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JAN 26 PM 3:22
U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
LOS ANGELES

FEE PAID

5 Attorney for Plaintiff BY: rsm
JINGUANG WEN

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8 **UNITED STATES DISTRICT COURT**
9 **CENTRAL DISTRICT OF CALIFORNIA**

2:24-CV-00745-DDP-SKx

Case No.

11 JINGUANG WEN, an individual,

12 Plaintiff,

13 v.

14 THE INDIVIDUALS,
15 CORPORATIONS, LIMITED
16 LIABILITY COMPANIES,
17 PARTNERSHIPS,
18 UNINCORPORATED
ASSOCIATIONS, AND FOREIGN
ENTITIES IDENTIFIED ON
SCHEDULE A HERETO, and DOES
1 through 100.

19 Defendants.

**REDACTED VERSION OF
DOCUMENT PROPOSED TO BE
FILED UNDER SEAL**

**COMPLAINT FOR PATENT
INFRINGEMENT; UNFAIR
BUSINESS PRACTICES, AND
INJUNCTIVE RELIEF**

REQUEST FOR JURY TRIAL

21 Plaintiff, Jinguang Wen, (Plaintiff) hereby alleges as follows against the
22 individuals, corporations, limited liability companies, partnerships, unincorporated
23 associations, and foreign entities identified on Schedule A attached hereto
24 (collectively, "Defendants").

25 **INTRODUCTION**

26 1. This action has been filed by Plaintiff to combat online counterfeiters
27 who trade upon Plaintiff's reputation and goodwill by selling and/or offering for sale
28 a product which infringes on Plaintiff's United States Design Patent No. [REDACTED]

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1 [REDACTED] Patent).

2 2. The Defendants create numerous fully interactive online marketplace
3 accounts on Amazon, eBay, Alibaba, and Walmart, which are identified in Schedule
4 A attached hereto (collectively, the “Defendant Internet Stores”). The Defendant
5 Internet Stores sell the product that infringes on Plaintiff’s [REDACTED] Patent. The
6 Defendants also spend substantial funds to advertise on Google Ads. The
7 Defendants then attempt to avoid liability by going to great lengths to conceal both
8 their identities and the full scope and interworking of their illegal infringement
9 operation. Plaintiff is forced to file this action to combat the patent infringement, as
10 well as to protect unknowing consumers from purchasing unauthorized product over
11 the internet. Plaintiff has been and continues to be irreparably damaged through
12 consumer confusion, dilution, and tarnishment of his valuable patent as a result of
13 Defendants’ actions. Plaintiff seeks injunctive and monetary relief.

14 **JURISDICTION AND VENUE**

15 3. This cause of action arises under the Act of June 25, 1948, 62 Stat. 931,
16 U.S.C., Title 28, Section 1338(a) for patent infringement.

17 4. This Court has jurisdiction over the claims that arise in this action.

18 5. This Court has personal jurisdiction over the parties based upon their
19 contacts with this forum.

20 6. Venue for these claims is proper in this district pursuant to 28 U.S.C.
21 §1391, and this Court may properly exercise personal jurisdiction over Defendants,
22 because each of the Defendants directly targets consumers in the United States,
23 including California, through operating one or more commercial, interactive internet
24 stores, through which California residents can purchase the infringed product. Each
25 of the Defendants has targeted sales from California residents by operating online
26 stores that offer shipping to the United States, including California, accepting
27 payment in U.S. dollars, and have sold the infringed products to residents of
28 California. Some foreign entities utilize warehouses located in California. Each of

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1 Defendants is committing tortious acts in California, is engaging in interstate
2 commerce, and has wrongfully caused Plaintiff substantial injury in the State of
3 California.

4 **PLAINTIFF**

5 7. Plaintiff, Jinguang Wen, is an individual residing in Edmons,
6 Washington. Plaintiff is the inventor and owner of United States Design Patent No.
7 [REDACTED].

8 8. Plaintiff offers for sale and sells its patented product in the state of
9 California, including this district, and throughout the United States [REDACTED]

10 [REDACTED]
11 [REDACTED]
12 9. Plaintiff's product is sold exclusively through eBay.

13 10. Like may other intellectual property rights owners and licensees,
14 Plaintiff suffers ongoing daily and sustained violations of his intellectual property
15 rights at the hands of infringers, such as Defendants herein.

16 11. Plaintiff is harmed, the consuming public is duped and confused, and
17 the Defendants appropriate substantial profits in connection with the infringing
18 conduct.

19 12. To combat the harm caused by the combined actions of Defendants and
20 others engaging in similar infringing conduct, Plaintiff expends significant resources
21 in connection with its intellectual property enforcement efforts, including legal fees
22 and investigative fees.

23 **DEFENDANTS**

24 13. Defendants have the capacity to be sued pursuant to Federal Rule of
25 Civil Procedure 17(b).

26 14. Defendants are individuals and business entities of unknown makeup,
27 each of whom, either resides and/or operates in foreign jurisdictions (China, Hong
28 Kong, Israel) and redistributes products from the same or similar sources in those

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1 locations, and/or ships their goods from the same or similar sources in those
2 locations to the same or similar shipping and fulfillment centers within the United
3 States to redistribute their products to the consumer.

4 15. Defendants are engaged in business in California but have not
5 appointed an agent for service of process.

6 16. Upon information and belief, Defendants have registered, established,
7 or purchased and maintained their Seller IDs for the Defendants Internet Stores.

8 17. Defendants target their business activities toward consumers
9 throughout the United States, including within this district, through their commercial
10 operations at Amazon.com, Walmart.com, Alibaba.com, and eBay.com under their
11 Seller IDs. Defendants also advertise heavily on Google Ads.

12 18. Defendants are the past and present controlling forces behind the sale
13 of infringing products of Plaintiff's [REDACTED] described hereinbelow.

14 19. Defendants directly engage in unfair competition with Plaintiff by
15 advertising, offering for sale, and selling good that infringe on Plaintiff's patent to
16 consumers within the United States and this district through Amazon.com,
17 Walmart.com, Alibaba.com, and eBay.com using, at least, the Seller IDs and
18 additional names, or seller identification aliases not yet known to Plaintiff.

19 20. Defendants have purposefully directed some portion of their illegal
20 activities toward consumers in the State of California through the advertisement,
21 offer to sell, sale, and/or shipment of infringing goods into the State.

22 21. Upon information and belief, Defendants may have engaged in
23 fraudulent conduct with respect to the registration of the Seller IDs by providing
24 false and/or misleading information to Amazon.com, Walmart.com, Alibaba.com,
25 and EBay.com where they offer to sell and/or sell during the registration or
26 maintenance process related to their respective Seller IDs.

27 22. Upon information and belief, many Defendants registered and
28 maintained their Seller IDs for the sole purpose of engaging in illegal counterfeiting

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1 activities.

2 23. Upon information and belief, Defendants will likely continue to register
3 or acquire new seller identification aliases for the purpose of selling and offering for
4 sale counterfeits and infringements of Plaintiff’s licensed patent unless preliminarily
5 and permanently enjoined.

6 24. Defendants’ business names, i.e., the Seller IDs, associated payment
7 accounts, and any other alias seller identification names e-commerce stores used in
8 connection with the sale of the infringement of Plaintiff’s [REDACTED] Patent are essential
9 components of Defendants’ online activities and are one of the means by which
10 Defendants further their infringement scheme and cause harm to Plaintiff.

11 25. At all times relevant hereto, Defendants had actual or constructive
12 knowledge of Plaintiff’s [REDACTED] Patent, including Plaintiff’s exclusive right to use of
13 the [REDACTED] Patent.

14 **JOINDER OF DEFENDANTS IN THIS ACTION IS PROPER**

15 26. Defendants are the individuals, corporations, limited liability
16 companies, partnerships, unincorporated associations, and foreign entities set forth
17 on Schedule “A”.

18 27. Defendants are promoting, selling, offering for sale, and distributing
19 goods that infringe on Plaintiff’s [REDACTED] Patent.

20 28. Joinder of all Defendants is permissible based on the permissive party
21 joinder rule of Fed. R. Civ. P. 20(a)(2) that permits joinder of persons in an action as
22 Defendants where any right to relief is asserted against them jointly, severally, or in
23 the alternative with respect to or arising out of the same transaction, occurrence, or
24 series of transactions or occurrences; and common questions of law or fact will arise
25 in the action.

26 29. Joinder of the multiple Defendants listed in Schedule “A” serves the
27 interests of convenience and judicial economy, which will lead to a just, speedy, and
28 efficient resolution for Plaintiff, Defendants, and this Court.

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1 30. Joinder of the multiple Defendants listed in Schedule “A” will not
2 create any unnecessary delay nor will it prejudice any party. On the other hand,
3 severance is likely to cause delays and prejudice Plaintiff and Defendants alike.

4 31. Joinder of the multiple Defendants listed in Schedule “A” is procedural
5 only and does not affect the substantive rights of any Defendant listed thereon.

6 32. This Court has jurisdiction over the multiple Defendants listed in
7 Schedule “A”. Venue is proper in this court for this dispute involving the multiple
8 Defendants listed in Schedule “A”.

9 33. Plaintiff’s claims against the multiple Defendants listed in Schedule
10 “A” are all transactionally related.

11 34. Plaintiff is claiming infringement of Plaintiff’s [REDACTED] Patent.

12 35. The actions of all Defendants cause indivisible harm to Plaintiff by
13 Defendants’ combined actions engaging in similar infringing conduct when each is
14 compared to the others.

15 36. All Defendants’ actions are logically related. All Defendants are
16 engaging in the same systematic approach of establishing online storefronts to
17 redistribute illegal products from the same or similar sources while maintaining
18 financial accounts that the defendants can easily conceal to avoid any real liability
19 for their actions.

20 37. A majority of the Defendants are located in foreign jurisdictions.

21 38. A majority of the Defendants undertake efforts to conceal their true
22 identities from Plaintiff in order to avoid detection for their illegal activities.

23 39. All Defendants take advantage of the anonymity and mass reach of the
24 Internet efforts to sell goods across international borders and violate Plaintiff’s
25 intellectual property rights with impunity.

26 40. All Defendants have registered their Seller IDs with a small number of
27 online platforms for the purpose of selling the Infringing Product.

28 41. All Defendants can easily and quickly transfer or conceal funds in their

1 payment and financial accounts to avoid detection and liability in the event that the
2 Plaintiff's anti-infringing efforts are discovered, or Plaintiff obtains a monetary
3 award.

4 42. All Defendants violated one or more of the Plaintiff's intellectual
5 property rights in the United States using common or identical methods.

6 43. All Defendants understand that their ability to profit through
7 anonymous internet stores is enhanced as their numbers increase, even though they
8 may not all engage in direct communication or coordination.

9 **COUNT 1**

10 **(Patent Infringement)**

11 44. Plaintiff repeats and realleges the allegations contained in the preceding
12 paragraphs of the Complaint as though the same were fully rewritten herein.

13 45.

20 46.

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THE PHOTOGRAPHS ON THIS PAGE HAVE BEEN REDACTED.

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49. Defendants create numerous fully interactive commercial internet stores operating online and using Google Ads or selling platforms such as Amazon, eBay, Alibaba, and Walmart which are identified in Schedule A attached hereto.

50. This action has been filed by Plaintiff to combat online patent infringers who are selling and/or offering for sale products that infringe on Plaintiff's [REDACTED] Patent.

51. On information and belief, Defendants expend substantial monies advertising the Infringing Product in media within the Central District of California, including Google Ads, and in fact so induce substantial numbers of customers within the Central District of California to purchase the Infringing Product.

52. On information and belief, at least until the time this Complaint is drafted, Defendants continue to infringe the [REDACTED] Patent by distributing and selling or attempting to distribute and sell the Infringing Products on the internet.

53. On information and belief, Defendants have acted willfully, knowingly, and deliberately with full knowledge of Plaintiff's patent rights and in the absence of any good faith basis for a belief of non-infringement or invalidity of the [REDACTED]

54. Defendants' are unfairly using the Infringing Product to unfairly compete with Plaintiff and others for space within organic search engine results and social media results, thereby jointly depriving Plaintiff of a valuable marketing and educational tool, which would otherwise be available to Plaintiff and reducing the visibility of Plaintiff's genuine goods on the internet and across social media platforms.

55. Defendants' infringing activities are likely to cause and are causing confusion, mistake, and deception among members of the trade and the general

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1 consuming public as to the origin and quality of Defendants’ individual seller stores
2 at Amazon.com, Walmart.com, Alibaba.com, and eBay.com.

3 56. Defendants’ unlawful actions have caused and are continuing to cause
4 unquantifiable damages to Plaintiff and are unjustly enriching Defendants with
5 profits at Plaintiff’s expense.

6 **COUNT 2**

7 **(Unfair Business Practices - Cal. Bus. Prof. Code § 17200 et seq.)**

8 57. Plaintiff repeats and realleges the allegations contained in the preceding
9 paragraphs of the Complaint as though the same were fully rewritten herein.

10 58. Defendants engaged and continue to engage in violations of
11 California’s Unfair Competition Law, found in *California Business and Professions*
12 *Code § 17200, et seq.* (UCL) by engaging in unfair and unlawful business acts and
13 practices. As result of that conduct, Plaintiff has suffered and continues to suffer
14 injury-in-fact including, without limitation, the infringement of Plaintiff’s patent and
15 ongoing competitive injury.

16 59. Defendants’ business acts and practices are unfair and unlawful within
17 the meaning of the UCL because, without limitation, Defendants are manufacturing,
18 promoting, advertising, distributing, selling, offering for sale a product that infringes
19 on Plaintiff’s [REDACTED] Patent.

20 60. Defendants are also using inferior product that infringe on Plaintiff’s
21 [REDACTED] Patent to unfairly compete with Plaintiff for space in search engine and social
22 media results across an array of search terms and visibility on the Internet.

23 61. Defendants infringing activities are likely to cause and are causing
24 confusion, mistake, and deception among members of the trade and the general
25 consuming public as to the origin and quality of Defendants’ individual seller stores
26 at Amazon.com, Walmart.com, Alibaba.com, and eBay.com.

27 62. Defendants’ unfair business practices have caused and are continuing to
28 cause unquantifiable damages to Plaintiff and are unjustly enriching Defendants

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1 with profits at Plaintiff's expense.

2 **COUNT 3**

3 **(Injunctive Relief)**

4 63. Plaintiff repeats and realleges the allegations contained in the preceding
5 paragraphs of the Complaint as though the same were fully rewritten herein.

6 64. Plaintiff has suffered and will continue to suffer irreparable injury and
7 damages due to Defendants' above-described activities if Defendants are not
8 preliminarily and permanently enjoined.

9 65. If not preliminarily and permanently enjoined, Defendants will
10 continue to wrongfully profit from their illegal activities.

11 66. Defendants are likely to transfer or secret their assets to avoid payment
12 of any monetary judgment awarded to Plaintiff.

13 67. Plaintiff has no other adequate remedy at law.

14 68. Plaintiff has been injured by Defendants and Defendants have caused
15 Plaintiff to be damaged in the amount to be proven at trial.

16 **JURY REQUEST**

17 Pursuant to Federal Rule of Civil Procedure 38, Plaintiff requests a trial by
18 jury on all issues so triable.

19 **PRAYER FOR RELIEF**

20 WHEREFORE, Plaintiff prays that this Court enter judgment on all Counts
21 and an award of equitable relief and monetary relief against Defendants as follows;

22 1. Entry of Order that Plaintiff's United States Design Patent No.
23 [REDACTED] is valid and enforceable and has been infringed by Defendants;

24 2. Issue a temporary, preliminary, and permanent injunction pursuant to
25 15 U.S.C. § 1116 and Federal Rule of Civil Procedure 65 enjoining Defendants,
26 their individual owners, board members, agents, representatives, servants,
27 employees, subsidiaries, partners, and all those acting in concert or participation
28

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1 therewith, from manufacturing or causing to be manufactured, importing,
2 advertising or promoting, distributing, selling or offering to sell product, which
3 infringes on Plaintiff's [REDACTED] Patent.

4 3. Entry of a temporary restraining order, as well as preliminary and
5 permanent injunctions pursuant to 28 U.S.C. § 1651(a), the All Writs Act, and the
6 Court's inherent authority, enjoining Defendants and all third parties with actual
7 notice of the injunction issued by this Court from participating in, including
8 providing financial services, technical services or other support to, Defendants in
9 connection with the sale and distribution of products that infringe on Plaintiff's [REDACTED]
10 Patent.

11 4. Entry of an Order pursuant to 28 U.S.C. § 1651(a), the All Writs Act,
12 and the Court's inherent authority that, upon Plaintiff's request, the operators and/or
13 administrators for the Seller IDs, including but not limited to, Amazon.com,
14 Walmart.com, Alibaba.com, and eBay.com, who are provided with notice of an
15 injunction issued by this Court disable and/or cease facilitating access to the Seller
16 IDs and any other alias seller identification names being used and/or controlled by
17 Defendants to engage in the business of marketing, offering to sell, and/or selling
18 goods that infringe on Plaintiff's [REDACTED] Patent,

19 5. Entry of an Order pursuant to 28 U.S.C. § 1651(a), the All Writs Act,
20 and this Court's inherent authority that, upon Plaintiff's request, any messaging
21 service and Amazon.com, Walmart.com, Alibaba.com, and eBay.com operators,
22 administrators, registrar and/or top level domain (TLD) registry for the Seller IDs
23 who are provided with notice of an injunction issued by this Court, identify and
24 provide any email addresses known to be associated with Defendants' respective
25 Seller IDs to Plaintiff.

26 6. Entry of an Order pursuant to 28 U.S.C. § 1651(a), the All Writs Act,
27 and this Court's inherent authority that, upon Plaintiff's request, the operators and/or
28 administrators for the Seller IDs, including but not limited to, Amazon.com,

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1 Walmart.com, Alibaba.com, and eBay.com, who are provided with notice of an
2 injunction issued by this Court permanently remove from the multiple platforms,
3 which include, *inter alia*, a direct platform, group platform, seller product
4 management platform, vendor product management platform, and brand registry
5 platform, any and all listings and associated images of good bearing or using
6 counterfeits and/or infringements of Plaintiff's [REDACTED] Patent.

7 7. Entry of an Order pursuant to 28 U.S.C. § 1651(a), the All Writs Act,
8 and this Court's inherent authority that, upon Plaintiff's request, the operators and/or
9 administrators for the Seller IDs, including but not limited to, Amazon.com,
10 Walmart.com, Alibaba.com, and eBay.com, who are provided with notice of an
11 injunction issued by this Court permanently remove any and all listings and
12 associated images of good bearing or using counterfeits and/or infringements of
13 Plaintiff's [REDACTED] Patent in individual seller stores operating under Seller IDs,
14 including but not limited to the listings and associated images identified by the
15 'parent' and/or 'child' Amazon Standard Identification Numbers (ASIN) on
16 Schedule "A", and upon Plaintiff's request, any other listings and images of goods
17 bearing or using products that infringe on Plaintiff's [REDACTED] Patent that are associated
18 with any ASIN/Product ID linked to the same sellers or linked to any other alias
19 seller identification names being used and/or controlled by Defendants to promote,
20 offer for sale and/or sell the goods bearing and/or using counterfeits and/or
21 infringement of the Plaintiff's [REDACTED] Patent.

22 8. Entry of an Order pursuant to 28 U.S.C. § 16521(a), the All Writs Act
23 and this Court's inherent authority that, upon Plaintiff's request, Defendants,
24 Amazon.com, Walmart.com, Alibaba.com, and eBay.com operators and/or
25 administrators who are provided with notice of an injunction issued by this Court to
26 immediately cease fulfillment of and sequester all goods in its inventory and
27 possession, custody, or control, and surrender those goods that infringe on Plaintiff's
28 [REDACTED] Patent to Plaintiff.

1 9. Entry of an Order requiring Defendants to correct any erroneous
2 impression the consuming public may have derived concerning the nature,
3 characteristics, or qualities of their products, including without limitation, the
4 placement of corrective advertising and providing written notice to the public.

5 10. Entry of an Order that, upon Plaintiff's request, Defendants and any
6 financial institutions, payment processors, banks, escrow services, money
7 transmitters, or Amazon.com, Walmart.com, Alibaba.com, and eBay.com platforms,
8 and their related companies and affiliates, identify and restrain all funds, up to and
9 including the total amount of judgment, in all financial accounts and/or sub-accounts
10 used in connection with the Seller IDs, or other alias seller identification or e-
11 commerce store names used by Defendants presently or in the future, as well as any
12 other related accounts of the same customer(s) and any other accounts which
13 transfer funds into the same financial institution account(s) and remain restrained
14 until such funds are surrendered to Plaintiff in partial satisfaction of the monetary
15 judgment entered herein.

16 11. Award Plaintiff damages adequate to compensate for the infringement,
17 but in no event less than a reasonable royalty for the use made of the invention by
18 the Defendants, as provided in 35 U.S.C. § 284, together with interest and costs to
19 be determined by the Court;

20 12. Treble the amount of Plaintiff's damages pursuant to the provisions of
21 35 U.S.C. § 284 by reason of willful infringement;

22 13. Award such other and further relief as the Court may deem just and
23 proper.

24 Dated: December 23, 2023

By: /s/ Gary F. Wang
Gary F. Wang
Attorney for Plaintiff, Jinguang Wen

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REQUEST FOR JURY TRIAL

Defendant requests a trial by jury on all jury triable issues in accordance with Rule 38(a) of the Federal Rules of Civil Procedure.

Dated: December 23, 2023

/s/ Gary F. Wang
Gary F. Wang
Attorney for Plaintiff Jinguang Wen

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EXHIBIT 1 REDACTED IN FULL

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