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Ideavillage Products Corp.*

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

IDEAVILLAGE PRODUCTS CORP.,

Plaintiff,

v.

HYE JUNG YANG D/B/A 3 JALBI 1,

Defendant.

Civil Action No. 2:24-cv-07657

DEMAND FOR JURY TRIAL

**COMPLAINT FOR DECLARATORY JUDGMENT
OF PATENT NON-INFRINGEMENT**

Plaintiff Ideavillage Products Corp. (“Plaintiff” or “Ideavillage”), by and through its undersigned counsel, hereby files this Complaint against Defendant Hye Jung Yang d/b/a 3 JALBI 1 (“Defendant” or “Yang”) for a declaratory judgment that Plaintiff does not infringe U.S. Patent No. 11,219,348 (“the ’348 Patent”), and in support thereof alleges the following:

NATURE OF THE ACTION

1. This is an action for declaratory judgment of non-infringement of a United States Patent pursuant to the Declaratory Judgment Act, 28 U.S.C. §§ 2201-2202, and the Patent Laws of the United States of America, 35 U.S.C. §§ 1, *et seq.*

2. Ideavillage seeks a declaratory judgment that none of the claims of the '348 Patent are infringed by Ideavillage's Helio Airbroom™ broom ("Accused Product").

3. Yang has accused Ideavillage of patent infringement by alleging that the Accused Product infringes the '348 Patent, thereby creating an actual and justiciable controversy between Ideavillage and Yang. Therefore, without waiver of any rights, Ideavillage brings this declaratory judgment action seeking a declaration that the Accused Product does not infringe the '348 Patent.

THE PARTIES

4. Plaintiff Ideavillage Products Corp. is a corporation organized and existing under the laws of the State of New Jersey, having a place of business at 155 Route 46 West, 4th Floor, Wayne, New Jersey 07470.

5. Upon information and belief, Defendant Hye Jung Yang is a Korean individual doing business as 3 JALBI 1 and residing and/or having a place of business at 103-1603, 45-10, Jugyul-ro, Siheung-si, Gyeonggi-do, 15050, Republic of Korea.

FACTUAL BACKGROUND

Ideavillage and the Accused Product

6. Ideavillage is a leading developer, producer, marketer, and distributor of quality innovative consumer products. Ideavillage promotes and sells its products through national direct response television advertising commonly referred to as "As Seen On TV" ("ASOTV").

Ideavillage also promotes and sells its ASOTV products through well-known mass retail outlets including, without limitation: Kohl's, Wal-Mart, Target, Rite-Aid, CVS, and Walgreens; through catalog companies; online through its own website and its retail customers' websites; as well as through a network of international distributors, among other channels of trade.

7. Ideavillage is among the most well-known, well-respected sources of many of the most popular and most successful ASOTV products sold in the United States.

8. One of Ideavillage's more recent and wildly popular products is its Helio Airbroom™ broom. The Helio Airbroom™ broom is a new type of lightweight broom having a flexible rubber blade that allows it to sweep up debris and dust significantly more effectively than traditional plastic or wooden brooms. Ideavillage promotes and offers for sale its Helio Airbroom™ broom on its website, <https://helioairbroom.com/>, as well as through retailers such as Amazon.com and Kohl's. A screen shot of Ideavillage's website, <https://helioairbroom.com/>, promoting and offering for sale its Helio Airbroom™ broom is attached hereto as **Exhibit 1**.

9. Ideavillage's Helio Airbroom™ broom has achieved great success since its initial introduction into the market in June 2023. The success of the Helio Airbroom™ broom is due in part to its innovative design as well as Ideavillage's marketing and promotional efforts. These efforts include advertising and promotion through television, Ideavillage's website, retailer websites, and other Internet-based advertising, print, participation in trade shows, among other efforts domestically and abroad. The Helio Airbroom™ broom's success is also due to Ideavillage's use of the highest quality materials and processes in making the Helio Airbroom™ broom.

10. As discussed above, Ideavillage sells its Helio Airbroom™ broom on Amazon.com. Amazon.com gives each product listing on its website a unique Amazon Standard

Identification Number (“ASIN”). For example, Ideavillage sells its Helio Airbroom™ broom on Amazon.com under the ASIN B0CX2TQMWH. *See, e.g.*, <https://www.amazon.com/Helio-Air-Broom-Squeegee-Furniture/dp/B0CX2TQMWH> (screenshot attached hereto as **Exhibit 2**).

Yang and U.S. Patent No. 11,219,348

11. Upon information and belief, Yang is doing business in the United States and in this District as 3 JALBI 1 via at least its website, <https://broombi.com/>, and on Amazon.com.

12. Upon information and belief, Yang manufactures, promotes, distributes, offers for sale and sells silicone brooms referred to as the “Broombi.” Yang promotes, offers for sale and sells the Broombi silicone broom on her website, <https://broombi.com/>,¹ as well as on Amazon.com.² Through at least these websites, Yang promotes, offers for sale, and sells its Broombi silicone broom to individuals throughout the United States, including in this District.

13. On January 11, 2022, the United States Patent and Trademark Office issued the ’348 Patent, entitled “Cleaning Device with Auxiliary Cleaner.” Hye Jung Yang and Du Young Yang are listed as the inventors on the face of the ’348 Patent. Yang claims to be the owner of the ’348 Patent and is listed as the assignee on the face of the ’348 Patent. A true and correct copy of the ’348 Patent is attached hereto as **Exhibit 5**.

¹ A screen shot of Yang’s website, <https://broombi.com/>, promoting and offering for sale her Broombi silicone broom is attached hereto as **Exhibit 3**.

² A screen shot of Yang’s Amazon.com listing, https://www.amazon.com/Original-Broombi-All-Surface-Silicone-Squeegee/dp/B0B27BF6HY/ref=sr_1_1_sspa?crd=3G45Y4DPGIO0T&dib=eyJ2IjoiMSJ9.LP3LY6HZ0e69rKxmX4cdQEMnEObwEv6EIP_1TvsN54fDqGQxvEDGjCMvqBfeNbQXypFYNEcp59LFKk27d_ZI2EJenhNSlctGet41NtKZSSoS57BeDkHiYFRP96-0bHTT-4jh5qP8LLPj0OXcCkXPE-Qmcc-JtAWsKB6VjP9fDaqjMeBsFp5UrWDzQ-aQYHaJkixl1h9KQb10tPzxNirFWTnDis1e7w2s9PMGrF_GwAnPUj74QI8PUdKOFGaeZwW95qr5aHVipNdgygqfGRU_BebGNQ8NPTG44Les2T4Zgmg.Ef1U26ZxvWDckPy07NZqEN6XIqyH3jobocYCKtfU_kM&dib_tag=se&keywords=broombi&qid=1720529190&s=hpc&srefix=broombi%2Chpc%2C76&sr=1-1-spons&sp_csd=d2lkZ2V0TmFtZT1zcF9hdGY&th=1, promoting and offering for sale her Broombi silicone broom is attached hereto as **Exhibit 4**.

14. The '348 Patent includes 5 claims, including one independent claim and 4 dependent claims. Independent Claim 1 is directed to a “cleaning device having an auxiliary cleaner” and includes several limitations. Ex. 5 at 8:2-21.

Yang's Acts Creating Subject Matter Jurisdiction and Giving this Court Personal Jurisdiction

15. On or about June 10, 2024, Yang, doing business as 3 JALBI 1, filed a report with Amazon.com alleging that the Accused Product being sold under ASIN B0CX2TQMWH infringes the '348 Patent. *See* June 10, 2024 Email from Amazon.com to Ideavillage, attached hereto as **Exhibit 6** at 1. On or about June 10, 2024 and in response to Yang's report, Amazon.com removed the ASIN B0CX2TQMWH listing from its website. *Id.* In response to Yang's infringement report and in an effort to get the listing back up on Amazon.com, the next day on June 11, 2024, Ideavillage submitted a letter of non-infringement from its patent counsel to Amazon.com. *See* June 11, 2024 Receipt of Non-infringement Letter from Ideavillage to Amazon.com, attached hereto as **Exhibit 7** at 1. Amazon.com did not reinstate the listing for ASIN B0CX2TQMWH until July 1, 2024. For the three weeks that ASIN B0CX2TQMWH was deactivated from Amazon.com (from approximately June 10, 2024 to July 1, 2024), Ideavillage suffered a substantial loss in revenue due solely to Yang's wrongful and improper patent infringement claim.

16. On or about June 28, 2024, Yang, through its counsel, sent a letter to Kohl's – a retailer and customer of Ideavillage – alleging the Accused Product, which Kohl's was and is selling, “is an infringement of [the '348 Patent].” *See* June 28, 2024 Letter to Kohl's, attached hereto as **Exhibit 8** at 1. The letter further states that Yang “is preparing to institute legal action against the supplier, Ideavillage Products Corp., and has notified that company accordingly.” *Id.*

This letter makes an explicit and direct charge of infringement against Ideavillage and the Accused Product.

17. On or about July 1, 2024, Yang, through its counsel, sent a letter to Ideavillage alleging that the Accused Product “is within the scope of at least claim 1 of the [’348] patent” and further stating that Yang “is prepared to take action to seek the remedies afforded by the Patent Laws, including monetary damages and an injunction.” *See* July 1, 2024 Letter to Ideavillage, attached here to as **Exhibit 9** at 1. This letter makes an explicit and direct charge of infringement against Ideavillage and the Accused Product.

18. On or about July 3, 2024, Yang filed an “Amazon Patent Evaluation Express Agreement” (“APEX Notice”) with Amazon.com, alleging that the Accused Product being sold under ASIN B0CX2TQMWH infringes Claim 1 of the ’348 Patent. *See* Yang’s Amazon Patent Evaluation Express Agreement, dated July 3, 2024, attached hereto as **Exhibit 10** at 2 (Exhibit 1 thereto).

19. On or about July 8, 2024, Amazon notified Ideavillage of Yang’s July 3, 2024 APEX Notice filing against ASIN B0CX2TQMWH. *See* Email from Amazon.com to Ideavillage regarding Yang’s Amazon Patent Evaluation Express Agreement, dated July 8, 2024, attached hereto as **Exhibit 11** at 1-2.

20. By way of background, Amazon.com has established the Amazon Patent Evaluation Express (“APEX”) procedure for patent owners to obtain an evaluation of their patent infringement claims against products offered by third-party sellers on Amazon.com. Ex. 10 at 1. The APEX proceeding begins when a patent owner notifies Amazon.com that it believes a product sold under a specified ASIN infringes its patent and requests Amazon.com to evaluate its infringement claim by initiating an APEX proceeding. After receiving the notice of alleged

infringement, Amazon.com sends an APEX agreement to the seller of the accused product. At that point, the seller has three options: (1) it can participate in the APEX proceeding and explain why its product does not infringe the asserted patent, (2) it can do nothing, or (3) it can initiate a declaratory judgment action against the patent owner. Ex. 11 at 1-2.

21. Under option one, if after considering the seller's non-infringement arguments, Amazon.com determines that the infringement claim is likely to succeed, it will remove the product at issue and no longer allow it to be sold on Amazon.com, unless and until a court rules otherwise. *See, e.g.*, Amazon Patent Evaluation Express Procedure, Version 230202, attached hereto as **Exhibit 12** at 3-5.

22. In addition, under option two, if the Amazon.com seller of the allegedly infringing product does not wish to participate in the APEX proceeding, Amazon.com will remove the product by default. Ex. 11 at 2.

23. Finally, under option three, the seller may choose to resolve the matter through formal litigation. Ex. 11 at 1. And, if the seller of the allegedly infringing product files a lawsuit against the patent owner for declaratory judgment of non-infringement of the asserted patent, Amazon.com will allow the accused product to remain for sale on Amazon.com until the litigation is resolved, and presumably remove the product only if the patent owner prevails in the lawsuit. *Id.*

24. Amazon.com is a source of significant sales of the Accused Product for Ideavillage.

25. The e-mail from Amazon.com states that the Accused Product will be taken off Amazon.com unless one of the above-described actions is taken within 21 days of the e-mail, which was sent on July 8, 2024.

26. Due to Yang's aggressive patent assertion campaign, Ideavillage stands to lose substantial revenue and sustain significant damage to its customer relationships, if the matter is not promptly resolved. Such damage to Ideavillage is occurring at least in New Jersey, where Ideavillage is incorporated and located.

JURISDICTION AND VENUE

27. This action arises under the Declaratory Judgment Act, 28 U.S.C. §§ 2201 and 2202, and the Patent Act, 35 U.S.C. § 1 *et seq.* This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331, 1338(a), 2201, and 2202 because Ideavillage's claim arises under the laws of the United States, namely the Patent Act and the Declaratory Judgment Act.

28. The Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331, 1338(a), 2201, and 2202 because Yang has sought to prevent Ideavillage from making, using, offering to sell and selling the Accused Product. As described in detail above, there is an actual and justiciable controversy between the parties regarding whether Ideavillage's Accused Product infringes the '348 Patent. This controversy arises from at least Yang's wrongful infringement assertions against Ideavillage, as outlined above, which have caused and are continuing to cause Ideavillage significant and ongoing irreparable injury. Because this action presents an actual controversy with respect to the non-infringement of the '348 Patent, the Court may grant the declaratory relief sought under 28 U.S.C. §§ 2201 and 2202.

29. This Court has personal jurisdiction over Yang because, upon information and belief, Yang, doing business as 3 JALBI 1, regularly conducts, transacts, and/or solicits business in New Jersey and in this judicial district; contracts to supply goods within New Jersey; drives substantial revenue from her business transactions in New Jersey and in this judicial district;

otherwise avails herself of the privileges and protections of the laws of the State of New Jersey such that this Court's assertion of jurisdiction over Yang does not offend traditional notions of fair play and due process; and/or Yang's above-referenced actions have caused injury to Ideavillage in New Jersey and in this judicial district such that Yang should reasonably expect such actions to have consequences in New Jersey and in this judicial district. For example:

- a. Upon information and belief, Yang, doing business as 3 JALBI 1, was and/or is systematically directing and/or targeting her business activities at consumers in the U.S.,³ including in New Jersey, through, at the very least, Yang's broombi.com website and her merchant storefront(s) on Amazon.com through which consumers in the U.S., including New Jersey, can communicate with Yang, and place orders for, receive invoices for, and purchase Yang's Broombi broom for delivery in the U.S., including New Jersey, as a means of establishing regular business with the U.S., including New Jersey.
- b. Upon information and belief, Yang is a sophisticated seller, operating one or more commercial businesses, and using her merchant storefront(s) on www.broombi.com and Amazon.com to advertise, market, promote, distribute, offer for sale and/or sell Yang's Broombi broom to consumers worldwide, including to consumers in the U.S., and specifically in New Jersey.
- c. Upon information and belief, Yang accepts payment in U.S. Dollars and offers shipping to the U.S., including to New Jersey.

³ Yang's intent to target the United States cannot reasonably be disputed, given, among other things, that Yang owns at least one U.S. patent (the '348 Patent) and one U.S. trademark registration (U.S. Trademark Registration No. 6,127,115).

- d. Upon information and belief, Yang has transacted business with consumers located in the U.S., including New Jersey, for the sale and shipment of the Broombi broom.
- e. Upon information and belief, (1) Yang purposefully directed its wrongful patent assertion campaign, including filing its APEX Notice, against Ideavillage, a company incorporated and located in New Jersey, (2) Ideavillage's claim set forth herein arises out of Yang's wrongful patent assertion campaign that took place in and/or impacts Ideavillage in New Jersey, and (3) Yang is aware that her wrongful patent assertion campaign is likely to cause injury to Ideavillage in the U.S. and in New Jersey.

30. For all of these reasons, the Court has personal jurisdiction over Yang and the assertion of personal jurisdiction over Yang is reasonable and fair.

31. Venue is proper, *inter alia*, pursuant to 28 U.S.C. § 1391 because, upon information and belief, Yang, doing business as 3 JALBI 1, conducts, transacts, and/or solicits business in this judicial district, is subject to personal jurisdiction in this judicial district, and a substantial part of the events or omissions giving rise to the claims and damages to Ideavillage occurred in this judicial district as a result of Yang's conduct as alleged herein.

COUNT I
(Declaratory Judgment of Non-Infringement of the '348 Patent)

32. Ideavillage repeats, realleges, and incorporates by reference the allegations set forth in Paragraphs 1 through 31 as if set forth herein in their entirety.

33. There is an actual controversy between Ideavillage and Yang as to alleged infringement of the '348 Patent.

34. The Accused Product has not and does not infringe any of the claims of the '348 Patent.

35. The '348 Patent has only one independent claim, which is reproduced below. The remaining claims, Claims 2-5, all depend, directly or indirectly, from independent Claim 1.

36. Claim 1 of the '348 Patent recites:

Limitation	Claim Language
1[PRE]	A cleaning device having an auxiliary cleaner, the cleaning device comprising:
1[A]	a bar-shaped grip coupled to a tubular housing at a bottom;
1[B]	a rigid main cleaner including the tubular housing and a plurality of frames connected to a bottom of the tubular housing; and
1[C]	the auxiliary cleaner coupled to a coupler extending from the bottom of the frames, wherein the coupler is inserted into an inside of the auxiliary cleaner such that the auxiliary cleaner surrounds the coupler,
1[D]	wherein the auxiliary cleaner includes:
1[E]	a plate-shaped scraper connected to a bottom of the main cleaner;
1[F]	a plurality of main protrusions arranged along a longitudinal direction of the scraper and protruding from both lower surfaces of the scraper; and
1[G]	auxiliary protrusions protruding in the form of a wall in a longitudinal direction of the scraper from at least one side of a top and a bottom of the main protrusions.

37. Ideavillage's Accused Product does not infringe any claims of the '348 Patent, either directly or indirectly, literally or under the doctrine of equivalents.

38. By way of example, the Accused Product does not satisfy at least limitations 1[B] and 1[C] of Claim 1 of the '348 Patent.

39. The rest of the claims of the '348 Patent, Claims 2-5, depend, either directly or indirectly from Claim 1. Dependent claims cannot be infringed if the independent claim from which they depend is not infringed. Therefore, Ideavillage's Accused Product does not infringe

and has not infringed any of the claims of the '348 Patent for at least the same reasons described above for Claim 1.

40. Based on the foregoing, an actual controversy has arisen and now exists between Ideavillage and Yang regarding Ideavillage's alleged infringement of the '348 Patent that warrants issuance of a declaratory judgment pursuant to 28 U.S.C. § 2201 *et seq.* and Fed. R. Civ. P. 57 that Ideavillage has not infringed any claim of the '348 Patent.

41. A judicial declaration is necessary and appropriate so that Ideavillage may ascertain its rights regarding the '348 Patent, including its rights to manufacture, use, offer to sell, sell, and/or import from and/or to this judicial district the Accused Product.

42. As a result of the foregoing, and to avoid further imminent harm to its business and harassment of its customers with meritless infringement claims, Ideavillage seeks and is entitled to a declaratory judgment that the Accused Product has not and does not infringe any claim of the '348 Patent.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff Ideavillage Products Corp. prays for a judgment in its favor, including:

A. A declaration that the Accused Product has not and does not directly or indirectly infringe, either literally or under the doctrine of equivalents, any claim of the '348 Patent;

B. A preliminary and permanent injunction ordering Yang to withdraw and retract its APEX Notice against Ideavillage's Accused Product that she has lodged with Amazon.com and to make no further complaints of infringement to Amazon.com against Ideavillage's Accused product based on the '348 Patent or any related patent;

C. A declaration that this case is an exceptional case pursuant to 35 U.S.C. § 285;

D. An award of Ideavillage's reasonable attorneys' fees, costs, and expenses under 35 U.S.C. § 285, any applicable New Jersey statutes, or common law; and

E. Such other and further relief as the Court deems just and proper.

DEMAND FOR JURY TRIAL

Pursuant to Rule 38 of the Federal Rules of Civil Procedure, Ideavillage hereby demands trial by jury in this action of all issues so triable.

DATED: July 9, 2024

Respectfully submitted,

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