

Jason B. Lattimore
**The Law Office of
JASON B. LATTIMORE, ESQ. LLC**
55 Madison Avenue, Suite 400
Morristown, NJ 07960
Telephone: (973) 998-7477
Facsimile: (973) 264-1159

*Counsel for Plaintiff,
Interlink Products International, Inc.*

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

INTERLINK PRODUCTS
INTERNATIONAL, INC.,

Plaintiff,

v.

XIAMEN LOTA INTERNATIONAL CO.,
LTD.,

Defendant.

Case No: 2:24-cv-00328

**COMPLAINT &
JURY TRIAL DEMAND**

Plaintiff, Interlink Products International, Inc. (hereinafter “Interlink” or “Plaintiff”), by and through its undersigned attorney, hereby complains of Defendant, Xiamen Lota International Co., Ltd. (“Defendant”), as follows:

THE PARTIES

1. Plaintiff is a New Jersey corporation with its principal place of business at 1315 East Elizabeth Avenue, Linden, New Jersey 07036.
2. On information and belief, Defendant is a Chinese company with its principal place of business at 61 Xinglin S Rd, Ji Mei Qu, Xia Men Shi, Fu Jian Sheng, China, 361022.

JURISDICTION AND VENUE

3. This Court has jurisdiction over the claims alleged pursuant to 28 U.S.C. §§ 1331 and 1338.

4. This Court has personal jurisdiction over Defendant in that it regularly sells and ships the products that are the subject of Plaintiff's claims, as well as related products, to the New Jersey warehouses or retail locations of purchasers. Defendant does so with full knowledge and intent that it is sending such products to New Jersey, including through Port Newark, and with full knowledge and intent that some portion if not all of such products will be resold to New Jersey consumers. For example, Defendant's customers Walmart and Home Depot, which sell products that are the subject Plaintiff's claims, operate product distribution centers, warehouses and retail locations in New Jersey where Defendant's products are received and ultimately resold.

5. Venue is proper in this district pursuant to 28 U.S.C. §§ 1400(b) and 1391(b) and (c).

CLAIM FOR INFRINGEMENT OF U.S. PATENT NO. 7,299,510

6. Plaintiff, Interlink, is a New Jersey based company specializing in the development, production and marketing of innovative shower and bath products. The company was founded in 1996.

7. Interlink's products include several lines of showerheads that can be purchased from various retailers both in stores and online. Interlink sells products to major retailers for resale as well as directly to consumers.

8. Defendant is a showerhead and plumbing device manufacturer that competes directly with Interlink, including in the market for dual ("combo") showerhead products.

9. The dual showerhead products sold by Defendant that are the subject of this Complaint consist of two separate showerheads (one a fixed showerhead and the other a handheld sprayer showerhead) packaged with a plumbing device that serves as a combined water diverter and handheld shower holder. The diverter-holder has, among other features, an inlet for water to flow into the diverter, two outlets for water to flow out, a valve for controlling water flow to the diverter outlets, and a holder for the handheld sprayer. The fixed showerhead attaches to one of the diverter-holder outputs and a hose connects the handheld sprayer to the other output. The user can direct the flow of water between the showerheads using a knob on the diverter-holder.

10. On November 27, 2007, United States Letters Patent No. 7,299,510 (“the ’510 Patent”) were issued to Pi Kuang Tsai (“Tsai”). In general terms, the ’510 Patent describes an invention centering on a specific configuration of a water diverter that is combined with a showerhead holder.

11. On November 17, 2015, Interlink acquired, by assignment from Tsai, all rights, title and interest in and to the ’510 Patent, including the right to sue for past infringement of the ’510 Patent and collect damages associated with such infringement. The assignment has been recorded with the United States Patent & Trademark Office and Interlink remains the owner of all right title and interest in and to the ’510 Patent. A copy of the ’510 Patent is attached as Exhibit A.

12. Defendant supplies or has supplied combo showerhead models L58302-057B-700, L58302-057B, and L58302-057B-04 to Walmart in the United States, including New Jersey (hereinafter the “Walmart Combos”), which Walmart sells under its MAINSTAYS® brand.

13. Each of the Walmart Combos, and any other device that includes or consists of a diverter-holder having the same structural elements as any one of the Walmart Combos, embodies all of the limitations of at least Claims 3 and 11 of the '510 Patent.

14. Defendant supplies or has supplied combo showerhead models HD58302-15, HD58302-1701, HD58302-1704, HD58302-1710H and HD58302-1174405 to Home Depot.

15. Combo showerhead models HD58302-15, HD58302-1701, HD58302-1704, HD58302-1710H and HD58302-1174405, and any other device that includes or consists of a diverter-holder having the same structural elements as any one of the foregoing models, embody all of the limitations of at least Claims 3 and 11 of the '510 Patent.

16. Defendant also supplies or has supplied Home Depot with combo showerhead models HD58302-0301, HD58302-0304, HD58302-0310H, HD58302-0501, HD58302-0504, HD58302-0510H, HD58302-0601 and HD58302-0604 (together with HD58302-15, HD58302-1701, HD58302-1704, HD58302-1710H and HD58302-1174405, "the Home Depot Combos"). The Home Depot Combos are or have been sold under the GLACIER BAY® brand.

17. Combo showerheads HD58302-0301, HD58302-0304, HD58302-0310H, HD58302-0501, HD58302-0504, HD58302-0510H, HD58302-0601 and HD58302-0604, and any other device that includes or consists of a diverter-holder having the same structural elements as any one of the foregoing models, embody all of the limitations of at least Claim 3 of the '510 Patent.

18. Defendant supplies or has supplied Lowe's with combo showerhead models beginning with "58302," including models 58302-0401, 58302-1401 and 58302-147011 (collectively, "the Lowe's Combos"). Lowe's has marketed the Lowe's Combos under its AQUASOURCE® and PROJECT SOURCE® brands.

19. The Lowe's Combos, and any other device that includes or consists of a diverter-holder having the same structural elements as the diverter-holder in any one of the Lowe's Combos, embody all of the limitations of at least Claims 3 and 11 of the '510 Patent.

20. On information and belief, Defendant supplies and has supplied additional products to companies in new Jersey and other parts of the United States that embody all of the limitations of at least one claim of the '510 Patent.

21. Defendant has directly infringed one or more claims of the '510 Patent by making, importing, using, selling, distributing, and offering for sale the Walmart Combos, the Home Depot Combos, the Lowe's Combos and, on information and belief, other showerhead products (all of the foregoing together "the Infringing Products"), in the United States and for sale to customers in the United States.

22. Defendant has further infringed and infringes the claims of the '510 Patent by inducing others, including purchasers to have made, import, use, distribute, offer for sale, and sell the Infringing Products.

23. By letter dated April 6, 2023, Interlink notified Defendant of the '510 Patent and of the infringing nature of the Infringing Products.

24. Defendant's sale and continued sale of the Infringing Products constitutes the willful, knowing disregard of the '510 Patent and intentionally induces infringement of the '510 Patent by purchasers.

25. Defendant has engaged in the foregoing acts of infringement despite an objectively high likelihood that its actions constitute infringement of a valid patent, and such likelihood was known or so obvious that it should have been known by Defendant.

26. At all relevant times, Interlink sells and has sold products that compete directly with Defendant's infringing dual showerhead products. As a result of Defendant's infringement, Interlink has suffered direct competitive harm, loss of goodwill, and lost sales.

27. Defendant's infringement is ongoing and has injured and will continue to injure Interlink unless and until this Court enters an injunction prohibiting further direct, contributory and induced infringement, including enjoining further sale of Defendant's infringing products.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for judgment in its favor and against Defendant and its subsidiaries, affiliates, agents, servants, employees and all persons in active concert or participation with Defendant, granting the following relief:

- A. An award of damages sufficient to compensate Interlink for Defendant's direct and indirect infringement of the '510 Patent, including Interlink's lost profits and/or reasonable royalties for the infringement, and any other relief provided for under 35 U.S.C. § 284, together with prejudgment interest from the date that Defendant's infringement of the '510 Patent began;
- B. Increased damages as permitted under 35 U.S.C. § 284;
- C. A finding that this case is exceptional and an award to Interlink of its attorneys' fees and costs as provided by 35 U.S.C. § 285;
- D. A preliminary and permanent injunction prohibiting further direct and indirect infringement of the '510 Patent; and
- E. Such other and further relief as this Court or a jury may deem proper and just.

DEMAND FOR JURY TRIAL

Pursuant to Fed. R. Civ. P. 38(b), Plaintiff demands a trial by jury on all issues triable by jury.

Dated: January 19, 2024

Respectfully submitted,

The Law Office of
JASON B. LATTIMORE, ESQ. LLC

By s/ Jason B. Lattimore
Jason B. Lattimore
55 Madison Avenue, Suite 400
Morristown, NJ 07960
Telephone: (973) 998-7477
Facsimile: (973) 264-1159

*Attorneys for Plaintiff
Interlink International Products, Inc.*

CERTIFICATION PURSUANT TO LOCAL CIVIL RULE 11.2

Pursuant to Local Civil Rule 11.2, I hereby certify under penalty of perjury that, to the best of my knowledge, the matter in controversy is not the subject of any other action pending in any other court or of any pending arbitration or administration proceeding.

Dated: January 19, 2024

s/ Jason B. Lattimore
Jason B. Lattimore