

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

Changsha Wanweixin Trading Co., Ltd., and
Tengfei Huang

CASE NO. 1:24-CV-2357

Plaintiffs,

JURY TRIAL DEMAND

v.

MedInfo Inc, a Colorado corporation,

Defendant.

COMPLAINT

This is an action brought under the Declaratory Judgment Act by Plaintiffs Changsha Wanweixin Trading Co., Ltd., and Tengfei Huang (collectively as “Plaintiffs”) against Defendant MedInfo Inc (“Defendant”), claiming for patent non-infringement of certain Clipboard Products that sold by Plaintiffs, as defined herein (“Clipboard Products”), and invalidity against U.S. Patent No. 12,036,812 (“the ’812 Patent”). Upon actual knowledge with respect to itself and its acts, and upon information and belief as to all other matters, Plaintiffs allege as follows:

NATURE OF THE ACTION

1. This court has original jurisdiction over the subject matter of this action pursuant to the Patent Act, 35 U.S.C. §§ 101 *et seq.*, pursuant to 28 U.S.C. §§ 1331, 1332(a) and (c), 1338(a), and pursuant to the Declaratory Judgment Act, 28 U.S.C. §§ 2201 and 2202. Defendant’s actions have placed Plaintiffs in the precarious position of the imminent and real threat of an infringement lawsuit through the enforcement of the ’812 Patent through the Amazon Patent Evaluation Express (“APEX”) Program.

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THE PARTIES

1. Plaintiff, Changsha Wanweixin Trading Co., Ltd. (“Wanweixin”) is a limited liability company organized and existing under the laws of the People’s Republic of China, having its principal place of business located in Changsha City, China.

2. Plaintiff, Tengfei Huang (“Huang”) is an individual resides in Shenzhen City, China.

3. Defendant is a company organized and existing under the laws of Colorado, with the principal office address and registered agent address located at 7160 Irving Street, Westminster, CO 80030, Colorado, United States.

4. On information and belief, Defendant is the applicant and assignee of the ’812 Patent. A true copy of the ’812 Patent is attached hereto as Exhibit 1.

JURISDICTION AND VENUE

5. This Court has subject matter jurisdiction under 28 U.S.C. §§ 2201, 2202, 1331, 1338(a) because this action arises under the laws of the United States, in particular the Patent Act of the United States, 35 U.S.C. § 100 *et seq.*

6. An actual case or controversy exists between the parties to this action. Defendant’s actions have placed Plaintiffs in the precarious position of the imminent and real threat of an infringement lawsuit through the enforcement of the ’812 Patent through the APEX Program. Defendant’s actions thereby give rise to an actual controversy under 28 U.S.C. §§ 2201 *et. seq.*

7. This Court has personal jurisdiction over Defendant as it is a resident of Colorado.

8. Venue is proper in this Court pursuant to 28 U.S.C. § 1391(b) and (c) and 1400(b) because Defendant resides in this judicial district.

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FACTUAL BACKGROUND

9. Over the past twenty years, online retailing has revolutionized how companies reach American consumers. The marketplaces combined with dramatically increased transport speed and improved logistics networks allow even relatively small companies to compete across thousands of miles. These developments have generally increased competition and lowered prices.

10. The web domain “Amazon.com” hosts the Amazon Marketplace and its millions of product listings; it is U.S.-specific and targets American consumers. For an online retailer to effectively compete in the United States, it must sell on the Amazon Marketplace. According to bigcommerce.com, “Each month more than 197 million people around the world get on their devices and visit Amazon.com. That’s more than the entire population of Russia. In 2018, Amazon’s share of the US e-commerce market hit 49% . . . that is more than Amazon’s top three competitors combined, with eBay coming in at 6.6%, Apple at 3% and Walmart at 3.7%.”

11. Nine out of ten American consumers use Amazon to price check products they find elsewhere, and roughly 95 million people have Amazon Prime memberships in the United States facing the considerable challenges of managing this sprawling hive of commercial activity. Amazon, Inc. established intellectual property complaint and enforcement systems for Amazon.com primarily designed to protect itself from liability for contributing to infringement. Means that Amazon, Inc. provides, among others, include filing an Amazon Complaint by using its “Amazon’s Report Infringement Form,” and a patent infringement reporting procedure and an abbreviated, binding pseudo-arbitration known as the APEX Procedure. If the patent owner initiates an APEX Procedure, the Seller may choose not to participate, but that refusal means Amazon will remove (“de-list”) the accused product listings from the Amazon Marketplace.

12. Wanweixin sells Clipboard Products on Amazon under the store name “Trustnice US,” which has earned a lifetime rating of 4.9 out of 5 stars.

13. Huang sells Clipboard Products on Amazon under the seller name “Shintrend,” which has earned a lifetime rating of 4.9 out of 5 stars.

14. On August 6, 2024, Defendant initiated an APEX program asserting only claim 1 of the ’812 Patent against Plaintiffs via Amazon.

15. On August 7, 2024, Defendant also initiated two Amazon Complaints alleging that Plaintiffs’ products infringed the ’812 Patent. Amazon Complaint is a different process from the APEX program. A true and correct copy of the notifications sent by Amazon to Plaintiffs is attached hereto as Exhibit 2. Plaintiffs were notified by Amazon that if they do not resolve their claim with Defendant directly, or agree to participate the APEX program, their listings will be removed by Amazon. *See* Exhibit 2.

16. The Amazon marketplace constitutes Plaintiffs’ primary sales channel into the United States.

17. To remain competitive in the United States market, Plaintiffs need their products listed in the Amazon Marketplace.

18. Defendant’s use of the APEX program would potentially be an inequitable injunction which significantly harms Plaintiffs. Defendant’s submission of Amazon infringement reports will cause immediate and irreparable harm to Plaintiffs.

19. In addition to the direct effects of monetary losses, delisting of products with immediately result in lost sales numbers, product reviews, and product ratings, which are all important factors in determining their Amazon ranking. Amazon ranking is in turn important to

product visibility in consumer searches and to Amazon's award of the "Amazon Choice" Badge or the "Amazon Bestseller" designations which create a significant sales boost.

COUNT I
(Declaration of Non-infringement of U.S. Patent, No. 12,036,812)

20. Plaintiffs incorporate by reference the allegations set forth above in this Complaint as if fully set forth herein.

21. An actual, continuing and justiciable controversy exists between Plaintiffs and Defendant concerning the non-infringement of the '812 Patent by the Clipboard Products, as evidenced by Defendant's allegations of infringement on Amazon, as set forth above.

22. Plaintiffs' Clipboard Products do not infringe, directly or indirectly, literally or under the doctrine of equivalents, any of the presumably valid claims of the '812 Patent.

23. For example, the claim 1 of the '812 Patent requests "wherein the first hinge plate is positioned outward from a first side portion of the top support panel an amount substantially equal to a first distance, wherein the second hinge plate is positioned outward from a first side portion of the middle support panel an amount substantially equal to a second distance, wherein the third hinge plate is positioned outward from the first side portion of the middle support panel an amount substantially equal to the first distance, wherein the fourth hinge plate is positioned outward from a first side portion of the bottom support panel an amount substantially equal to the second distance, wherein the first distance is different from the second distance." *See* Exhibit 1. However, the distance of each hinge plate on each support panel of Plaintiffs' Clipboard Products is a constant distance, which is clearly different from the claim 1 of the '812 Patent.

24. Defendant's baseless infringement report alleged to Amazon has resulted in imminent and real threat of an infringement lawsuit.

25. The circumstances show that there is an actual, present, substantial, and justiciable controversy between Plaintiffs and Defendant, which have adverse legal interests, of sufficient immediacy and reality to warrant the issuance of a declaratory judgment.

26. Plaintiffs seek a declaratory judgment that Plaintiffs did not infringe, are not infringing, has not infringed and/or is not liable for infringing the '812 Patent.

27. By reason of the foregoing, Plaintiffs are suffering and will continue to suffer irreparable harm, unless and until the Court so orders.

COUNT II
(Declaration of Invalidity of U.S. Patent, No. 12,036,812)

28. Plaintiffs incorporates by reference the allegations set forth above in this Complaint as if fully set forth herein.

29. An actual, continuing and justiciable controversy exists between Plaintiffs and Defendant concerning the validity of the '812 Patent, as evidenced by Defendant's allegations of infringement on Amazon, as set forth above.

30. Claims of the '812 Patent are invalid under 35 U.S.C. § 102 and/or § 103 at least in light of the prior art cited herein.

31. Claims of the '812 Patent are invalid as anticipated and/or rendered obvious under 35 U.S.C. § 102 and/or 103 at least in light of the U.S. Patent No. 11,685,182, entitled "Foldable Clipboard" (Khaliq), filed on November 3, 2021, and issued on June 27, 2023. A copy of the Khaliq is attached Exhibit 3.

32. For example, exemplary claim 1 is invalid as anticipated by Khaliq because Khaliq explicitly teaches each and every limitation in that claim:

- Khaliq discloses a foldable clipboard (foldable clipboard 10), comprising: a top support panel (first folding panel 14) with a top upper surface (upper surface 28), the top support panel including at least one set of apertures (connectors 58)

operable to receive an attachment feature (clip 12); a middle support panel (second panel 16) with a middle upper surface (upper surface 40); a bottom support panel (third folding panel 18) with a bottom upper surface (upper surface 52); a first hinge (hinge 62) pivotably coupling the top support panel to the middle support panel, the first hinge including a first hinge plate (leg bracket 70) and a second hinge plate (leg bracket 74); and a second hinge (hinge 66) pivotably coupling the middle support panel to the bottom support panel, the second hinge including a third hinge plate (leg bracket 86) and a fourth hinge plate (leg bracket 82). *See* Khaliq’s Fig. 1.

- Khaliq also discloses that the first hinge plate is positioned outward from a first side portion of the top support panel an amount substantially equal to a first distance, wherein the second hinge plate is positioned outward from a first side portion of the middle support panel an amount substantially equal to a second distance, wherein the third hinge plate is positioned outward from the first side portion of the middle support panel an amount substantially equal to the first distance, wherein the fourth hinge plate is positioned outward from a first side portion of the bottom support panel an amount substantially equal to the second distance, wherein the first distance is different from the second distance. *See* Khaliq’s Fig. 4.
- Khaliq further discloses the clipboard is capable of transitioning between a folded configuration and an unfolded configuration, wherein the top support panel and the bottom support panel are each capable of transitioning between a folded position and an unfolded position relative to the middle support panel via the first hinge and the second hinge, and wherein the top upper surface, the middle upper surface, and the bottom upper surface form a combined upper surface having a substantially constant and consistent thickness when the clipboard is in the unfolded configuration. *See* Khaliq’s Figs. 1 and 3.

33. Claims of the ’812 Patent are invalid as anticipated and/or rendered obvious under 35 U.S.C. § 102 and/or 103 at least in light of the Chinese Patent No. CN307035753S, entitled “Foldable Clipboard (mini)” (Wan), filed on September 15, 2021, and issued on December 28, 2021. A copy of the Wan is attached Exhibit 4.

34. For example, exemplary claim 1 is invalid as anticipated by Wan because Wan explicitly teaches each and every limitation in that claim:

- Wan discloses a foldable clipboard, comprising: a top support panel with a top upper surface, the top support panel including at least one set of apertures operable

to receive an attachment feature; a middle support panel with a middle upper surface; a bottom support panel with a bottom upper surface; a first hinge pivotably coupling the top support panel to the middle support panel, the first hinge including a first hinge plate and a second hinge plate; and a second hinge pivotably coupling the middle support panel to the bottom support panel, the second hinge including a third hinge plate and a fourth hinge plate. *See* Wan's perspective view and in use view 1.

- Wan also discloses that that the first hinge plate is positioned outward from a first side portion of the top support panel an amount substantially equal to a first distance, wherein the second hinge plate is positioned outward from a first side portion of the middle support panel an amount substantially equal to a second distance, wherein the third hinge plate is positioned outward from the first side portion of the middle support panel an amount substantially equal to the first distance, wherein the fourth hinge plate is positioned outward from a first side portion of the bottom support panel an amount substantially equal to the second distance, wherein the first distance is different from the second distance. *See* Wan's Front view.
- Wan further discloses the clipboard is capable of transitioning between a folded configuration and an unfolded configuration, wherein the top support panel and the bottom support panel are each capable of transitioning between a folded position and an unfolded position relative to the middle support panel via the first hinge and the second hinge, and wherein the top upper surface, the middle upper surface, and the bottom upper surface form a combined upper surface having a substantially constant and consistent thickness when the clipboard is in the unfolded configuration. *See* Wan's perspective view and in use view 2.

35. Additionally, features recited in the other independent and dependent claims are also anticipated or rendered obvious in view of the above prior arts.

36. Defendant baseless alleged to Amazon that Plaintiffs' Clipboard Products infringe the '812 Patent, which resulted in Amazon warning Plaintiffs that Plaintiffs' listings would be removed.

37. By reason of the foregoing, Plaintiffs are suffering and will continue to suffer irreparable harm from the Defendant's fraudulent act.

38. In the view of the foregoing, Plaintiffs are entitled to a declaratory judgment that the '812 Patent is invalid under one or more provisions of 35 U.S.C. §§ 102 and 103.

COUNT III
(Tortious Interference with Existing Business Relationships)

39. Plaintiffs incorporate by reference the allegations set forth above in this Complaint as if fully set forth herein.

40. Defendant's actions, as described herein, including baseless infringement claim to Amazon that Plaintiffs' Clipboard Products infringe upon its invalid '812 Patent has harmed Plaintiffs' selling relationship with Amazon by (a) effectively causing the imminent removal from Amazon of Plaintiff's list, and (b) putting Plaintiffs at risk of their Amazon stores being permanently closed as a result of legally false infringement complaints, and (c) hindering the continued sale and positive review of the Plaintiffs' Clipboard Products by Amazon customers so that, even if the listing were restored, it would be at a disadvantage to similar products offered by Plaintiffs' competitors.

41. Defendant intended to harm and has irreparably harmed Plaintiffs' reputation with Amazon by making these false statements to Amazon.

42. Plaintiffs would lose valuable selling opportunities as a direct and proximate suffer, severe irreparable harm from which there is no adequate remedy at law.

43. Plaintiffs are entitled to the imposition of a preliminary and permanent injunction against the Defendant, to restrain and enjoin it and its agents from further tortiously interfering with the Plaintiffs' business relationship with Amazon.

44. By reason of the foregoing, Plaintiffs are entitled to an award of damages from Defendant in an amount to be determined at trial.

45. Defendant's aforesaid acts are of such wanton, willful and malicious nature, that Plaintiffs are entitled to an award of punitive damages in an amount to be determined at trial, in

order to punish the Defendant and deter others similarly situated from committing such acts in the future.

46. By reason of the foregoing, Plaintiffs are suffering and will continue to suffer irreparable harm, unless and until the Court directs the Defendant to withdraw its complaint to Amazon.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs pray for judgment against Defendant as follows:

- 1) For judgment in favor of Plaintiffs against Defendant on all claims;
- 2) Declaring that Plaintiffs' Clipboard Products do not infringe the Defendant's U.S. Patent No. 12,036,812;
- 3) Declaring that U.S. Patent No. 12,036,812 is invalid for failing to satisfy the criteria of 35 U.S.C. § 102 and/or § 103, in light of the newly cited prior arts;
- 4) Judgment that this case is exceptional and that the Defendant be ordered to pay all Plaintiffs' costs and attorneys' fees associated with this action pursuant to 35 U.S.C. § 285;
- 5) Order by this Court that Defendant must immediately withdraw any complaints of infringement of the U.S. Patent No. 12,036,812 made to Amazon against Plaintiffs;
- 6) Enjoining Defendant temporarily, preliminarily, and permanently from making any future complaint regarding U.S. Patent No. 12,036,812 against Plaintiffs and Plaintiffs' Clipboard Products;
- 7) Ordering Defendant to return to the Court with proof of compliance of this Order within seven (7) days of entry thereof, with a copy served on Plaintiff's attorney;
- 8) Awarding Plaintiffs damages due to Defendant's improper acts, doubled and/or trebled due to the willful and exceptional nature of the case;

- 9) Awarding Plaintiffs compensatory, general and special, consequential and incidental damages in an amount to be determined at trial;
- 10) Awarding Plaintiffs exemplary, punitive, statutory, and enhanced damages.
- 11) Awarding pre- and post- judgment interest; and
- 12) Awarding Plaintiffs such other and further relief as this Court deems is just and proper.

JURY TRIAL DEMAND

Plaintiffs hereby demand a jury trial on all issues so triable.

Date: August 26, 2024

/s/ Wei Wang

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