

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

ATLEISURE, LLC)	
)	
Plaintiff,)	Case No.
)	
v.)	
)	JURY TRIAL DEMANDED
TREASURE GARDEN, INC.)	
)	
Defendant.)	

COMPLAINT

Plaintiff ATLeisure, LLC (“Plaintiff” or “ATLeisure”), files this Complaint against Defendant Treasure Garden, Inc. (“Defendant”), and alleges as follows in its Complaint:

I. NATURE OF THE ACTION

1. This is an action for patent infringement of ATLeisure’s U.S. Patent No. 8,104,492 (“the ‘492 Patent”) (attached as Exhibit 1). ATLeisure asserts the ‘492 Patent against Defendant for making, using, offering to sell, selling, and/or importing various patio and outdoor umbrellas.

II. PARTIES

A. Plaintiff ATLeisure, LLC.

2. Plaintiff ATLeisure, LLC is a limited liability company organized under the laws of Georgia, with its principal place of business located at 1040 Boulevard SE, Suite B, Atlanta, Georgia 30312.

3. Established in 2011, ATLeisure designs, manufactures, markets, and sells umbrellas, furniture, and fire pits for outdoor living. Specifically, ATLeisure's patio and outdoor umbrellas are designed, manufactured, sold, and distributed throughout the United States. Headquartered in Atlanta, Georgia, ATLeisure is a fully integrated U.S., European, and China Operation.

4. ATLeisure represents an exceptional sales and design force with a combined 50 years' experience and is committed to delivering high quality products, patented designs, and superior customer service worldwide. One of ATLeisure's primary product lines is outdoor patio umbrellas sold under the brands ATLEISURE and SEASONS SENTRY.

5. ATLeisure has positioned itself as a leader of outdoor living products with a continued commitment to "on-trend" patented designs and inventions, use of long-lasting materials, and superior engineering.

6. ATLeisure owns numerous patents and trademarks for outdoor patio furniture, and in particular, for outdoor umbrellas. ATLeisure actively enforces its patents, including through cease and desist letters and litigation

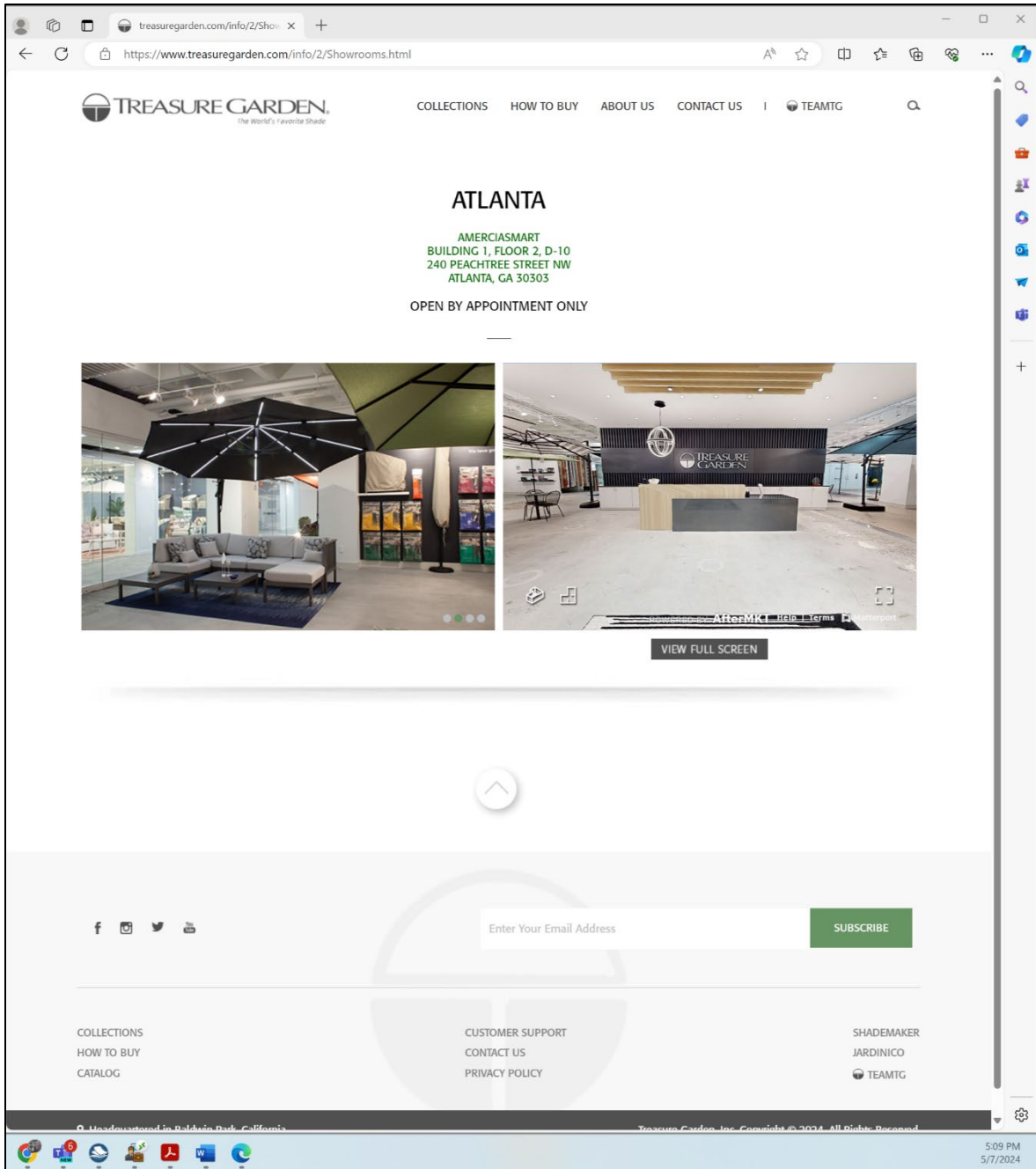
where necessary, and it has licensed its patents on numerous occasions.

B. Defendant Treasure Garden, Inc

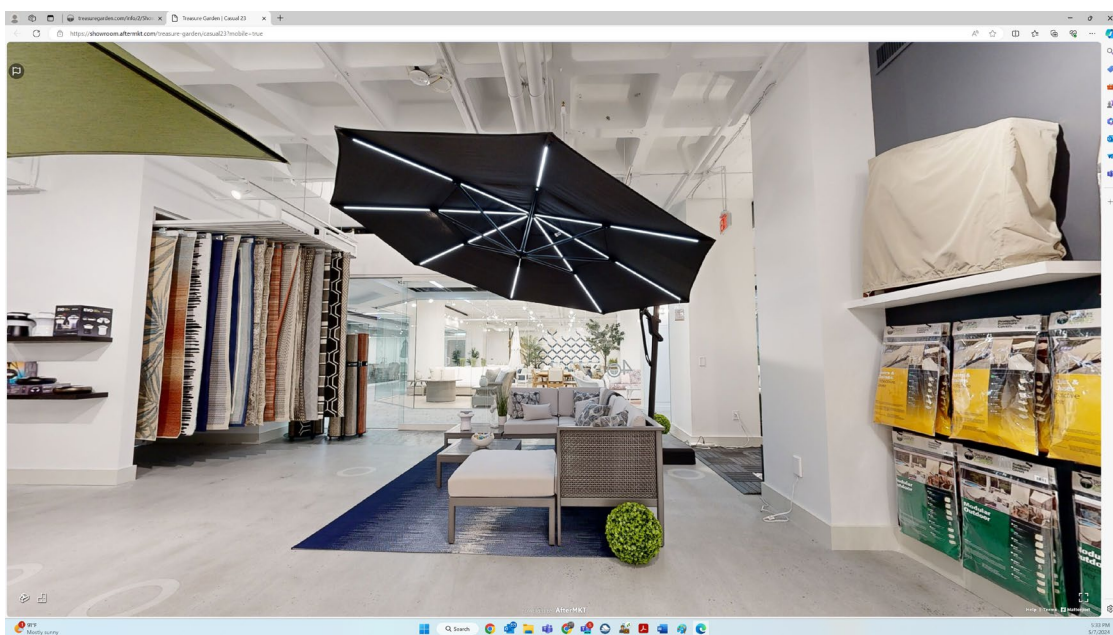
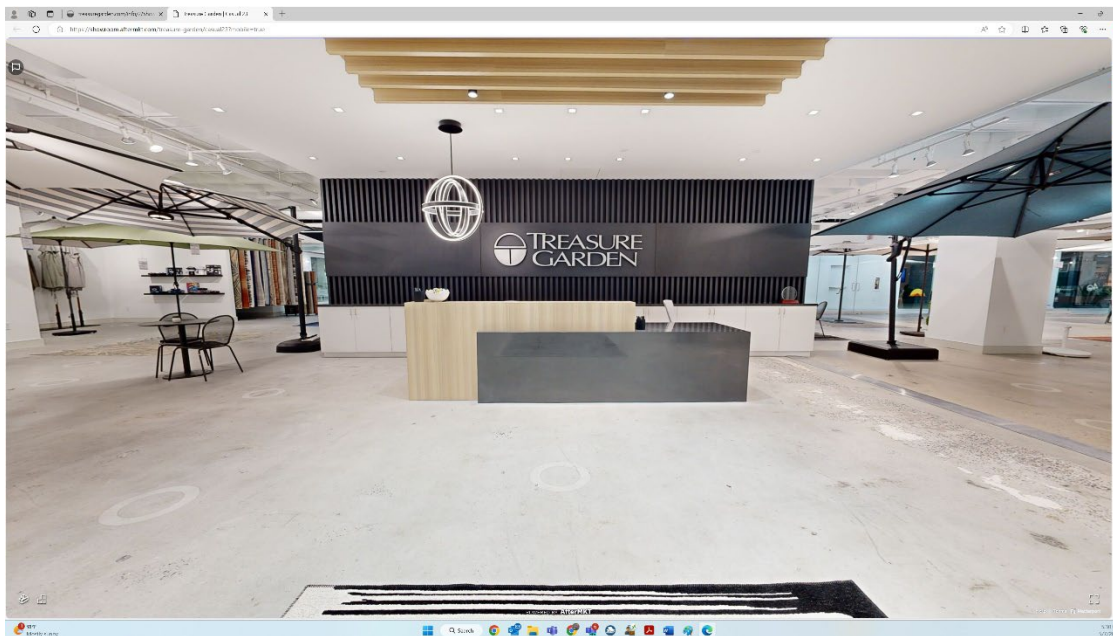
7. Defendant Treasure Garden, Inc. is a California corporation, with its principal place of business located at 13401 Brooks Dr., Baldwin Park CA 91706.

8. Upon information and belief, Defendant advertises, makes, uses, offers to sell, sells, and/or imports products under at least the brand names Treasure Garden and O'Bravia. Upon information and belief, Defendant also advertises, makes, uses, offers to sell, sells, and/or imports products under different white labels, including Allen & Roth, which is sold at Lowe's Home Improvement.

9. Defendant markets its patio umbrellas, including the Starlux AKZ Plus Cantilever and the AKZP13 Plus Cantilever, on its website (<https://www.treasuregarden.com/category/45/Cantilevers.html>). Defendant's website identifies only one company showroom displaying its products, which is located at Amerciamart Building 1, Floor 2, D-10, 240 Peachtree Street NW, Atlanta, GA 30303 (<https://www.treasuregarden.com/info/2/Showrooms.html>):



10. A virtual tour of Defendant's showroom is available on Defendant's website, which prominently displays the Treasure Garden name at the entry, and depicts Treasure Garden-branded products, including the Starlux AKZ Plus Cantilever:



11. Upon information and belief, Defendant has committed infringement and has a regular and established place of business in its showroom in Atlanta. In particular, Defendant advertises, makes, uses, offers to sell, sells or imports ATLeisure's patented invention without authority at its

Atlanta showroom and elsewhere in the United States.

12. Defendant is a direct competitor of ATLeisure's umbrella business.

III. JURISDICTION AND VENUE

13. ATLeisure's patent infringement claims arise under the patent laws of the United States, Title 35 of the United States Code. Accordingly, this Court has jurisdiction over the subject matter of this Complaint under 28 U.S.C. §§ 1331 and 1338(a).

14. This Court has personal jurisdiction over the Defendant by reason of the business that it has transacted and continues to transact in this judicial district and division. In particular, Defendant has made and continues to make, has offered to sell and continues to offer to sell, has sold and continues to sell, has used and continues to use, and has imported and continues to import patio and outdoor umbrellas that infringe valid and enforceable claims of the '492 Patent in its corporate showroom. Upon information and belief, Defendant has a physical location at its corporate showroom at Amerciamart Building 1, Floor 2, D-10, 240 Peachtree Street NW, Atlanta, GA 30303, where Defendant engages in business, including by marketing, offering for sale and selling the Accused Umbrellas.

15. The Court has personal jurisdiction over Defendant pursuant to Georgia's Long Arm Statute because Defendant has operated, conducted, engaged in, or carried on a business or business venture in this state; has

committed tortious acts within the state; and/or has engaged in substantial and not isolated activity within this state, at least through its corporate showroom.

16. Venue is proper in this district and division pursuant to 28 U.S.C. § 1391, 28 U.S.C. § 1400, based on engaging in business and its alleged infringement at a physical location in this District, particularly at its corporate showroom.

IV. FACTUAL BACKGROUND

A. ATLeisure's U.S. Patent No. 8,104,492

17. On January 31, 2012, the United States Patent and Trademark Office duly and legally issued the '492 Patent, titled, "Adjustable Offset Umbrella."

18. ATLeisure has exclusive rights in the '492 Patent, including the right to use and enforce the patent. Treasure Garden is on notice of the '492 Patent and the alleged infringement described herein as to certain of its umbrellas.

B. Defendant's Accused Umbrellas

19. Upon information and belief, Defendant, either directly or through intermediaries (including distributors, retailers, and others), manufactures, ships, distributes, offers for sale, sells, and advertises products within the United States, the State of Georgia, and this judicial district and division,

including through its corporate showroom at Amerciasmart Building 1, Floor 2, D-10, 240 Peachtree Street NW, Atlanta, GA 30303.

20. Upon information and belief, Defendant's umbrellas sold under the Treasure Garden brand include the Starlux AKZ Plus Cantilever and the AKZP13 Plus Cantilever, both depicted on its website here: <https://www.treasuregarden.com/category/45/Cantilevers.html>.

21. Upon information and belief, Treasure Garden manufactures, uses, sells, offers to sell and/or imports umbrellas under the brand ProShade, including the umbrella depicted here: <https://www.costco.com/proshade-10ft-square-led-wood-look-cantilever-umbrella-with-rolling-base.product.4000077543.html>.

22. Upon information and belief, Treasure Garden manufactures, uses, sells, offers to sell and/or imports umbrellas under the brand Allen + Roth, including the umbrella depicted here: <https://www.lowes.com/pd/allen-roth-10-ft-Boulder-Solar-Powered-Cantilever-Patio-Umbrella-with-Base/5013581835?idProductFound=false&idExtracted=true>

23. Each of Defendant's umbrellas identified above infringes the '492 Patent, and Defendant does not have a license to manufacture, advertise, sell, offer for sale, import or use the '492 Patent.

C. Defendant's Patent Infringement

24. Defendant infringes at least Claim 1 of the '492 Patent, as set forth

in the claim chart attached hereto as Exhibit 2, which depicts infringement by one of the Accused Umbrellas. Generally speaking, all of the Accused Umbrellas infringe in the same manner, and the product shown is illustrative.

25. Defendant is on notice of ATLeisure's allegations of infringement, as counsel notified Defendant on or about August 2023, expressly alleging infringement of the '492 patent by the ProShade-branded umbrella. Counsel for ATLeisure subsequently notified Defendant regarding the Allen+Roth branded umbrella in March 2024. Upon information and belief, Defendant continued to make, use, sell, offer for sale, advertise and import the Accused Umbrellas with knowledge of infringement across multiple brands.

26. Defendant has committed and continues to commit acts of patent infringement, whether literally or under the doctrine of equivalents, within the United States, in the State of Georgia, and in this judicial district and division. For example, upon information and belief, Defendant has offered for sale and sold various patio and outdoor umbrellas, including the Accused Umbrellas. On further information and belief, Defendant makes, uses, offers to sell, sells, and/or imports the Accused Umbrellas across the United States, including in Atlanta, Georgia.

V. COUNT I: INFRINGEMENT OF THE '492 PATENT

27. ATLeisure restates and realleges Paragraphs 1 to 26 as if fully stated herein.

28. Upon information and belief, Defendant manufactures, uses, imports, offers for sale and/or sells products in the United States and in this judicial district directly infringe one or more claims of the '492 Patent, literally or under the doctrine of equivalents, as set forth in the claim chart referenced herein.

29. Defendant has failed to cease its actions in response to cease and desist letters from ATLeisure's counsel. To the extent Defendant has infringed or continued to infringe after knowledge of the '492 Patent, such infringement was deliberate, knowing, and willful.

30. ATLeisure, under 35 U.S.C. § 284, may recover damages adequate to compensate for the Defendant's infringement.

31. ATLeisure has been, and continues to be, damaged and irreparably harmed by the Defendant's infringement, which will continue unless this Court enjoins the Defendant.

32. The Court should declare this an exceptional case under 35 U.S.C. § 285, based at least on continued infringement after notice, entitling ATLeisure to recover treble damages and attorneys' fees.

PRAYER FOR RELIEF

ATLeisure prays for judgment in its favor and against the Defendant as follows:

(a) That the Defendant has infringed one or more claims of the '492 Patent;

(b) Once Defendant had knowledge, that the Defendant's infringement has been willful;

(c) That this case be declared an exceptional case under 35 U.S.C. § 285;

(d) That ATLeisure be awarded damages adequate to compensate ATLeisure for the Defendant's infringement of the '492 Patent, including lost profits, but in no event less than a reasonable royalty;

(e) That ATLeisure's damages be trebled;

(f) That ATLeisure be awarded its attorneys' fees and costs;

(g) That this Court enjoin the Defendant, its officers, directors, principals, agents, servants, employees, successors, assigns, affiliates, and all that are in active concert or participation with them, or any of them, from further infringement of the '492 Patent;

(h) That ATLeisure be awarded pre- and post-judgment interest on all damages;

(i) That ATLeisure be awarded all its costs and expenses in this action;
and

(j) Such further and other relief as the Court may deem just and proper.

JURY TRIAL DEMANDED

Pursuant to Federal Rule of Civil Procedure 38, Plaintiff hereby

demands a trial by jury on all issues so triable.

Dated: May 23, 2024.

/s/ Cynthia J. Lee

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Attorneys for Plaintiff

CERTIFICATE OF COMPLIANCE

Pursuant to LR 5.1C, the undersigned counsel certify that the foregoing has been prepared in Century Schoolbook 13 point, one of the four fonts and points approved by the Court.

Respectfully submitted this May 23, 2024.

/s/ Cynthia J. Lee

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