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10 **UNITED STATES DISTRICT COURT**
 11 **FOR THE SOUTHERN DISTRICT OF CALIFORNIA**

12
 13 SANDBONI, INC.

14 *Plaintiff,*

15 v.

16 ALL TERRAIN BARS LLC, and
 17 RONALD BURGESS

18 *Defendants.*

Case No. '24CV1345 JLS DDL

**COMPLAINT FOR PATENT
 INFRINGEMENT**

JURY TRIAL DEMANDED

19
 20 Plaintiff, Sandboni, Inc. (“Sandboni” or “Plaintiff”), for its Complaint against
 21 Defendants, All Terrain Bars LLC and Ronald Burgess (together “Defendants”),
 22 alleges as follows:

23 **NATURE OF PROCEEDINGS**

24 1. This is a civil action under 35 U.S.C. § 271, *et seq.*, by Sandboni against
 25 Defendants for the infringement of U.S. Patent No. 10,703,400 entitled “Motorized
 26 Vending Cart” (the ’400 Patent). Defendants have improperly made, used, sold,
 27 offered to sell and/or imported, and, on information and belief, induced others to use,
 28

1 sell and/or offer to sell in the United States infringing motorized vending carts in
2 violation of Sandboni's patent rights.

3 **PARTIES**

4 2. Sandboni is a Florida corporation having a principal place of business at
5 14335 Pebble Beach Blvd, Orlando, FL 32826.

6 3. Upon information and belief, Defendant All Terrain Bars LLC is a
7 California corporation having a principal place of business at 1560 Vista Del Lago,
8 Fallbrook, CA 92028.

9 4. Upon information and belief, Defendant Ronald Burgess is a California
10 resident. Mr. Burgess is personally liable for patent infringement based on his actions
11 as an individual. Additionally, Mr. Burgess is the sole shareholder of All Terrain Bars
12 LLC and has treated the business such that it is proper to pierce the corporate veil and
13 hold Mr. Burgess personally liable for the actions taken by All Terrain Bars LLC
14 under his direction.

15 **JURISDICTION AND VENUE**

16 5. This is a civil action for patent infringement arising under the patent laws
17 of the United States, 35 U.S.C. § 271 *et seq.*

18 6. This Court has subject matter jurisdiction under 28 U.S.C. §§ 1331 and
19 1338.

20 7. This Court has personal jurisdiction over Defendants under 28 U.S.C.
21 §1391 because Defendants have committed, and continue to commit, acts of
22 infringement in this district, as explained in further detail below.

23 8. Venue is proper under 28 U.S.C. § 1400(b) because Defendants have a
24 regular and established place of business in this judicial district and have committed,
25 and continue to commit, acts of infringement in this judicial district. In particular,
26 Defendants have a regular and established place of business at 1560 Vista Del Lago,
27
28

1 Fallbrook, CA 92028, and have manufactured and sold product that infringes the '400
2 Patent in this district as explained in more detail below.

3 **CORPORATE VEIL**

4 9. Upon information and belief, Mr. Burgess has treated All Terrain Bars
5 LLC in such a manner that it is proper to pierce the corporate veil and hold Mr.
6 Burgess personally liable for the actions taken by All Terrain Bars LLC under his
7 direction.

8 10. There is no real separation between Mr. Burgess and All Terrain Bars
9 LLC. Mr. Burgess conducts All Terrain Bars business from his personal cell phone
10 and email account and maintains All Terrain Bars' Instagram page under his own
11 name.

12 11. Upon information and belief, Mr. Burgess manufactures the accused
13 carts out of his residential garage and films promotional videos at his private
14 residence.

15 12. Further, upon information and belief, All Terrain Bars LLC is
16 undercapitalized under the direction of Mr. Burgess.

17 13. Mr. Burgess has personally been made aware of the patent in suit, has
18 been advised of the infringement, has been presented with offers by Sandboni to
19 resolve the matter, and has nonetheless willfully and intentionally directed the
20 business to continue infringing the patent.

21 **THE PATENT-IN-SUIT**

22 14. Sandboni makes and sells food and beverage carts. Sandboni has
23 invested heavily in developing and protecting its intellectual property including
24 obtaining U.S. Patent No. 10,703,400 for a "Motorized Vending Cart" (the '400
25 Patent).

26 15. On July 7, 2020, the '400 Patent was duly and legally issued by the
27 United States Patent and Trademark Office. A true and correct copy of the '400 Patent
28

1 is attached hereto as Exhibit A.

2 16. Sandboni is the owner, by assignment, of the '400 Patent which was duly
3 and lawfully issued by the United States Patent and Trademark Office on July 7, 2020.

4 17. Sandboni has marked its motorized vending carts with the number for
5 the '400 Patent since at or near the date of issuance of the '400 Patent.

6 **DEFENDANTS' KNOWLEDGE OF THE '400 PATENT**

7 18. Sandboni became aware of Defendants' infringement in November 2022
8 at the International Association of Amusement Parks and Attractions Conference in
9 Orlando, Florida. Since at least this date, Defendants have been manufacturing,
10 advertising, and selling its "Sand Bar" Mobile Bar and Mobile Bar Business Package
11 (which includes a Sand Bar) (together the "Accused Products").

12 19. In 2023, Sandboni reached out to Defendants, alerting Defendants of its
13 infringement of the '400 Patent. At that time Defendants indicated that they had only
14 sold five Sand Bars and would be interested in working as a Sales Representative for
15 Sandboni in an effort to avoid litigation.

16 20. Taking Defendants in good faith, Sandboni provided Defendants with a
17 Sales Representative Agreement. *See* Exhibit B. Defendants declined to respond.

18 21. In May 2024, Sandboni, in a repeated effort to protect its intellectual
19 property, sent a letter to Defendants expressing a desire to resolve the issue of
20 Defendants' infringement.

21 22. Defendants and representatives for Sandboni engaged in conversation.
22 Defendants represented that they had now sold over 60 of the Accused Products.
23 Despite Sandboni's effort to resolve the issue, Defendants again stopped responding.

24 23. Now, Sandboni, in order to protect its intellectual property, is left with
25 no option but to initiate this litigation.

26 24. Defendants, despite having knowledge of the '400 Patent since at least
27 2023, that its manufacture and sale of the Accused Products was an infringement of
28

1 the '400 Patent and specifically being put on notice of its patent infringement,
2 continue to manufacture and sell the Accused Products. As demonstrated in Exhibit
3 C, Defendants continue to market and sell the Accused Products as of June 26, 2024.

4 **COUNT I**

5 **INFRINGEMENT OF THE '400 PATENT**

6 25. All preceding paragraphs of this Complaint are hereby incorporated by
7 reference as if fully set forth herein.

8 26. Sandboni is the owner of the U.S. Patent No. 10,703,400.

9 27. Upon information and belief, Defendants manufacture and sell the
10 Accused Products which include motorized vending carts with thermally insulated
11 containers and appliances. *See* Exhibit C.

12 28. Claim 1 of the '400 Patent recites:

13 A motorized vending cart, comprising:

14 a drive base;

15 one or more drive motors mounted to the drive base and configured to
16 rotate a plurality of wheels;

17 a thermally insulated container mounted to the drive base;

18 a power inverter mounted to the drive base;

19 a battery bank mounted to the drive base and including one or more
20 batteries, the battery bank in electrical connection with the one or more drive motors
21 and the power inverter;

22 a vending cart body mounted to the drive base and at least partially
23 surrounding the thermally insulated container and the one or more drive motors, the
24 vending cart body defining:

25 a cooler opening permitting access to the thermally insulated container;

26 and

27 a vending section.
28

1 a control panel electrically connected to and configured to control the
2 one or more drive motors; and

3 an appliance mounted to the vending section of the vending cart body
4 and electrically connected to the power inverter.

5 29. The motorized vending cart of the Accused Products includes a drive
6 base; one or more drive motors mounted to the drive base and configured to rotate a
7 plurality of wheels; a thermally insulated container mounted to the drive base; a power
8 inverter mounted to the drive base; a battery bank mounted to the drive base and
9 including one or more batteries, the battery bank in electrical connection with the one
10 or more drive motors and the power inverter; a vending cart body mounted to the drive
11 base and at least partially surrounding the thermally insulated container and the one
12 or more drive motors, the vending cart body defining: a cooler opening permitting
13 access to the thermally insulated container; and a vending section; a control panel
14 electrically connected to and configured to control the one or more drive motors; and
15 an appliance mounted to the vending section of the vending cart body and electrically
16 connected to the power inverter.

17 30. Therefore, the Accused Products infringe at least independent claim 1 of
18 the '400 Patent, as well as claims 2-6 of the '400 Patent.

19 31. The activities of Defendants in manufacturing or having manufactured,
20 using, importing, selling and/or offering to sell the Accused Products constitutes
21 direct infringement under 35 U.S.C § 271(a).

22 32. Upon information and belief, Defendants have sold at least 60 infringing
23 Motorized Vending Carts. But-for this infringement, Plaintiff would have made such
24 sales. Plaintiff thus has been damaged in the form of lost profits in an amount
25 exceeding \$750,000. Defendants made sales of other goods and services, ancillary to
26 its infringing sales, which ancillary sales should also be accounted for in assessing
27 damages to Plaintiff.

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1 A. Defendants, its officers, employees, agents, and those persons in active
2 participation with them be permanently enjoined from infringing the '400 Patent;

3 B. Judgment be entered finding that Defendants infringe the '400 Patent;

4 C. Defendants be ordered to pay damages of at least \$750,000 to Plaintiff
5 pursuant to 35 U.S.C. § 284, including interest from the dates of infringement,
6 resulting from Defendants' infringement of the '400 Patent;

7 D. Defendants be ordered to pay Sandboni treble damages of at least \$2.25
8 million pursuant to 35 U.S.C. § 284, resulting from Defendants' continued and willful
9 infringement of the '400 Patent;

10 E. Sandboni be awarded its costs of this action and reasonable attorneys'
11 fees pursuant to 35 U.S.C. § 284 and 285; and

12 F. Sandboni be awarded such further relief as this Court may deem just and
13 proper.

14 **DEMAND FOR JURY TRIAL**

15 Pursuant to Rule 38 of the Federal Rules of Civil Procedure, Sandboni hereby
16 demands a trial by jury for all issues triable by a jury.

17 Respectfully submitted,

18
19 Dated: July 30, 2024

s/Adele C. Noon

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TABLE OF EXHIBITS

Page #

EXHIBIT A.....1
EXHIBIT B.....16
EXHIBIT C.....20