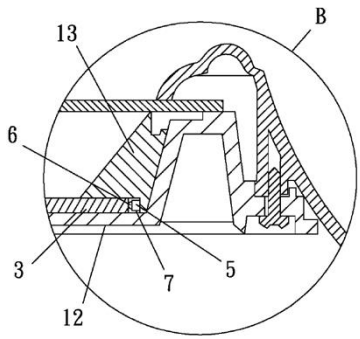

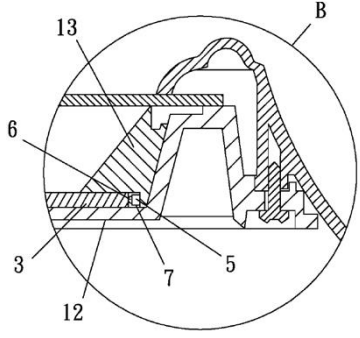

			
<p>a plurality of hands coupled to the movement and</p>			<p>Both the original clock and the infringing clock have plurality of hands 21 coupled to movement 22</p>
<p>corresponding in position to a side of the dial</p>			<p>Both the original clock and the infringing clock have plurality of hands 21 coupled to movement 22 corresponding in position to a side of the dial 2</p>

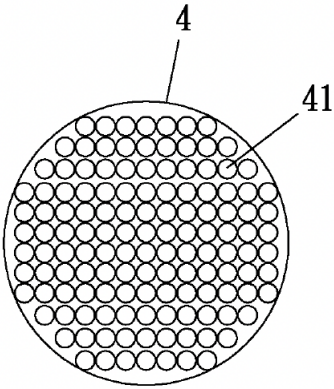
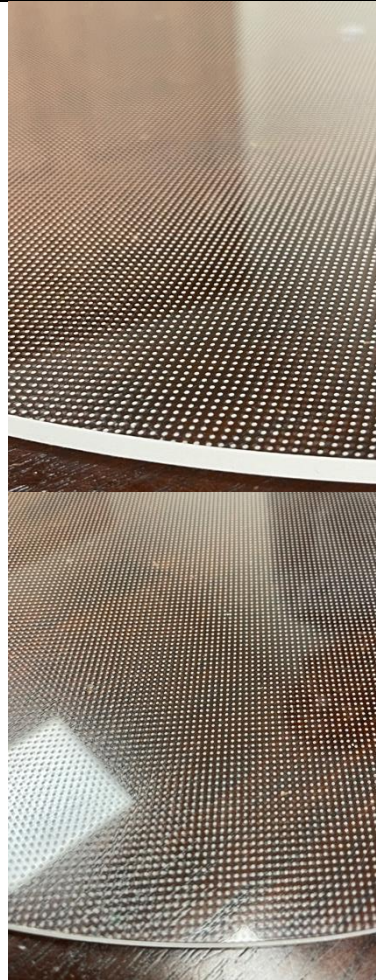
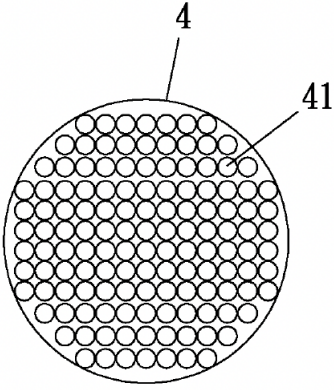
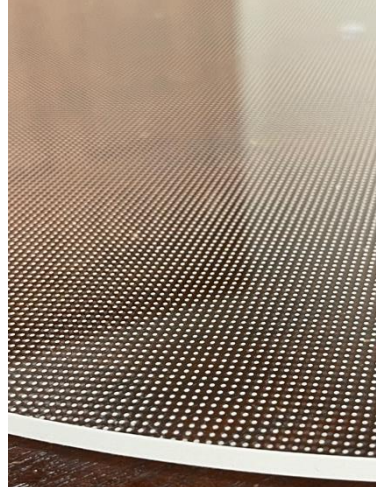
<p>Claim 2: The light-emitting clock of claim 1, wherein a receiving groove is annularly disposed at an inner edge of a bottom of the washer</p>	 <p>An exploded view diagram of a clock face assembly. It shows three circular components stacked vertically along a central vertical dashed line. The top component is labeled '3', the middle component is labeled '13', and the bottom component is labeled '5'. Component 5 has a small notch or feature on its inner edge.</p>	 <p>A close-up photograph of a clock face. A white LED lamp strip is installed in a groove along the inner edge of the clock's bottom. The numbers '1' and '2' are visible on the clock face.</p>	<p>Both the original clock and the infringing clock are the light-emitting clock of claim 1 and have the receiving groove that is annularly disposed at an inner edge of a bottom of the washer.</p>
<p>and the lamp strip is disposed in the receiving groove.</p>	 <p>An exploded view diagram of a clock face assembly, identical to the one in the first row. It shows three circular components labeled '3', '13', and '5' stacked vertically along a central vertical dashed line. Component 5 has a small notch on its inner edge.</p>	  <p>A close-up photograph of a clock face, identical to the one in the first row. Below it is another close-up photograph showing the bottom of the clock. A white LED lamp strip is installed in a groove along the inner edge of the bottom of the clock.</p>	<p>Both the original clock and the infringing clock have a lamp strip disposed in the receiving groove.</p>

<p>Claim 7: The light-emitting clock of claim 1, wherein the lamp strip has a plurality of LED lamps spaced apart.</p>			<p>Both the original clock and the infringing clock are the light emitting clock of claim 1 and have a lamp strip that has a plurality of LED lamps spaced apart.</p>
<p>Claim 8: The light-emitting clock of claim 1, further comprising an acrylic plate</p>			<p>Both the original clock and the infringing clock are the light-emitting clock of claim 1 and have an acrylic plate.</p>
<p>and a screen printing ink layer</p>	 <p style="text-align: center;"><b>FIG. 12</b></p>		<p>Both the original clock and the infringing clock have a screen printing ink layer.</p>


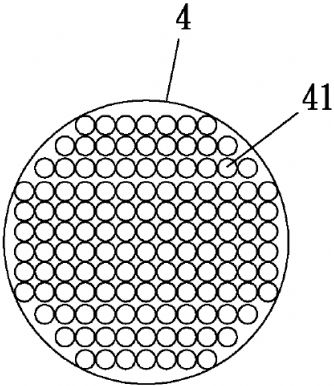
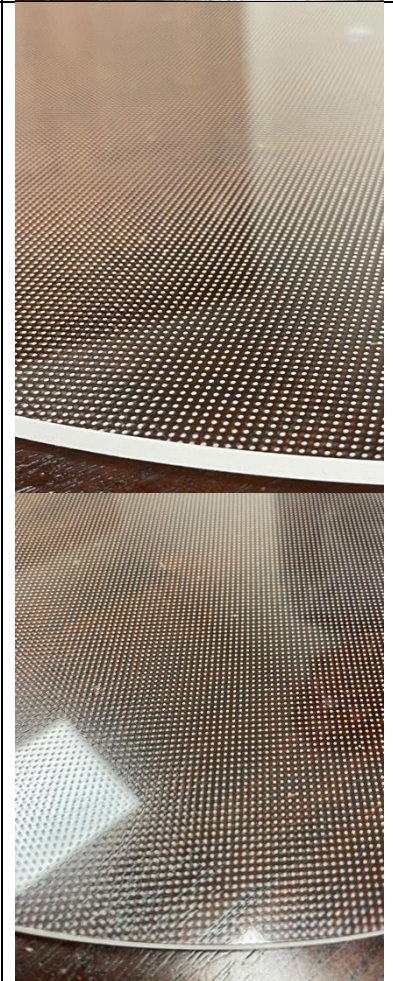
<p>the screen printing ink layer being a white ink layer</p>	 <p>FIG. 12</p>		<p>Both the original clock and the infringing clock have a white screen printing ink layer.</p>
<p>formed on a back of the acrylic plate by screen printing</p>	 <p>FIG. 12</p>		<p>Both the original clock and the infringing clock have a white screen printing ink layer formed on a back of the acrylic plate by screen printing.</p>

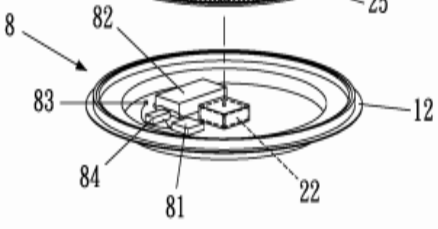

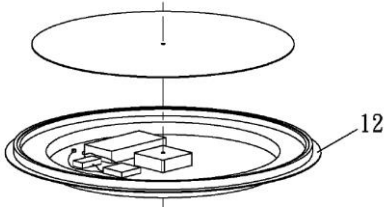

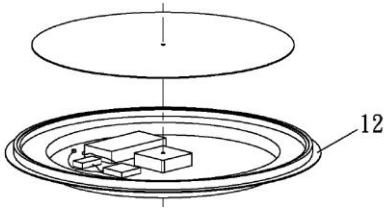

<p>with the acrylic plate abutting against the back cover</p>			<p>Both the original clock and the infringing clock have an acrylic plate that abuts against the back cover.</p>
<p>and the dial disposed on a side of the acrylic plate</p>			<p>Both the original clock and the infringing clock have the dial disposed on a side of the acrylic plate.</p>
<p>such that a relief space is defined by and between the washer, the acrylic plate and the back cover</p>	 <p style="text-align: center;">FIG. 10</p>		<p>Both the original clock and the infringing clock have a relief space between the washer, the acrylic plate and the back cover.</p>

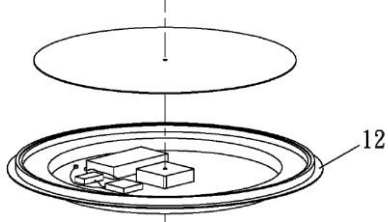

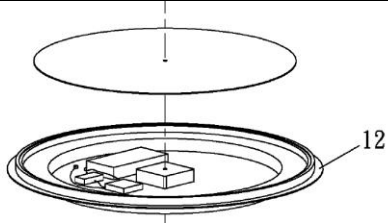

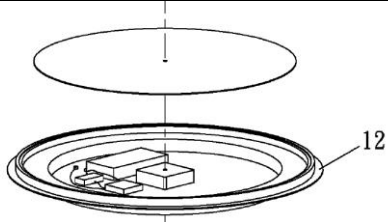

<p>with the lamp strip disposed in the relief space</p>	 <p>FIG. 10</p>		<p>Both the original clock and the infringing clock have a lamp strip disposed in the relief space.</p>
<p>allowing the light-emitting surface of the lamp strip to face a rim of the acrylic plate.</p>	 <p>FIG. 10</p>		<p>Both the original clock and the infringing clock have a structure within which the light-emitting surface of the lamp strip faces a rim of the acrylic plate.</p>

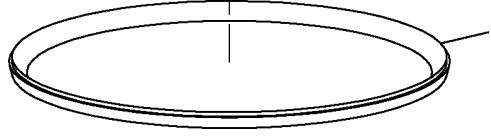



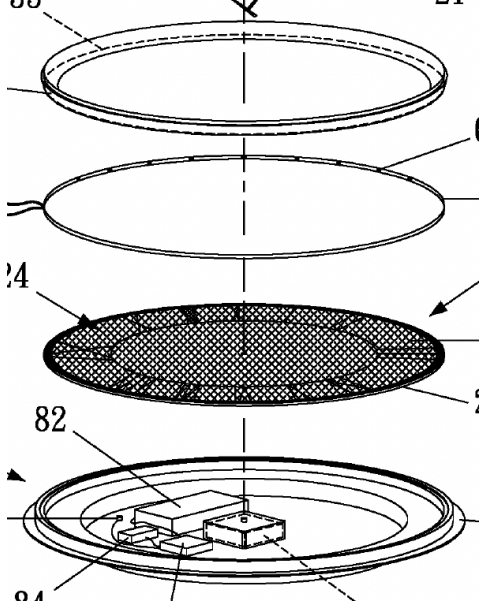

<p>Claim 9: The light-emitting clock of claim 8, wherein the white ink layer has a plurality of round ink points</p>	 <p>FIG. 12</p>		<p>Both the original clock and the infringing clock are the light-emitting clock of claim 8, wherein the white ink layer has a plurality of round link points.</p>
<p>independent of each other</p>	 <p>FIG. 12</p>		<p>Both the original clock and the infringing clock have a white ink layer with a plurality of round link points that are independent of each other.</p>

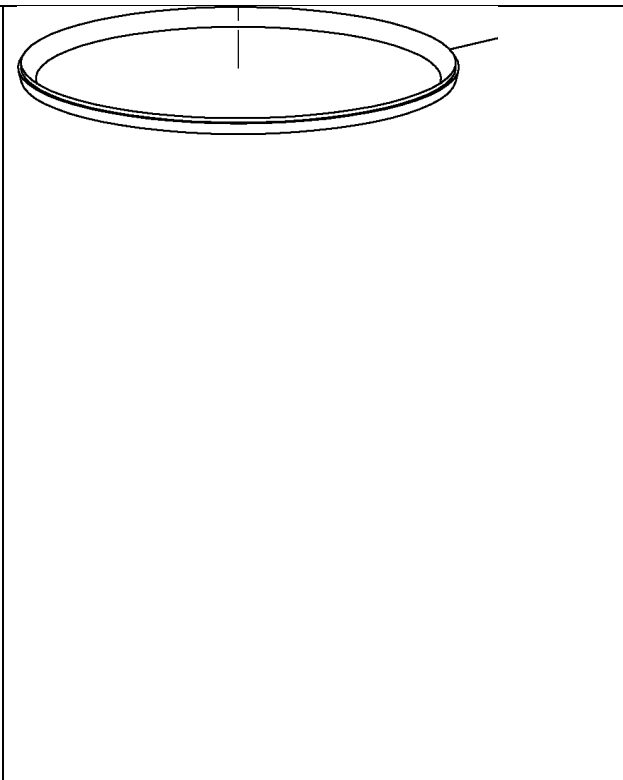

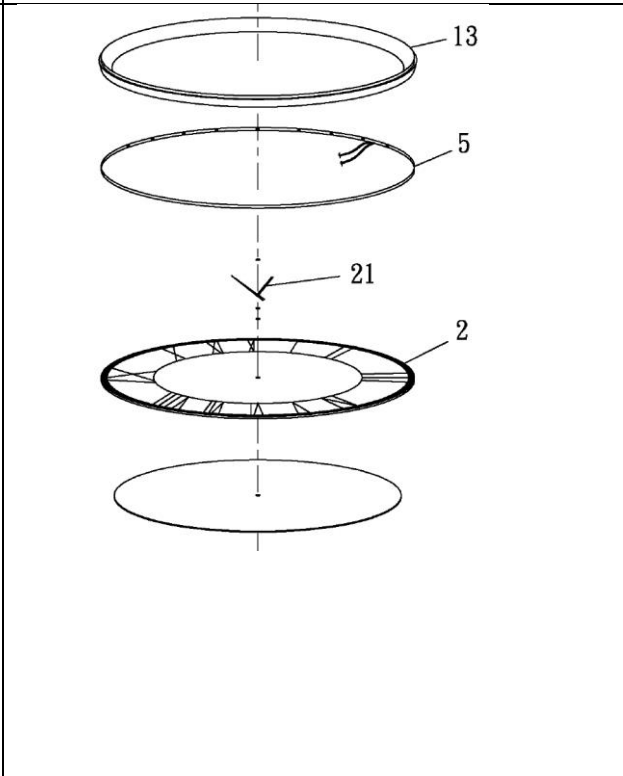



			
<p>and arranged in a matrix.</p>	 <p>FIG. 12</p>		<p>Both the original clock and the infringing clock have a white ink layer with a plurality of round link points that are arranged in a matrix.</p>

<p>Claim 10: The light-emitting clock of claim 8, wherein the back cover has a movement holding chamber</p>			<p>Both the original clock and the infringing clock are the light-emitting clock of claim 8, wherein the back cover has a movement holding chamber</p>
<p>a central abutting surface</p>			<p>Both the original clock and the infringing clock have a central abutting surface.</p>
<p>and a peripheral abutting surface</p>			<p>Both the original clock and the infringing clock have a peripheral abutting surface.</p>

<p>such that the central abutting surface and the peripheral abutting surface abut against</p>			<p>Both the original clock and the infringing clock have a back cover where in the central abutting surface and the peripheral abutting surface abut against the acrylic plate.</p>
<p>and lend support to the acrylic plate from a central</p>			<p>Both the original clock and the infringing clock have a back cover where in the central abutting surface of the back cover lends support to the acrylic plate.</p>
<p>and a periphery, respectively.</p>			<p>Both the original clock and the infringing clock have a back cover where in the peripheral abutting surface lends support to the acrylic plate.</p>

<p>Claim 11: The light-emitting clock of claim 8, wherein the washer is substantially annular</p>			<p>Both the original clock and the infringing clock are the light-emitting clock of claim 8, wherein the washer is substantially annular.</p>
<p>and has an end abutting head</p>			<p>Both the original clock and the infringing clock have a washer with an end abutting head.</p>
<p>for abutting against and contacting the back cover</p>			<p>Both the original clock and the infringing clock have a washer with an end abutting head for abutting against and contacting the back cover.</p>

<p>and a lower abutting surface</p>	 <p>A technical drawing of a circular washer. It shows a top-down view of a thin, flat ring with a slightly raised outer edge. A vertical line through the center indicates the axis of rotation.</p>	 <p>Two photographs showing the physical components. The top photo shows a white circular washer with a dark outer rim, placed on a wooden floor. The bottom photo shows a white clock face with black hands and a dark outer rim, also on a wooden floor.</p>	<p>Both the original clock and the infringing clock have a washer with a lower abutting surface.</p>
<p>for abutting against the acrylic plate</p>	 <p>A technical drawing of a clock assembly in an exploded view. It shows four main components: a top washer (labeled 13), a middle washer (labeled 5), a clock face with Roman numerals (labeled 2), and a bottom acrylic plate. A vertical dashed line through the center indicates the axis of rotation. A double-headed arrow (labeled 21) indicates the distance between the bottom of the clock face (2) and the top of the acrylic plate, showing they are designed to abut.</p>	 <p>Two photographs showing the physical components. The top photo shows a white circular washer with a dark outer rim, placed on a wooden floor. The bottom photo shows a white clock face with black hands and a dark outer rim, also on a wooden floor.</p>	<p>Both the original clock and the infringing clock have a washer with a lower abutting surface for abutting against the acrylic plate.</p>

with the relief space disposed between the lower abutting surface and the end abutting head

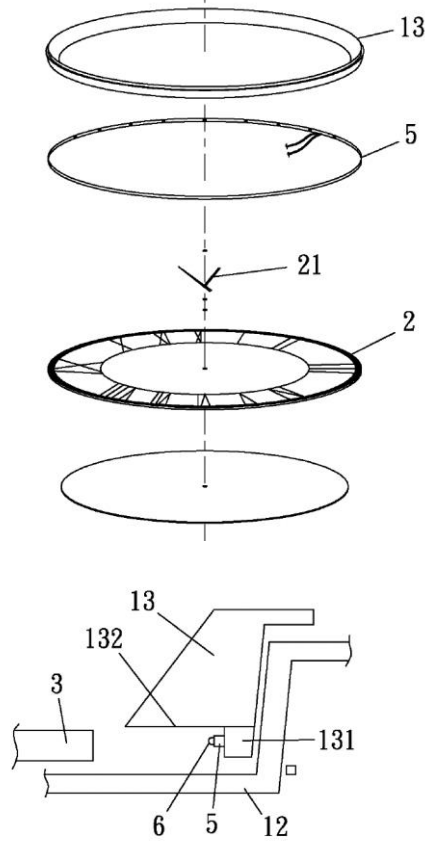
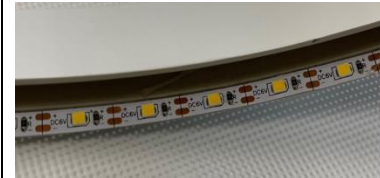
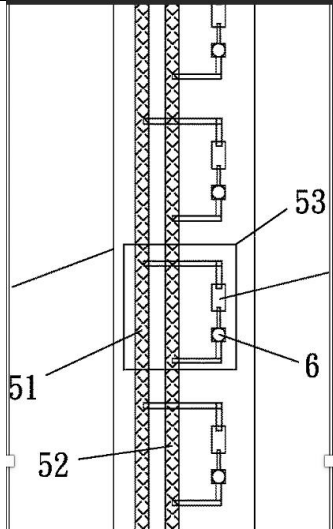


FIG. 11

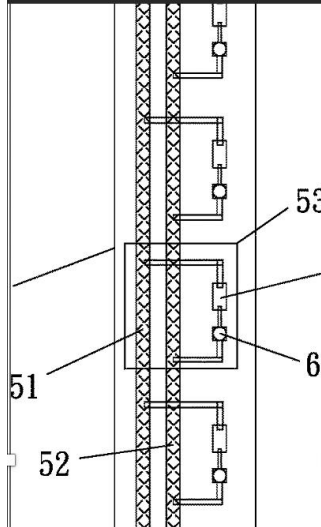

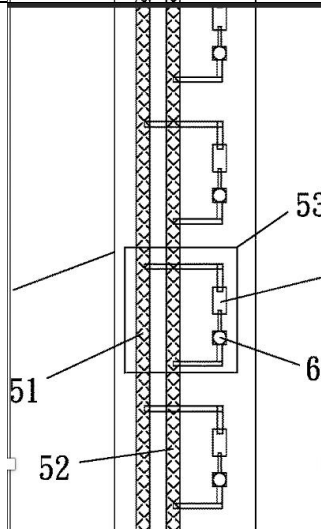

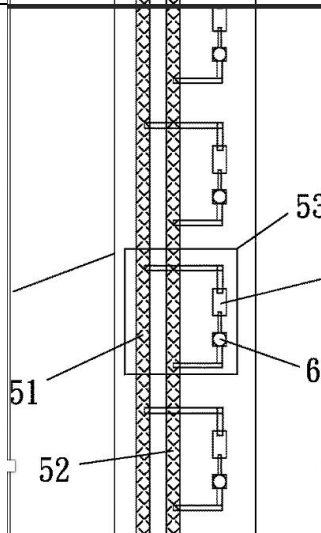
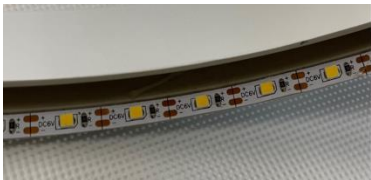


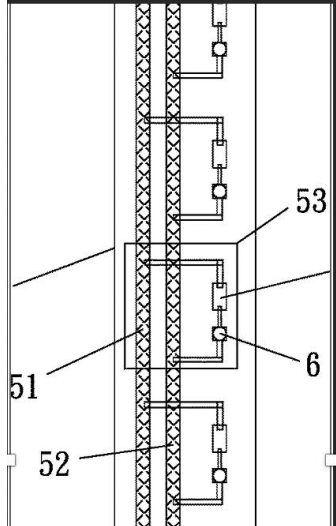

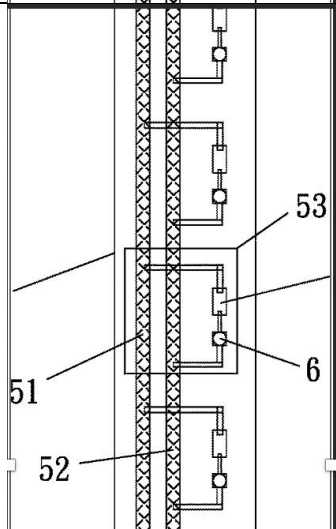

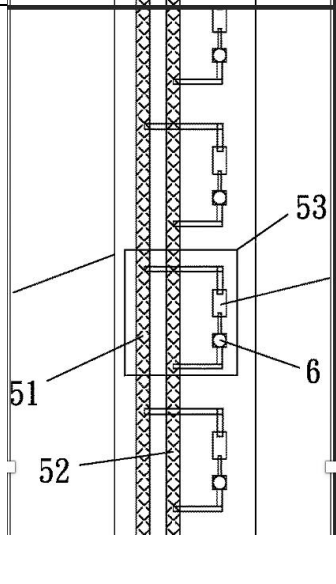
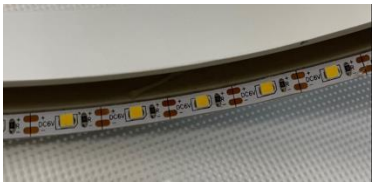
Both the original clock and the infringing clock have a relief space disposed between the lower abutting surface and the end abutting head.

Claim 12: The light-emitting clock of claim 8, wherein the lamp strip has a positive line



Both the original clock and the infringing clock are the light-emitting clock of claim 8, wherein the lamp strip has a positive line.

<p>a negative line</p>				<p>Both the original clock and the infringing clock contain a lamp strip which has a negative line.</p>
<p>and a plurality of shunt circuits</p>				<p>Both the original clock and the infringing clock contain a lamp strip which has a plurality of shunt circuits.</p>
<p>the shunt circuits correlating with each other</p>				<p>Both the original clock and the infringing clock contain a lamp strip which has shunt circuits that correlate with each other.</p>

<p>and each having an LED lamp</p>				<p>Both the original clock and the infringing clock contain a lamp strip which has shunt circuits that each have a LED lamp.</p>
<p>and a resistor</p>				<p>Both the original clock and the infringing clock contain a lamp strip which has shunt circuits that each have a resistor.</p>
<p>in series connection with the LED lamp.</p>				<p>Both the original clock and the infringing clock contain a lamp strip which has shunt circuits that each have a resistor in series connection with the LED lamp.</p>



10. Each and every one of the claim elements of Claim 1 of the '721 Patent, including, without limitation each and every claim element listed above, is literally and/or under the Doctrine of Equivalence present in the Infringing Clock, as illustrated and/or evidenced by the above table, and Claim 1 is, accordingly, infringed by Defendant.

11. By reason of the infringement of Claim 1 as detailed above and the infringement of the other claims of the '721 Patent, including, without limitation, the dependant claims of the '721 Patent whose infringement is illustrated above, the claims of the '721 Patent are infringed by Defendant on account of the inclusion of all the claim elements of infringed claims, for example, as illustrated in the above table.

12. By reason of the infringement of Claim 1 and the inclusion of a plurality of spaced-out LED lamps and inclusion of the corresponding claim elements as illustrated in the above table, Claim 7 of the '721 Patent is infringed by Defendant.

13. By reason of the infringement of Claim 1 and the inclusion of a relief space mechanism consisting of an acrylic plate and screen-printing ink layer, as described in Claims 8-11, and inclusion of the other corresponding claim elements as illustrated in the above table, Claims 8-11 of the '721 Patent are infringed by Defendant.

14. By reason of the infringement of Claim 1 and the inclusion of the electrical mechanism of LED lamps within the Infringing Clock as described in Claim 12 and inclusion of the corresponding claim elements as illustrated in the above table, claim 12 of the '721 Patent is infringed by Defendant.

15. Defendant's actions constitute willful, wanton, malicious and intentional infringement of the rights of Plaintiff, and have damaged Plaintiff. The circumstances of such infringement warrant finding the above complained of infringement to be an exceptional one.

16. By reason of the foregoing acts, including, without limitation, sales of the Infringing Clock and other clocks which infringe upon the '721 Patent, Defendant has committed patent infringement which has damaged Plaintiff.

17. By reason of the acts of Defendants herein alleged, Plaintiff has been damaged, and, unless Defendant is restrained and enjoined preliminarily and permanently from the acts of infringement detailed herein, Defendant has and will continue to cause Plaintiff immediate and irreparable harm.

19. Such damage includes, without limitation, lost profits and/or royalty income. Furthermore, Defendant has been unjustly enriched by such infringement, on account of profits and profits from, convoyed sales.

20. As a direct and proximate result of these acts of patent infringement by Defendant, Plaintiff has sustained and will continue to sustain irreparable damage and injury to its business and profits, in an amount not presently known, but which, upon information and belief, are in excess of \$2,000,000.

#### PRAYER FOR RELIEF

WHEREFORE, Tsuen Jer asks this Court to enter judgment against Defendant and against its subsidiaries, affiliates, agents, servants, employees and all persons in active concert or participation with them, granting the following relief:

A. A finding that the '721 Patent is valid and infringed and an award of damages adequate to compensate Plaintiff for the patent infringement that has occurred, together with prejudgment interest from the date on which infringement began;

B. All other damages permitted by 35 U.S.C. § 284;

C. A finding that the infringement complained of herein has been willful, and an award of three times the amount found in actual damages;

D. A finding that this case is exceptional and an award to Tsuen Jer of Tsuen Jer's attorneys' fees and costs as provided by 35 U.S.C. § 285;

E. An injunction prohibiting further infringement, as well as against the inducement of infringement and contributory infringement of the '721 Patent; and

F. For an order requiring Defendant to account to Plaintiff for its unjust enrichment and profits on Infringing Clocks on account of the complained of patent infringement, and for Defendant to pay to Plaintiff the amount of such unjust enrichment and profits, in an amount to be determined at trial but believed to be in excess of \$2,000,000, plus prejudgment interest;

G. For an order requiring Defendant to pay to Plaintiff the amount of Plaintiff's lost profits, in an amount to be determined at trial but believed to be in excess of \$2,000,000, plus prejudgment interest;

H. For an order requiring Defendant to pay to Plaintiff a reasonable royalty on account of the infringement, in an amount to be determined at trial but believed to be in excess of \$2,000,000, plus prejudgment interest;

I. A judgment and order directing Defendant to pay the costs of this action (including all disbursements) and attorneys' fees; and

J. Such other and further relief as this Court may deem just and equitable.

Respectfully submitted,

TSUEN JER ENTERPRISE CO., LTD.

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May 03, 2024

### DEMAND FOR JURY TRIAL

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

Dated: May 16, 2024

By: /s/ Anthony H. Handal  
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