

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

AQUAPAW BRANDS LLC,

Plaintiff,

v.

FED STORE, CHAIRLISH, DONALD' S STORE,
GUANGZHOUZHIGE, PETS TRIP, REEPAR, SIA
SMALL SHOP, XINJI, ALL-INCLUSIVE STORE,
AMYHOME STORE STORE, CANDCO PET
SUPPLIES STORE, CHILL STORE, CUTE PET
SUPPLIES STORE, EVERYBODY PETS STORE,
ENJOY LIFE HOUSEHOLD 888 STORE, FOR
BETTER LIFE STORE, HERBALCANDYBOX
STORE, HOME FOR PETS STORE, LIFE SIMPLE
STORE, LINSHOMELIFE STORE, MANDOPET
OFFICIAL STORE, NEIGHBOR'S X77 STORE,
PETS CITY STORE, PETS TRIBE STORE,
SHOP912513601 STORE, SHOP1102659544
STORE, SILICONE WORLD STORE, TOP-
FACTORY OUTLET STORE, UWEQZX STORE,
XIAO XIAO QI STORE, CHENGDU COLD
YILANG TRADING CO., LTD, CHENGDU
TONGZHANGWEN TECHNOLOGY CO., LTD,
SHENZHEN FUYU AUTO SUPPLIES CO., LTD,
SHENZHEN HAOXING TRADING CO., LTD,
WUHAN HUANZHAO E-COMMERCE CO., LTD,
AUDWINE, CYGGLL, ELPETS HOME, FREEBUY
PLAZA, HELLO LITTLE CUTE, HHEERDMM,
LFJ SUPER FACTORY, LIYUAN HOME
FURNISHING, LIZI FASHION HOME
FURNISHING, MARRIOTT, YIN YIN PET HOME,
YOUJU HOME PRODUCTS, YANDI CO.LTD,
ZHONGHENGLAI, DOMCXRY, MKAIGUT, and
SKINARTWORK

Defendants.

Civil Action No. 2:23-cv-1460

FILED UNDER SEAL

COMPLAINT FOR DAMAGES AND INJUNCTIVE RELIEF

AQUAPAW BRANDS LLC, a Delaware limited liability company (“Plaintiff”), hereby sues Defendants, the Individuals, Partnerships, and Unincorporated Associations identified in the Caption and which are set forth in **Schedule “A”** hereto (collectively “Defendants”). Each of the Defendants has willfully infringed one or more of the claims of U.S. Patent No. 11,419,309 (“the Plaintiff’s Patent”) by offering for sale, selling, and distributing knock-off versions of Plaintiff’s Slow Treater[®] Brand dog soothing device (“Infringing Products”). In support of its claims, Plaintiff allege as follows:

NATURE OF THE ACTION

1. Michael Scotese is an executive of the Plaintiff company, AQUAPAW BRANDS LLC, the 100% owner of all the assets of AQUAPAW LLC, the original company that developed and marketed the product at issue in this case (i.e., the Slow Treater[®]). The inventor of the Plaintiff’s patented product solved the challenging problem of bathing a dog. By placing peanut butter into the patented device, which includes rubber protuberances (“nubs”) in the center of the product, and affixing it with suction cups to the bathroom wall, the pet is enticed to jump into the tub where it can be bathed. The nubs on the device slow down the pet’s ability to get all the peanut butter out of the device and the licking at the peanut butter soothes the pet. The product is sold by Plaintiff under the brand name Slow Treater[®] (“Plaintiff’s Product”).

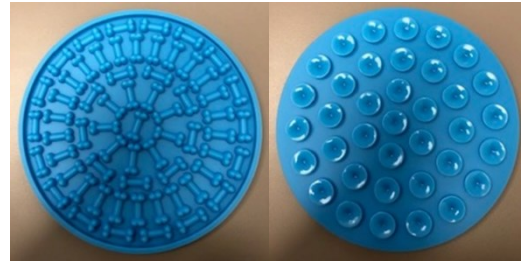
2. Defendants have offered for sale, sold, and distributed knock-off versions of the Plaintiff’s Product which infringe at least one claim of the Plaintiff’s Patent. Moreover, Defendants’ sale, distribution, and advertising of the Infringing Product are highly likely to cause

consumers to believe that Defendants are offering a genuine version of Plaintiff's Product when they are not.

3. Shown below are the example types of Infringing Product offered for sale by the Defendants¹:



PLAINTIFF'S PRODUCT



TYPE 1 INFRINGING PRODUCT



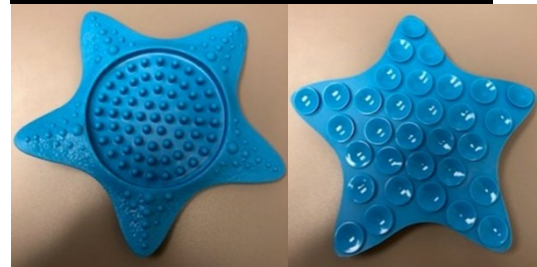
PLAINTIFF'S PRODUCT



TYPE 2 INFRINGING PRODUCT



PLAINTIFF'S PRODUCT



TYPE 3 INFRINGING PRODUCT

¹ Other Infringing Products appear in screenshots in Schedule "B" attached hereto. Some of the screenshots may show non-infringing products that are bundled with the Infringing Products.

4. As poorly designed and manufactured products, Defendants' Infringing Products may injure an unsuspecting pet that tries to ingest it; likewise, the flimsiness of the product may disappoint a customer who may give the product a bad review.

5. Defendants' Infringing Products are substantially inferior to the genuine product. With poorly designed and manufactured products, Defendants' Infringing Products create serious public safety risks and threaten to destroy the reputation of high quality that Plaintiff's Products have earned.

6. Plaintiff's Product is marketed and advertised extensively including on its website aquapaw.com and its storefront on Amazon.com. The unique features of Plaintiff's Product and the manner in which it is marketed and advertised, including the distinct photographs, the design, the instructions, the packaging, and the unique presentation of the product, all comprise Plaintiff's valuable intellectual property ("IP") and all have become distinct in consumer's minds such that consumers associate all of this IP with Plaintiff's Product. Screenshots from Plaintiff's Website and Amazon Store are attached as Complaint Exhibit 1.

7. The innovative features of Plaintiff's Product are the subject of U. S. Patent No. 11,419,309 entitled "Animal Feeder System and Method of Use." A copy of the patent is attached as Complaint Exhibit 2. The Plaintiff's Product is marked in accordance with the Patent Act.

8. On information and belief, Defendants' sale of Infringing Products gives rise to a plausible expectation that discovery will reveal that Defendants' actions all arise from the same transaction, occurrence, or series of transactions. Specifically, on information and belief, Defendants are actively participating in a conspiracy to distribute and sell Infringing Products. For example, Defendants, on information and belief, are working together to manufacture,

arrange the manufacture of and/or sell and otherwise distribute the Infringing Products.

Moreover, the Infringing Products all infringe on at least one claim of the Plaintiff's Patent.

9. Plaintiff therefore brings this action for Patent Infringement under 35 U.S.C. § 271, and The All-Writs Act, 28 U.S.C. § 1651(a).

JURISDICTION AND VENUE

10. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338.

11. This Court may exercise personal jurisdiction over a non-resident of the State in which the Court sits to the extent authorized by the state's laws. Fed. R. Civ. P. 4(e). Pennsylvania authorizes personal jurisdiction over each Defendant pursuant to 42 Pa. Cons. Stat. § 5322 (a) which provides in pertinent part: "A tribunal of this Commonwealth may exercise personal jurisdiction over a person ... as to a cause of action or other matter arising from such person: (1) Transacting any business in this Commonwealth. Without excluding other acts which may constitute transacting business for the purpose of this paragraph: (ii) The doing of a single act in this Commonwealth for the purpose of thereby realizing pecuniary benefit ... (3) Causing harm or tortious injury by an act or omission in this Commonwealth. (4) Causing harm or tortious injury by an act or omission outside this Commonwealth ... (10) Committing any violation within the jurisdiction of the Commonwealth of any statute, home rule charter, local ordinance or resolution, or rule or regulation promulgated thereunder by any government unit or of any order of court or other government unit." In the alternative, Federal Rule of Civil Procedure 4(k) confers personal jurisdiction over the Defendants because, upon information and belief, Defendants regularly conduct, transact and/or solicit business in Pennsylvania and in this judicial district, and/or derive substantial revenue from their business transactions in

Pennsylvania and in this judicial district and/or otherwise avail themselves of the privileges and protections of the laws of the Commonwealth of Pennsylvania such that this Court's assertion of jurisdiction over Defendants does not offend traditional notions of fair play and due process, and/or Defendants' illegal counterfeiting and infringing actions caused injury to Plaintiff in Pennsylvania and in this judicial district such that Defendants should reasonably expect such actions to have consequences in Pennsylvania and in this judicial district, for example:

a. Upon information and belief, at all times relevant hereto, Defendants were and/or are systematically directing and/or targeting their business activities at consumers in the United States, including Pennsylvania, through on-line platforms with Merchant Storefronts (as defined *infra*), via on-line marketplace websites, such as Amazon.com, under the Seller IDs, as well as any and all as yet undiscovered accounts with Merchant Storefronts held by or associated with Defendants, their respective officers, employees, agents, servants and all persons in active concert or participation with any of them ("User Accounts"), through which consumers in the United States, including Pennsylvania, can view the one or more of Defendants' Merchant Storefronts that each Defendant operates, uses to communicate with Defendants regarding their listings for Infringing Products and to place orders for, receive invoices for and purchase Infringing Products for delivery in the U.S., including Pennsylvania, as a means for establishing regular business with the U.S., including Pennsylvania.

b. Upon information and belief, certain Defendants are sophisticated sellers, each operating one or more commercial businesses using their respective User Accounts through which Defendants, their respective officers, employees, agents, servants and all persons in active concert of participation with any of them, operate storefronts to

manufacture, import, export, advertise, market, promote, distribute, offer for sale and/or otherwise deal in products, including the Infringing Products, which are held by or associated with Defendants, their respective officers, employees, agents, servants and all persons in active concert or participation with any of them (“Merchant Storefront(s)”) in wholesale quantities at significantly below-market prices to consumers worldwide, including to those in the U.S., and specifically Pennsylvania.

c. Upon information and belief, Defendants’ Merchant Storefronts reflect multiple sales to consumers all over the world, including repeat sales to consumers in the U.S. and into this judicial district.

d. Upon information and belief, all Defendants accept payment in U.S. Dollars and offer shipping to the U.S., including to Pennsylvania.

e. Upon information and belief, at all times relevant, Defendants have transacted business with consumers located in the U.S., including Pennsylvania, for the sale and shipment of Infringing Products.

f. Upon information and belief, some Defendants are employing and benefiting from substantially similar, paid advertising and marketing and advertising strategies in order to make their Merchant Storefronts selling illegal goods appear more relevant and attractive to search result software across an array of search words, including but not limited to “SLOW” and, “FEEDER”. By their actions, Defendants are causing concurrent and indivisible harm to Plaintiff and the consuming public by (i) depriving Plaintiff of their right to fairly compete for space within the various on-line marketplace search results and reducing the visibility of the Plaintiff’s Product on various on-line marketplaces and/or diluting and driving down the retail market price for the Plaintiff’s

Product (ii) causing an overall degradation of the value of the goodwill associated with Plaintiff's Product; and (iii) increasing Plaintiff's overall cost to market its goods and educate consumers about its brand and products.

g. Upon information and belief, Defendants have cooperated, communicated their plans with one another, shared information, and coordinated their efforts, all in order to create an illegal marketplace operating in parallel to the legitimate marketplace of Plaintiff's and the legally authorized resellers of Plaintiff's genuine goods.

h. Upon information and belief, Defendants are concurrently targeting their infringing activities toward consumers and causing harm in Allegheny County, Pennsylvania.

i. Upon information and belief, Defendants likely reside and/or operate in foreign jurisdictions with lax trademark and patent enforcement systems and are cooperating by creating an illegal stream of infringing and counterfeit goods.

j. Upon information and belief, Defendants are aware of Plaintiff, its genuine Slow Treater[®] dog soothing device, and are aware that their illegal infringing actions alleged herein are likely to cause injury to Plaintiff in the United States, in Pennsylvania and in this judicial district specifically, as Plaintiff conducts substantial business in Pennsylvania.

k. Plaintiff is suffering irreparable and indivisible injury and suffered substantial damages as a result of Defendants' unauthorized and wrongful sale of infringing goods.

12. Venue is proper, *inter alia*, pursuant to 28 U.S.C. § 1391 because, for example:

- a. Upon information and belief, Defendants conduct, transact, and/or solicit business in this judicial district.
- b. Upon information and belief, Defendants or their agent(s) may be found in this district because personal jurisdiction is proper in this district.
- c. Upon information and belief, this is a judicial district in which a substantial part of the events or omissions giving rise to the infringement claims occurred, or a substantial part of the property that is the subject of the action is situated.
- d. Defendants not resident in the United States may be sued in this judicial district because personal jurisdiction is proper in this district.

THE PLAINTIFF

13. Plaintiff, AquaPaw Brands LLC, is a Delaware limited liability company and has its principal place of business at 113 Cherry Street, PMB 89249, Seattle, Washington 98104-2205 US.

14. Plaintiff is, in part, engaged in the business of manufacturing and distributing throughout the world, including within this district, the Slow Treater[®] dog soothing device, through its website, aquapaw.com, its authorized storefront on amazon.com, and various retail establishments. Defendants, through the sale and offer to sell Infringing Products are directly, and unfairly, competing with Plaintiff's economic interest in the Commonwealth of Pennsylvania and causing Plaintiff harm within this jurisdiction.

15. Like many other brand owners, Plaintiff suffer ongoing daily and sustained violations of their rights at the hands of infringers, such as Defendants herein, who wrongfully reproduce Plaintiff's Products for the twin purposes of (i) duping and confusing the consuming

public and (ii) earning substantial profits from the sale of their Infringing Products. The natural and intended byproduct of Defendants' actions is the erosion and destruction of the goodwill associated with Plaintiff's Products and the destruction of the legitimate market sector in which Plaintiff operate.

16. The recent explosion of counterfeiting and infringement over the Internet, including through online marketplace platforms, has created an environment that requires brand owners, such as Plaintiff, to expend significant time and money across a wide spectrum of efforts in order to protect both consumers and Plaintiff from the ill effects of confusion and the erosion of the goodwill associated with Plaintiff's brand and products.

17. E-commerce sales, including through e-commerce stores like those of Defendants, have resulted in a sharp increase in the shipment of unauthorized products into the United States. *Ference Dec²*, Exhibit 1, Excerpts from Fiscal Year 2021 U.S. Customs and Border Protection ("CBP") Intellectual Property Seizure Statistics Report. Over 89% of all CBP intellectual property seizures were smaller international mail and express shipments (as opposed to large shipping containers). *Id.* More than half (51%) of CBP seizures originated from mainland China and Hong Kong. *Id.* Infringing and pirated products account for billions in economic losses, resulting in tens of thousands of lost jobs for legitimate businesses and broader economic losses, including lost tax revenue.

18. Third party service providers like those used by Defendants do not adequately subject new sellers to verification and confirmation of their identities, allowing infringers to "routinely

² Referring to Declaration of Stanley D. Ference III in Support of Temporary Restraining Order, filed herewith.

use false or inaccurate names and addresses when registering with these e-commerce platforms.” *Ference Dec.*, Exhibit 2, Daniel C.K. Chow, Alibaba, Amazon, and Infringing in the Age of the Internet, 40 NW. J. INT’L L. & BUS. 157, 186 (2020); see also, report on “Combating Trafficking in Infringing and Pirated Goods” prepared by the U.S. Department of Homeland Security’s Office of Strategy, Policy, and Plans (Jan. 24, 2020), attached as *Ference Dec.*, Exhibit 3 and finding that on “at least some e-commerce platforms, little identifying information is necessary for an infringer to begin selling” and recommending that “[s]ignificantly enhanced vetting of third-party sellers” is necessary. Infringers hedge against the risk of being caught and having their websites taken down from an e-commerce platform by preemptively establishing multiple virtual store-fronts. *Ference Dec.*, Exhibit 3, at p. 22. Since platforms generally do not require a seller on a third-party marketplace to identify the underlying business entity, infringers can have many different profiles that can appear unrelated even though they are commonly owned and operated. *Ference Dec.*, Exhibit 3 at p. 39. Further, “E-commerce platforms create bureaucratic or technical hurdles in helping brand owners to locate or identify sources of infringing and infringers.” *Ference Dec.*, Exhibit 2 at 186-187.

THE DEFENDANTS

19. The Defendants are individuals and/or business entities of unknown makeup, each of whom, upon information and belief, either reside or operate in foreign jurisdictions, or (though not foreign) redistribute products from the same or similar sources in those foreign locations. Defendants have the capacity to be sued pursuant to Federal Rule of Civil Procedure 17(b). Defendants target their business activities toward consumers throughout the United States, including within this district, and conduct pervasive business through the operation of, at least, one fully interactive commercial Internet based e-commerce store via, at least one of the Internet

based online marketplaces Aliexpress.com, Amazon.com, eBay.com, Joybuy, Temu, Walmart.com, and Wish.com , all under the Seller IDs.

20. Upon information and belief, the Defendants use aliases in conjunction with the operation of their businesses as set forth in Schedule “A” hereto.

21. Defendants are the past and present controlling forces behind the sale of products infringing at least one claim of the Plaintiff’s Patent described herein using at least the Seller IDs.

22. Upon information and belief, Defendants were willfully advertising, offering for sale and selling goods infringing upon at least one claim of the Plaintiff’s Patent to consumers within the United States and this district through several fully interactive, commercial Internet websites and Internet based e-commerce stores operating under, at least, the storefronts, the Seller IDs, and any additional domain names, websites and corresponding website URLs or seller identifications and store URL aliases not yet known to Plaintiff. Defendants have purposefully directed some portion of their illegal activities towards consumers in the Commonwealth of Pennsylvania through the advertisement, offer to sell, sale, and/or shipment of Infringing Products into the Commonwealth.

23. Defendants have registered, established, or purchased, and maintained the on-line marketplace website storefronts and Seller IDs. Upon information and belief, Defendants have engaged in fraudulent conduct with respect to the registration of the storefronts and Seller IDs by providing false and/or misleading information to the Internet based e-commerce platforms where they offer for sale and/or sell, during the registration or maintenance process related to their respective Seller ID. Upon information and belief, Defendants have anonymously registered and maintained some of the Seller IDs for the sole purpose of engaging in illegal infringing activities.

24. Upon information and belief, Defendants will continue to register or acquire new seller identification aliases for the purpose of selling and offering for sale goods infringing at least one claim of the Plaintiff's Patent unless preliminarily and permanently enjoined.

25. Defendants' Internet-based businesses amount to nothing more than illegal operations established and operated in order to infringe the intellectual property rights of Plaintiff.

26. Defendants' business names, i.e., the Seller IDs, associated payment accounts, and any other alias seller identification names used in connection with the sale of goods infringing on at least one claim of the Plaintiff's Patent are essential components of Defendants' online activities and are the means by which Defendants further their infringement scheme and cause harm to Plaintiff.

COMMON FACTUAL ALLEGATIONS

Plaintiff and Its Slow Treater® brand Dog Soothing Device

27. The Plaintiff's Product is designed to entice the pet to get into the bathtub and keep it there while distracted by the task of licking a treat from the feeder. The product is molded in FDA-approved food grade material. The top of the product includes multiple nubs and surrounded by a circular raised rim to hold the treat and slow the pet's ability to lick it out. Suction cups are disposed on the back of the product for fastening to the bathtub wall. The Plaintiff's Product retails for \$10.95:



28. The Plaintiff's Patent has never been assigned or licensed to any of the Defendants in this matter. Plaintiff has provided constructive notice of the Plaintiff's Patent by placing the patent number of the patent on the packaging of Plaintiff's Product.

29. Plaintiff's Product has been featured in videos or articles by numerous media outlets, including:

NBC's *The Today Show*

Buzz Feed: <https://www.buzzfeed.com/malloryannp/products-from-amazon-thatll-make-grooming-your-pet-so>

Buzz Feed: <https://www.buzzfeed.com/malloryannp/products-that-are-almost-too-damn-clever-2019>

Good Housekeeping: <https://www.goodhousekeeping.com/holidays/gift-ideas/g474/pet-gifts/?slide=8>

Pop Sugar: <https://www.popsugar.com/family/Aquapaw-Slow-Treater-Mat-Bathing-Dogs-45362700>

<https://tppm.com/p/27845/aquapaw/aquapaw-slow-treater/>

<https://www.purewow.com/family/how-to-give-a-dog-a-bath>

Defendants' Wrongful and Infringing Conduct

30. Upon information and belief, Defendants are, through at least the Internet based e-commerce stores operating under the Seller IDs, promoting, selling, offering for sale, and distributing goods that willfully infringe at least one claim of the Plaintiff's Patent while marketing their knock-off products in a willful attempt to pass off their knock-off products as the genuine version of Plaintiff's Products.

31. Upon information and belief, Defendants' Infringing Products are of a quality substantially and materially different than that of Plaintiff's genuine goods. Defendants, upon information and belief, are actively using, promoting and otherwise advertising, distributing, selling, and/or offering for sale substantial quantities of their Infringing Products with the knowledge and intent that such goods will be mistaken for the genuine high-quality goods offered for sale by Plaintiff despite Defendants' knowledge that they are without authority to use the subject matter of the Plaintiff's Patent.

32. Defendants advertise their Infringing Products for sale to the consuming public via Internet based e-commerce stores on, at least, one Internet marketplace using at least the Seller IDs. In so advertising these goods, Defendants improperly and unlawfully infringe at least one claim of the Plaintiff's Patent without Plaintiff's permission.

33. As part of their overall infringement scheme, Defendants are, upon information and belief, concurrently employing and benefitting from substantially similar, advertising and marketing strategies based, in large measure, upon an illegal use of infringements of the Plaintiff's Patent in order to make their e-commerce stores selling illegal goods appear more relevant and attractive to consumers online. By their actions, Defendants are contributing to the

creation and maintenance of an illegal marketplace operating in parallel to the legitimate marketplace for Plaintiff's genuine goods. Defendants are causing, individual, concurrent and indivisible harm to Plaintiff and the consuming public by (i) depriving Plaintiff and other third parties of their right to fairly compete for space within search engine results and reducing the visibility of Plaintiff's genuine goods on the World Wide Web, (ii) causing actual consumer confusion, (iii) harm to Plaintiff's reputations, including tarnishing their status as the innovator in this market, (iv) an overall degradation of the value of the goodwill associated with the Plaintiff's brand, and (v) increasing Plaintiff's overall cost to market its goods and educate consumers about its brand via the Internet.

34. Plaintiff confirmed that Defendants were and/or are still currently offering for sale and/or selling Infringing Products for sale to the consuming public via Internet based e-commerce stores on, at least, one Internet marketplace using at least the Seller IDs and that Defendants provide shipping and/or have actually shipped Infringing Products to customers located within this judicial district.

35. There is no question that the Infringing Product itself and the manner in which it is marketed is designed to confuse and mislead consumers into believing that they are purchasing Plaintiff's Product or that the Infringing Product is otherwise approved by or sourced from Plaintiff, thereby trading on the goodwill and reputation of Plaintiff.

36. Upon information and belief, at all times relevant hereto, Defendants in this action had full knowledge of Plaintiff's ownership of the Plaintiff's Patent. Defendants' use of the patent is without Plaintiff's consent or authorization.

37. Defendants are engaging in the above-described illegal infringing activities knowingly and intentionally or with reckless disregard or willful blindness to Plaintiff's rights for the purpose of infringing the Plaintiff's Patent and trading on Plaintiff's goodwill and reputation. If Defendants' intentional infringing activities are not preliminarily and permanently enjoined by this Court, Plaintiff and the consuming public will continue to be harmed.

38. Defendants above identified infringing activities are likely to cause confusion, deception, and mistake in the minds of consumers before, during, and after the time of purchase. Moreover, Defendants' wrongful conduct is likely to create a false impression and deceive customers, the public, and the trade into believing there is a connection or association between Plaintiff's Products and Defendants' Infringing Products, which there is not.

39. Upon information and belief, Defendants' payment and financial accounts are being used by Defendants to accept, receive, and deposit profits from Defendants' infringing activities connected to their Seller IDs and any other alias e-commerce stores, photo albums, seller identification names, domain names, or websites being used and/or controlled by them.

40. Further, upon information and belief, Defendants are likely to transfer or secret their assets to avoid payment of any monetary judgment awarded to Plaintiff.

41. Plaintiff has no adequate remedy at law.

42. Plaintiff is suffering irreparable injury and have suffered substantial damages as a result of Defendants' unauthorized and wrongful infringement of at least one claim of the Plaintiff's Patent. If Defendants' infringing activities are not preliminarily and permanently enjoined by this Court, Plaintiff and the consuming public will continue to be harmed.

43. The harm and damages sustained by Plaintiff has been directly and proximately caused by Defendants' wrongful reproduction, use, advertisement, promotion, offers to sell, and sale of their Infringing Products.

COUNT I – PATENT INFRINGEMENT (35 U.S.C. § 271 (a))

44. The allegations in the above paragraphs are hereby incorporated by reference.

45. Plaintiff owns U. S. Patent No. 11,419,309 entitled “Animal Feeder System and Method of Use”. A copy of the patent is attached as Complaint **Exhibit 2**. The Plaintiff's Product is marked in accordance with the Patent Act.

46. The Accused Products Type 1 - 3 Products infringe at least Claim 1 of the Plaintiff's Product, as more fully detailed in **Exhibits 3a - 3c**, and **Schedule B**, respectively. As defined in the specification, a “nub” is defined as a protuberance (standard dictionary definition) or projection (“the plurality of nubs may project from the surface of the obverse side 14 of the body 12”) that is “configured to slow the rate at which an animal feeds from the feeding section 18.” A “nub” may assume any shape or size in the feeding section to slow the rate at which an animal feeds from the feeding section.

47. Defendants have infringed and continue to infringe the Plaintiff's Patent either directly or indirectly through acts of contributory infringement or inducement in violation of 35 U.S.C. § 271, by making, using, selling, importing and/or offering to sell Infringing Products, namely the knock-offs that infringe at least one claim of the Plaintiff's Patent.

48. Defendants' infringement, contributory infringement and/or inducement to infringe has injured Plaintiff and they, therefore, is entitled to recover damages adequate to compensate it for such infringement, but in no event less than a reasonable royalty.

49. Defendants' infringement, contributory infringement and/or inducement to infringe has been willful and deliberate because Defendants have notice of or knew of the Plaintiff's Patent and have nonetheless injured and will continue to injure Plaintiff, unless and until this Court enters an injunction, which prohibits further infringement and specifically enjoins further manufacture, use, sale, importation and/or offer for sale of products or services that come within the scope of the Plaintiff's Patent.

50. Based on Defendants' wrongful conduct, Plaintiff is entitled to injunctive relief as well as monetary damages and other remedies as provided by the Patent Act, including damages that Plaintiff has sustained and will sustain as a result of Defendants' illegal and infringing actions as alleged herein, enhanced discretionary damages and reasonable attorneys' fees and costs.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff demands judgment on all Counts of this Complaint and an award of equitable relief and monetary relief against Defendants as follows:

a. Entry of temporary, preliminary, and permanent injunctions pursuant to 35 U.S.C. § 283, and Federal Rule of Civil Procedure 65 enjoining Defendants, their agents, representatives, servants, employees, and all those acting in concert or participation therewith, from manufacturing or causing to be manufactured, importing, advertising or promoting, distributing, selling or offering to sell their Infringing Products;

c. Entry of an Order that, upon Plaintiff's request, any Internet marketplace website operators and/or administrators that are provided with notice of the injunction, including but not limited to the online marketplaces Aliexpress.com, Amazon.com, ebay.com, Joybuy, Temu.com,

Walmart.com and wish.com, identify any e-mail address known to be associated with Defendants' respective Seller ID, and cease facilitating access to any or all e-commerce stores through which Defendants engage in the promotion, offering for sale, and/or sale of Infringing Products.

d. Entry of an Order that, upon Plaintiff's request, any Internet marketplace website operators and/or administrators who are provided with notice of the injunction, including but not limited to the online marketplaces Aliexpress.com, Amazon.com, ebay.com, Joybuy, Temu.com, Walmart.com and wish.com, permanently remove any and all listings offering for sale Infringing Products via the e-commerce stores operating under the Seller IDs, including any and all listings linked to the same seller or linked to any other alias seller identification name being used and/or controlled by Defendants to promote, offer for sale and/or sell Infringing Products.

e. Entry of an Order that, upon Plaintiff's request, any Internet marketplace website operators and/or administrators who are provided with notice of the injunction, including but not limited to the online marketplaces Aliexpress.com, Amazon.com, ebay.com, Joybuy, Temu.com, Walmart.com and wish.com, immediately cease fulfillment of and sequester all goods of each Defendant or other Seller under a Seller ID offering for sale the Infringing Product in its inventory, possession, custody, or control, and surrender those goods to Plaintiff.

f. Entry of an order awarding Plaintiff damages adequate to compensate for the infringement of its patent, but in no event less than a reasonable royalty for the use made of the invention by the Defendants, together with interest and costs as fixed by the Court pursuant to 35 U.S.C. § 284 and that the award be trebled as provided for under 35 U.S.C. §284.

g. Entry of an Order finding that this case is exceptional and an award to Plaintiff of its attorney fees and costs as provided by for under 35 U.S.C. § 285.

h. Entry of an Order that, upon Plaintiff's request, any financial institutions, payment processors, banks, escrow services, money transmitters, including, but not limited to, Amazon Services, LLC d/b/a Amazon.com, and Amazon Payments, Inc. d/b/a Amazon Pay (collectively "Amazon"), Joybuy Marketplace operated by Jingdong E-Commerce (Trade) Hong Kong Co. , Ltd and JD E-Commerce America (collectively, "Joybuy"), Whaleco Inc., a Delaware Corporation, which is a wholly owned subsidiary of Pinduoduo Inc. which is owned by PDD Holdings (collectively, "Temu"), eBay, Inc. d/b/a ebay.com, Walmart Inc. and Wal-Mart.com USA, LLC, wish.com, Alibaba.com US LLC d/b/a Alibaba.com and Aliexpress.com ("Third Party Service Providers") and financial institutions, including but not limited to, Zhejiang Ant Small and Micro Financial Services Group Co., Ltd. AliPay (China) Internet Technology Co. Ltd., and Alipay.com Co., Ltd. (collectively referred to as "AliPay")³, Amazon Payments, Inc., Walmart Pay, PayPal, Inc. d/b/a paypal.com, and Context Logic, Inc. d/b/a wish.com ("Financial Institutions")⁴, and their related companies and affiliates, identify and restrain all funds, up to and including the total amount of judgment, in all financial accounts and/or sub-accounts used in connection with the Seller IDs or other domain names, alias seller identification names, or e-commerce store names or store URLs used by Defendants presently or in the future, as well as any other related accounts of the same customer(s) and any other accounts which transfer funds into the same financial institution account(s), to be surrendered to Plaintiff in partial satisfaction of the monetary judgment entered herein.

³ WorldPay US, Inc. ("WorldPay") processes transactions on behalf of Alibaba and Alipay, which may appear as "Aliexpress" on a cardholder's credit card statement.

⁴ Plaintiff acknowledges that it is seeking multiple forms of relief. Plaintiff will promptly provide supplemental briefing or oral argument on any issue should the Court request it.

- i. Entry of an award of pre- and post-judgment interest on the judgment amount.
- j. Entry of an order for any further relief as the Court may deem just and proper.

DEMAND FOR JURY TRIAL

Plaintiff respectfully demand a trial by jury on all claims.

Respectfully submitted,

Dated: August 15, 2023

/s/ Stanley D. Ference III

Stanley D. Ference III

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Attorneys for Plaintiff







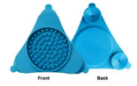



Schedule “A”
Defendants with Store Name and Seller ID

Defendant Number	Defendant/Store Name	Seller ID
1	Fed store	A3VPAI43B9RIYM
2	Chairlish	A2LAN0F2PND14D
3	Donald' s store	A3AJUJ4Z17FVT0
4	guangzhouzhige	A2OCBTQ0EXKRPB
5	Pets Trip	A2VMJREJNYN04Q
6	Reepar	A16F3EQKKUJT6X
7	Sia Small Shop	A28KUQ70XZWUCU
8	XINJI	A1RVL2FKR2TXPB
9	All-inclusive Store	1101682911
10	AmyHome Store Store	1101227009
11	Candco Pet Supplies Store	1101933766
12	Chill Store	1101548165
13	Cute Pet Supplies Store	1102712153
14	Everybody Pets Store	1101669974
15	Enjoy Life Household 888 Store	1101953564
16	For Better life Store	1102047078
17	Herbalcandybox Store	1102684546
18	Home For Pets Store	1102923779
19	LiFe Simple Store	1102826238
20	linsHomeLife Store	1101878772
21	Mandopet Official Store	1101398559
22	Neighbor's X77 Store	1101634699
23	Pets City Store	1101274840
24	Pets Tribe Store	1101303711
25	Shop912513601 Store	1101917678
26	Shop1102659544 Store	1102663503
27	Silicone World Store	1101827958
28	Top-Factory Outlet Store	1101947843
29	UWEQZX Store	1101946115
30	Xiao Xiao Qi Store	1101756068
31	Chengdu cold Yilang trading Co., LTD	9208
32	Chengdu Tongzhangwen Technology Co., LTD	11526




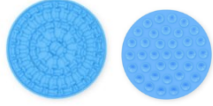






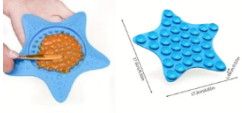

33	Shenzhen Fuyu auto supplies Co., LTD	9741
34	Shenzhen Haoxing trading Co., LTD	9742
35	Wuhan Huanzhao e-commerce Co., LTD	12639
36	Audwine	5815860113996
37	CYGGLL	4666292716978
38	ELPets Home	4373219265734
39	Freebuy plaza	634418210696994
40	Hello Little Cute	5881301377073
41	HHEERDMM	5003819853268
42	LFJ Super Factory	6137513793522
43	Liyuan Home Furnishing	4555101104965
44	LIZI fashion home furnishing	806476439073
45	MARRIOTT	634418210611077
46	Yin Yin Pet Home	634418210295681
47	Youju home products	4870674141177
48	YANDI Co.Ltd	101223880
49	Zhonghenglai	101226238
50	Domcxry	5f43977ee56ecf8620a36b4f
51	mkaigut	5f8404c33cc970c2e9ae5a6a
52	SkinArtwork	5468bf093dabbe66a2065025











Schedule “B” Defendant/Store Names and Infringing Products

Defendant No.	Defendant/Store Name	Screen shot
1	Fed store	
2	Chairlish	
3	Donald' s store	
4	guangzhouzhige	
5	Pets Trip	
6	Reepar	
7	Sia Small Shop	
8	XINJI	
9	All-inclusive Store	

10	AmyHome Store Store	
11	Candco Pet Supplies Store	
12	Chill Store	
13	Cute Pet Supplies Store	
14	Everybody Pets Store	
15	Enjoy Life Household 888 Store	
16	For Better life Store	
17	Herbalcandybox Store	
18	Home For Pets Store	
19	LiFe Simple Store	

20	linsHomeLife Store	
21	Mandopet Official Store	
22	Neighbor's X77 Store	
23	Pets City Store	
24	Pets Tribe Store	
25	Shop912513601 Store	
26	Shop1102659544 Store	
27	Silicone World Store	
28	Top-Factory Outlet Store	
29	UWEQZX Store	
30	Xiao Xiao Qi Store	

31	Chengdu cold Yilang trading Co., LTD	
32	Chengdu Tongzhangwen Technology Co., LTD	
33	Shenzhen Fuyu auto supplies Co., LTD	
34	Shenzhen Haoxing trading Co., LTD	
35	Wuhan Huanzhao e-commerce Co., LTD	
36	Audwine	
37	CYGGLL	
38	ELPets Home	
39	Freebuy plaza	
40	Hello Little Cute	 <p>Super Mixing Toy Made of Recyclable Materials</p>
41	HHEERDMM	
42	LFJ Super Factory	

43	Liyuan Home Furnishing	
44	LIZI fashion home furnishing	
45	MARRIOTT	
46	Yin Yin Pet Home	
47	Youju home products	
48	YANDI Co.Ltd	
49	Zhonghenglai	
50	Domcxry	
51	mkaigut	
52	SkinArtwork	

LISTING OF EXHIBITS

- Exhibit 1Screenshots from Plaintiff’s Website and Amazon Store
- Exhibit 2.....U.S. Patent No. 11,419,309
- Exhibit 3a.....Comparison of Type 1 Infringing Product to claim 1 of U.S. Patent No. 11,419,309
- Exhibit 3b.....Comparison of Type 2 Infringing Product to claim 1 of U.S. Patent No. 11,419,309
- Exhibit 3c.....Comparison of Type 3 Infringing Product to claim 1 of U.S. Patent No. 11,419,309