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10 NINE STARS GROUP (U.S.A.) INC.

11 UNITED STATES DISTRICT COURT
12 FOR THE CENTRAL DISTRICT OF CALIFORNIA
13 WESTERN DIVISION

14 **NINE STARS GROUP (U.S.A.) INC., a**
15 **California corporation,**

16 Plaintiff,

17 v.

18 **GUANGZHOU EKO TRADING**
19 **DEVELOPMENT CO., LTD., a China**
20 **limited liability company**

21 Defendant.

) CASE NO. 5:24cv01843

) **COMPLAINT FOR PATENT**
) **INFRINGEMENT**

) **DEMAND FOR JURY TRIAL**

22
23
24 Plaintiff, NINE STARS GROUP (U.S.A.) INC. (“NINE STARS” or “Plaintiff”) files this
25 Complaint and Demand for Jury Trial against Defendant GUANGZHOU EKO TRADING
26 DEVELOPMENT CO., LTD. (“EKO” or “Defendant”), by and through its attorneys YK Law
27 LLP, and in support thereof alleges as follows:
28

INTRODUCTION

1
2 1. This Complaint arises from the Defendant’s unlawful infringement of the
3 following United States Patent owned by NINE STARS: United States Patent No. 10,822,165 B2
4 (“the ‘165 patent”).

5 2. NINE STARS is the owner by assignment of the ‘165 patent, which generally
6 relates to an induction actuated container cover, such as in use of a trash can.
7

8 **PARTIES**

9 3. Plaintiff, NINE STARS GROUP (U.S.A.) INC. is a California corporation, with
10 an address and principal place of business located at 1775 So Business Parkway, Ontario,
11 California 91761.
12

13 4. On information and belief, defendant GUANGZHOU EKO TRADING
14 DEVELOPMENT CO., LTD. is a limited company (ltd.) organized under the laws of China with
15 its principal operating businesses located at Room 1013, R&F Yinglong Plaza, No. 76 Huangpu
16 Avenue West, Tianhe District, Guangzhou City, Guangdong Province, China.
17

18 5. On information and belief, Defendant is a for-profit entity. On information and
19 belief, at all times material hereto, Defendant manufactured and supplied infringing product to
20 retail customers, including at least Wal-Mart, which retail customers made the infringing product
21 available on their websites, including but not limited to www.walmart.com, accessible
22 throughout the United States and in this judicial district.
23

24 **JURISDICTION AND VENUE**

25 6. This is an action for patent infringement arising under the patent laws of the
26 United States. This Court has jurisdiction over the subject matter of this action under 28 U.S.C.
27 §§ 1331 and 1338(a).
28

1 12. NINE STARS manufactures and distributes its own products under the ‘165
2 patent, including but not limited to the part number DZT-50-28. At all relevant times, NINE
3 STARS has marked its products with the ‘165 patent number pursuant to 35 USC §287.

4 **FIRST CAUSE OF ACTION**

5 **(DIRECT INFRINGEMENT OF U.S. PATENT NO. 10,822,165 B2)**

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7 13. NINE STARS incorporates by reference the foregoing paragraphs 1-12 of this
8 Complaint as if fully set forth herein.

9 14. On information and belief, Defendant has directly infringed and continues to
10 infringe one or more claims of the ‘165 patent, including at least claim 1 thereof, in the state of
11 California, in this judicial district, and elsewhere in the United States by, among other things,
12 making, using, selling, offering for sale, and/or importing into the United States products that
13 practice one or more of the inventions claimed in the ‘165 patent, including but not limited to
14 Defendant’s Automatic Trash Can, 13.2 Gal, part number WM9226-50L implementing the
15 structure and functionality illustrated in Exhibit B, including Defendant’s Accused Products
16 available through the Walmart website (the “Accused Products”), as well as all reasonably
17 similar products, in violation of 35 U.S.C. § 271(a).
18
19

20 15. The Accused Products satisfy all claim limitations of one or more claims of the
21 ‘165 patent, either literally and/or under the doctrine of equivalents. A claim chart comparing
22 independent claim 1 of the ‘165 patent to identified structure and functionality of the Accused
23 Products is attached as Exhibit B.
24

25 16. By making, using, providing, offering for sale, selling and/or importing into the
26 United States the Accused Products, Defendant has injured NINE STARS and is liable for
27 infringement of the ‘165 patent pursuant to 35 U.S.C. § 271(a).
28

1 17. On information and belief, Defendant's infringement of the '165 patent was
2 knowing and intentional.

3 18. As a result of Defendant's infringement of the '165 patent, NINE STARS is
4 entitled to monetary damages (past, present and future) in an amount adequate to compensate for
5 Defendants' infringement, but in no event less than a reasonable royalty for the use made of the
6 invention by Defendant, together with interest and costs as fixed by the Court.
7

8 19. Defendant's acts of direct infringement have caused and continue to cause
9 damage to NINE STARS. NINE STARS is entitled to damages in accordance with 35 U.S.C. §§
10 271, 281, and 284 sustained as a result of Defendant's wrongful acts in an amount to be proven at
11 trial.
12

13 **SECOND CAUSE OF ACTION**

14 **(CONTRIBUTORY INFRINGEMENT OF U.S. PATENT NO. 10,822,165 B2)**

15 20. NINE STARS incorporates by reference the foregoing paragraphs of this
16 Complaint as if fully set forth herein.
17

18 21. On information and belief, Defendant has contributorily infringed and continues
19 to contributorily infringe one or more claims of the '165 patent, including at least claim 1
20 thereof, in the state of California, in this judicial district, and elsewhere in the United States by,
21 among other things, providing the Accused Products to retail customers such as Walmart and to
22 customers thereof, as well as all reasonably similar products, in violation of 35 U.S.C. § 271(c).
23

24 22. The Accused Products satisfy all claim limitations of one or more claims of the
25 '165 patent, either literally and/or under the doctrine of equivalents. A claim chart comparing
26 independent claim 1 of the '165 patent to identified structure and functionality of the Accused
27 Products is attached as Exhibit B.
28

1 23. By providing the Accused Products to retail customers, customers thereof, and
2 other potential customers, Defendant has injured NINE STARS and its liable for contributory
3 infringement of the '165 patent pursuant to 35 U.S.C. § 271(c).

4 24. On information and belief, Defendant's contributory infringement of the '165
5 patent was knowing and intentional.

6 25. As a result of Defendant's contributory infringement of the '165 patent, NINE
7 STARS is entitled to monetary damages (past, present and future) in an amount adequate to
8 compensate for Defendants' infringement, but in no event less than a reasonable royalty for the
9 use made of the invention by Defendant, together with interest and costs as fixed by the Court.

10 26. Defendant's acts of contributory infringement have caused and continue to cause
11 damage to NINE STARS. NINE STARS is entitled to damages in accordance with 35 U.S.C. §§
12 271, 281, and 284 sustained as a result of Defendant's wrongful acts in an amount to be proven at
13 trial.
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16 **PRAYER FOR RELIEF**

17 WHEREFORE, NINE STARS prays for judgment and seeks relief against Defendant as
18 follows:
19

20 A. For judgment that Defendant has infringed one or more claims of the '165 Patent,
21 literally and/or under the doctrine of equivalents;

22 B. For entry of a permanent injunction against Defendant prohibiting continued
23 infringement of the '165 Patent;

24 C. For judgment awarding NINE STARS damages adequate to compensate it for
25 Defendant's infringement of the '165 Patent, including all pre-judgment and post-judgment
26 interest as well as an award of mandatory future royalties for continuing infringement;
27
28

1 D. For judgment awarding enhanced damages pursuant to 35 U.S.C. § 284;

2 E. For judgment awarding attorneys' fees pursuant to 35 U.S.C. § 285 or otherwise
3 permitted by law;

4 F. For judgment awarding costs of suit; and

5 G. For judgment awarding NINE STARS such other and further relief as the Court
6 may deem just and proper.
7

8 **DEMAND FOR JURY TRIAL**

9 Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure NINE STARS hereby
10 demands a trial by jury of this action.
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12 Dated: August 28, 2024

Respectfully submitted,

13 By /Michael A. DiNardo/

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