

FOR THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

---

DUTCH CLIPS LLC d.b.a. Dutchware Gear	:	
Plaintiff	:	CIVIL ACTION
	:	
vs.	:	NO.
	:	
GUANGZHOU BUYTHEM IMP & EXP CO., LTD	:	
Defendant	:	
	:	

---

**COMPLAINT**

Plaintiff Dutch Clips Limited Liability Company doing business as Dutchware Gear (“Dutch Clips”) hereby files this Complaint for damages and injunctive relief against Defendant Guangzhou Buythem Imp & Exp Co., Ltd (“Guangzhou”), and hereby alleges as follows:

**NATURE OF THE ACTION**

1. This is an action for patent infringement under 35 U.S.C. § 271. Guangzhou has infringed and continues to infringe on United States Patent Nos. 8,356,370 B1 and 8,650,679 B1.
2. Accordingly, Dutch Clips now brings this action against Defendant for patent infringement under 35 U.S.C. § 271.

**THE PARTIES**

3. Dutch Clips is a Pennsylvania Limited Liability Corporation having a principal place of business at 612 East Walnut Street, Lancaster, Pennsylvania 17602.
4. Guangzhou is a limited company of China with a registered address at Rm. 1001, Building 2, No. 684, Shibeigongye Rd., Dashi St., Panyu Dist., Guangzhou, China 510000.

**JURISDICTION AND VENUE**

5. This Court has jurisdiction over the subject matter of this action under 28 U.S.C. §§ 1331, 1332 and 1338(a).

6. This Court has personal jurisdiction over Defendant by virtue of the fact that Defendant conducts substantial business in Pennsylvania.

7. Venue in this Court is proper under 28 U.S.C. § 1391(b)(2) because a substantial part of the events giving rise to the claims occurred in this District.

**FACTUAL BACKGROUND**

8. Dutch Clips is a manufacturer of quality outdoor equipment, materials, and finished products.

9. Dutch Clips designed and developed a unique hammock system that provides spreader bars for creating a spacious feeling and expanded hammock bed.

10. On January 22, 2013, the United States Patent and Trademark Office (“PTO”) duly and legally issued U.S. Patent No. 8,356,370 (the “’370 Patent”) to Clark Outdoor Products, L.C. A true and correct copy of the ’370 patent is attached hereto as Exhibit A.

11. On February 18, 2014, the PTO duly and legally issued U.S. Patent No. 8,650,679 (the “’679 Patent”) to Clark Outdoor Products, L.C. A true and correct copy of the ’679 patent is attached hereto as Exhibit B.

12. On November 8, 2019, Dutch Clips acquired an ownership interest in both of the ‘679 Patent and the ‘370 Patent (collectively, the “Clark Patents”) as part of a Business Purchase Agreement.

13. Dutch Clips is the owner and assignee of all right, title, and interest in the Clark Patents. Dutch Clips holds the right to sue for and collect all damages for infringement of the Clark Patents, including past infringement.

14. Dutch Clips has invested significant time, energy, and money acquiring the ownership interest in the Clark Patents, and advertising, promoting, and selling the hammock products that are patented under the Clark Patents, as well as ensuring the high quality of products it sells under the Clark Patents.

15. The '679 Patent is generally directed to a hammock having a hammock base having a first end, a second end opposite the first end in a longitudinal direction, a first side, and a second side opposite the first side in a lateral direction. The hammock may be suspended between anchors at each of the first and second ends, and once suspended, the hammock may be spread in the lateral direction using a dynamic spreader system, that may automatically adjust the amount of the spreading in response to changes in the weight, shape, or orientation of contents within the hammock base.

16. The '370 Patent is generally directed to a method for spreading a hammock having a hammock base having a first end, a second end opposite the first end in a longitudinal direction, a first side, and a second side opposite the first side in a lateral direction. The hammock may be suspended between anchors at each of the first and second ends, and once suspended, the hammock may be spread in the lateral direction using a dynamic spreader system, that may automatically adjust the amount of the spreading in response to changes in the weight, shape, or orientation of contents within the hammock base.

17. Guangzhou sells hammock products, namely the Night Cat family of hammock products, including at least the Night Cat Hammock Tent with Underquilt Set DC-01-AGN-SD-

COMBO-US, Night Cat Hammock Tent with Storage Pocket for Sleeping Pad Combo Set Army Green DC-03-AGN-SD-COMBO-US, and Night Cat Hammock Tent with Storage Pocket for Sleeping Pad Combo Set Camouflage DC-03-CAM-SD-COMBO-US, as shown in Exhibits C-1, C-2, and C-3, respectively, (collectively the “Infringing Product”) which infringe on the Clark Patents.

18. Guangzhou has offered to sell and sold the Infringing Product within the United States.

19. Independent claim 1 of the ‘679 Patent recites: a hammock suspended between two anchors, the hammock comprising:

a hammock base defining longitudinal and lateral directions;

a first flexible member deflected to overarch the hammock base;

the hammock base sagging below the first flexible member with slack in the lateral direction; and

the first flexible member applying a force to the hammock base, the force urging lateral spreading of the hammock base, the force being insufficient to remove the slack below the first flexible member.

20. Defendant sells the Infringing Product which includes each and every element of claim 1 and therefore infringes claim 1 of the ‘679 Patent.

21. Independent claim 11 of the ‘679 Patent recites: a hammock system comprising:

one or two flexible members comprising the only lateral spreaders forming part of the hammock system;

a hammock comprising a hammock base, and one or two engagement systems for engaging and retaining the one or two flexible members; and

the one or two flexible members each comprising a collapsible elongated member comprising multiple segments selectively connected by at least one coupler.

22. Defendant sells the Infringing Product which includes each and every element of claim 11 and therefore infringes claim 11 of the ‘679 Patent.

23. Independent claim 15 reads a hammock suspended between two anchors, the hammock comprising:

a hammock base defining longitudinal and lateral directions;

a hammock canopy cooperating with the hammock base to form an enclosure;

the hammock canopy comprising a first end portion, a second end portion, and a door located longitudinally between the first and second end portions;

a first flexible member deflected to overarch the hammock base and suspend the first end portion above the hammock base; and

the first flexible member having a resiliency that both urges lateral spreading of the hammock base and biases the first flexible member toward a vertical orientation without regard to whether the door is fully open, partially open, or fully closed.

24. Defendant sells the Infringing Product which includes each and every element of claim 15 and therefore infringes claim 15 of the '679 Patent.

25. Independent claim 1 of the '370 Patent recites: a method comprising:

obtaining a hammock comprising a hammock base having a first end, a second end opposite the first end in a longitudinal direction, a first side, and a second side opposite the first side in a lateral direction;

obtaining a dynamic spreader system comprising a first flexible member;

suspending the hammock base between two anchors;

spreading the hammock base in the lateral direction using exclusively the dynamic spreader system;

maintaining, by the hammock during the spreading and while the hammock base is unoccupied, the first flexible member deflected to overarch the hammock base; and urging, by the dynamic spreader system during the spreading and while the hammock base is unoccupied, separation of the first and second sides of the hammock base with a force insufficient to flatten the hammock base in the lateral direction.

26. Defendant sells the Infringing Product which includes each and every element of claim 1 and therefore infringes claim 1 of the '370 Patent.

27. Independent claim 9 of the '370 Patent recites: a method comprising:

selecting a hammock comprising:  
a dynamic spreader system,  
a hammock base formed of flexible material and having  
a first end, a second end opposite the first end in a longitudinal direction, a  
first side, and a second side opposite the first side in a lateral direction,  
and  
a hammock canopy cooperating with the hammock base to form an enclosure;  
suspending the hammock base between two anchors;  
spreading the hammock base in the lateral direction using exclusively the dynamic  
spreader system;  
supporting, by the dynamic spreader system while the dynamic spreader system is  
fully installed, the hammock canopy spaced above the hammock base; and  
sagging, by the hammock base, with slack in the lateral direction while the dynamic  
spreader system is fully installed.

28. Defendant sells the Infringing Product which includes each and every element of claim 9 and therefore infringes claim 9 of the '370 Patent.

29. Independent claim 14 of the '370 Patent recites: a method comprising:

30. Defendant sells the Infringing Product which includes each and every element of claim 14 and therefore infringes claim 14 of the '370 Patent.

31. Guangzhou has been aware of the Clark Patents and its infringement thereof since at least March 28, 2024, when undersigned counsel sent Fastsea Trade SarL, an entity of France owned by Guangzhou, correspondence which identified the Clark Patents, specifically identifying and providing a copy of each of the '679 and '370 Patents, as well identifying the Infringing Product.

32. At the time Defendant chose to produce, manufacture, advertise, and sell the Infringing Product, it was well-aware of Dutch Clips' rights and its infringement.

33. Though Dutch Clips has sent Guangzhou, through FastSea Trade SarL, correspondence notifying it of its patent infringement and demanding that it immediately remove

the products infringing on the Clark Patents from the marketplace, Guangzhou has nevertheless willfully refused to take any action to abate its continuing infringements and violations of Dutch Clips' rights.

34. Defendant continues to produce and market its Infringing Product.

35. Defendant's conduct is willful and represents a conscious disregard for Dutch Clips' rights.

**COUNT ONE:**  
**PATENT INFRINGEMENT**

36. Dutch Clips repeats and realleges all foregoing paragraphs as if fully set forth herein.

37. The '679 Patent is valid and enforceable.

38. Defendant infringed the '679 Patent under 35 U.S.C. § 271(a), literally and/or under the doctrine of equivalents, by making, offering to sell, and selling the Infringing Product.

39. Defendant induced infringement of the Clark Patents under 35 U.S.C. § 271(b) by actively, knowingly, and intentionally selling or otherwise supplying the Infringing Product with the knowledge and intent that third parties will use, sell, and/or offer for sale the Infringing Product.

40. Defendants contributed to infringement of the '679 Patent under 35 U.S.C. § 271(c) by selling and/or offering for sale the Infringing Product, knowing that the Infringing Product constitutes a material part of the invention covered by the Clark Patents, knowing that the Infringing Product is especially made or adapted to infringe the Clark Patents, and knowing that the Infringing Product is not staple articles of commerce suitable for substantial non-infringing use.

41. Defendants had actual knowledge of the '679 Patent at least as early as March 28, 2024, when counsel for Dutch Clips notified Defendant of infringement by letter.

42. Defendant willfully infringes the '679 Patent by continuing to make, offer to sell, and sell the Infringing Product despite having actual knowledge of the '679 Patent.

43. The Infringing Product infringes at least one of claims 1-20 of the '689 Patent because the Infringing Product includes each and every limitation of claims 1-20 of the '689 Patent.

44. Detailed claim charts comparing the Infringing Product to independent claims 1, 11, and 15 of the '679 Patent are attached as Exhibit D.

45. Dutch Clips has been and continues to be damaged and irreparably harmed by Defendant's infringement of the '679 Patent.

46. Defendant's infringement of the '679 Patent will continue unless this Court enjoins the infringement.

47. Dutch Clips has no adequate remedy at law.

48. Under 35 U.S.C. § 284, Dutch Clips is entitled to recover damages adequate to compensate for Defendant's infringement.

49. Defendant's infringement of the '679 Patent has been, and continues to be, deliberate, willful, and knowing.

50. The Court should declare this an exceptional case under 35 § U.S.C. 285, entitling Dutch Clips to recover treble damages and attorneys' fees.

51. Pursuant to 35 U.S.C. § 287, the filing of this action constitutes further notice to Defendant of their infringement of the '679 Patent.



**COUNT TWO:  
PATENT INFRINGEMENT**

52. Dutch Clips repeats and realleges all foregoing paragraphs as if fully set forth herein.

53. The '370 Patent is valid and enforceable.

54. Defendant infringed the '370 Patent under 35 U.S.C. § 271(a), literally and/or under the doctrine of equivalents, by making, offering to sell, and selling the Infringing Product.

55. Defendant induced infringement of the Clark Patents under 35 U.S.C. § 271(b) by actively, knowingly, and intentionally selling or otherwise supplying the Infringing Product with the knowledge and intent that third parties will use, sell, and/or offer for sale the Infringing Product.

56. Defendants contributed to infringement of the '370 Patent under 35 U.S.C. § 271(c) by selling and/or offering for sale the Infringing Product, knowing that the Infringing Product constitutes a material part of the invention covered by the Clark Patents, knowing that the Infringing Product is especially made or adapted to infringe the Clark Patents, and knowing that the Infringing Product is not staple articles of commerce suitable for substantial non-infringing use.

57. Defendants had actual knowledge of the '370 Patent at least as early as March 28, 2024, when counsel for Dutch Clips notified Defendant of infringement by letter.

58. Defendant willfully infringes the '370 Patent by continuing to make, offer to sell, and sell the Infringing Product despite having actual knowledge of the '370 Patent.

59. The Infringing Product infringes at least one of claims 1-19 of the '370 Patent because the Infringing Product includes each and every limitation of claims 1-19 of the '370 Patent.

60. Detailed claim charts comparing the Infringing Product to independent claims 1, 9, and 14 of the '370 Patent are attached as Exhibit E.

61. Dutch Clips has been and continues to be damaged and irreparably harmed by Defendant's infringement of the '370 Patent.

62. Defendant's infringement of the '370 Patent will continue unless this Court enjoins the infringement.

63. Dutch Clips has no adequate remedy at law.

64. Under 35 U.S.C. § 284, Dutch Clips is entitled to recover damages adequate to compensate for Defendant's infringement.

65. Defendant's infringement of the '370 Patent has been, and continues to be, deliberate, willful, and knowing.

66. The Court should declare this an exceptional case under 35 § U.S.C. 285, entitling Dutch Clips to recover treble damages and attorneys' fees.

67. Pursuant to 35 U.S.C. § 287, the filing of this action constitutes further notice to Defendant of their infringement of the '370 Patent.

### **CLAIM FOR RELIEF**

Dutch Clips respectfully requests that this Court award the following relief:

- A. Enter a permanent injunction enjoining and restraining Defendant from manufacturing, producing, advertising, or selling the Infringing Product;
- B. An accounting and judgment against Defendant for all profits or other income received from or in connection with the Infringing Product;
- C. Such other and further relief as the equities of the case may require and as this Court may deem just and proper under the circumstances.

BARLEY SNYDER

By: /s/ Matthew M. Hennesy

Matthew M. Hennesy, Esquire

Court ID No. 307020

Joseph R. Falcon, Esquire

Court ID No. 94658

126 East King Street

Lancaster, PA 17602-2893

717-399-1579

[MHennesy@barley.com](mailto:MHennesy@barley.com)

Attorneys for Plaintiff

Breco LLC