

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

DONGGUAN SAIEN CHUANGKE  
TECHNOLOGY CO. LTD.,

Plaintiff,

v.

SHENZHEN HUAMINGJUN RUBBER  
CO. LTD., and INTERNET STORES 1-45  
Identified in Schedule A,

Defendants.

Civil Action No.

JURY TRIAL DEMANDED

**COMPLAINT FOR INFRINGEMENT OF DESIGN PATENTS, TRADEMARK  
INFRINGEMENT, AND FOR VIOLATION OF LANHAM ACT § 43(A), 15 U.S.C. 1125(A)**

Plaintiff Dongguan Saien Chuangke Technology Co. Ltd. (“DSCT” or “Plaintiff”) hereby brings this action for design patent infringement, trademark infringement, and violation of Lanham Act §43(a), 15 U.S.C. § 1125(a) against Defendant Shenzhen Huamingjun Rubber Co. Ltd. (“Defendant SHR”) and Internet Stores 1-45 Identified in Schedule A who sell products through Amazon stores identified in Schedule A (the “Defendant Internet Stores”) (collectively “Defendants”) and alleges as follows:

**INTRODUCTION**

1. Beginning in 2020, Plaintiff began development of reusable water balloons, which culminated in the issuance of U.S. Design Patent Nos. D1,030,929 (“the D’929 patent” (Ex. A)) and D1,034,861 (“the D’861 patent (Ex. B) (collectively, “the patents-in-suit”). The patents-in-suit cover the design of reusable water balloons. Since 2022, Plaintiff has sold reusable water balloons covered by the patents-in-suit under the brand SOPPYCID. The Defendants sell knock-offs of Plaintiff’s SOPPYCID products that infringe Plaintiff’s patented design (the “Infringing Products”), the sales of which further violate Lanham Act §43(a), 15 U.S.C. § 1125(a). The Defendants have created Defendant Internet Stores to sell the Infringing

Products. On information and belief, the Defendant Internet Stores sell products that originate from the same Chinese factory, which, on information and belief, is owned, managed or controlled by Shenzhen Huamingjun Rubber Co. Ltd (“SHR”). Accordingly, a logical relationship exists suggesting that Defendants' operation arises out of the same transaction, occurrence, or series of transactions or occurrences. On information and belief, Defendants attempt to avoid liability by going to great lengths to conceal both their identities and the full scope and interworking of their operation. Plaintiff is forced to file this action to combat Defendants' infringement of its patented design, as well as to protect unknowing consumers from purchasing Infringing Products over the Internet. Plaintiff has been and continues to be irreparably damaged from the loss of its lawful patent rights to exclude others from making, using, selling, offering for sale, and importing its patented design as a result of Defendants' actions and seeks injunctive and monetary relief.

### **JURISDICTION AND VENUE**

2. This Court has original subject matter jurisdiction over the claims in this action pursuant to the provisions of the Patent Act, 35 U.S.C. §101, et seq., 28 U.S.C. § 1338(a)-(b) and 28 U.S.C. § 1331, and 15 U.S.C. §§1051 et seq..

3. Venue is proper in this Court pursuant to 28 U.S.C. § 1391(c)(3) as the Defendant Internet Stores are Chinese entities who sell products placed into the stream of commerce by Defendant SHR and this Court may properly exercise personal jurisdiction over Defendants since each of the Defendant Internet Stores directly targets business activities toward consumers in the United States, including Illinois, through at least the fully interactive, commercial Internet stores operating under the Online Marketplace Accounts identified in Schedule A attached hereto (collectively, the "Defendant Internet Stores"). Specifically, the Defendant Internet Stores are reaching out to do business with Illinois residents by operating one or more commercial, interactive Defendant Internet Stores through which Illinois residents

can purchase the knock of SHR products featuring Plaintiff's patented design. Each of the Defendant Internet Stores has targeted sales from Illinois residents by operating online stores that offer shipping to the United States, including Illinois, accept payment in U.S. dollars and, on information and belief, has sold products featuring Plaintiff's patented design to residents of Illinois. Each of the Defendant Internet Stores is committing tortious acts in Illinois, is engaging in interstate commerce, and has wrongfully caused Plaintiff substantial injury in the State of Illinois.

**THE PARTIES**

**A. Plaintiff**

4. Plaintiff DSCT is a manufacture of products based in the People’s Republic of China. Plaintiff DSCT is a limited liability company organized and existing under the laws of the People’s Republic of China, having its principal place of business at Rm301, Building No.1, No. 33, Jianshe Road, Xiabian, Houjie Town, Dongguan City, Guangdong Province, China.

5. Plaintiff is the owner of the Attached U.S. Design Patent Nos. D1,030,929 (“the D’929 patent” (Ex. A)) and D1,034,861 (“the D’861 patent (Ex. B) (collectively, “the patents-in-suit”).

6. The patents-in-suit have an effective filing date at least as early as December 14, 2021, as shown below:

<b>Patent No. Issue Date</b>	<b>Application No. Filing Date</b>	<b>Parent Application</b>
D1,030,929 6/4/2024	29/879,617 7/23/2023	Continuation of 17/549,920 12/14/2021 (See Figs. 11-12)
D1,034,861 7/9/2024	29/929,607 7/11/ 2023	Continuation of 17/549,920 12/14/2021 (See Figs. 11-12)

7. Since 2022, Plaintiff has marketed toy water balloons covered by the patents-in-suit under the SOPPYCID trademark and brand.

8. Plaintiff owns U.S. Trademark Reg. Nos. 6,859,955, dated September 20, 2022 for the mark SOPPYCID for, *inter alia*, water toys Ex. C.

9. Plaintiff's customers have marketed Plaintiff's SOPPYCID water balloons to customers in the United States through online sellers, such as Amazon.com.

**B. Defendants**

10. On information and belief, Defendant SHR is a foreign limited company organized under the laws of the People's Republic of China. On information and belief, Defendant SHR primarily sells directly to distributors and e-commerce retailers. On information and belief, Defendant SHR manufactures knock-offs of Plaintiff's SOPPYCID toy water balloons to Defendants Internet Stores 1-45.

11. On information and belief, the Defendant Internet Stores 1-45 each markets SHR's knock-offs of Plaintiff's SOPPYCID water balloons through Internet stores listed on Amazon.com ("the Amazon store"), as identified in Ex. 4, attached hereto.

12. On information and belief, each of Defendants Internet Stores 1-45 is a Chinese person, partnership, or company, or other entity, that is located in the People's Republic of China. Further on information and belief, each of Defendants Internet Stores 1-45 resides in China for purposes of 28 U.S.C. § 1391.

**JURISIDCTION AND VENUE**

13. This Court has exclusive subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331, 1338(a), 2201, and 2202, the Patent Laws of the United States, 35 U.S.C. § 1 et. seq., and the Lanham Act, 15 U.S.C. § 1051 et seq.

14. Venue is proper in this judicial district pursuant to 28 U.S.C. § 1391(b)(1) and 1391(c)(3).

15. This Court has personal jurisdiction over each of the Internet Store Defendants identified in Schedule A, since each Defendant directly targets business activities toward

consumers in the United States, including Illinois, through at least the fully interactive, e-commerce Amazon.com store. Specifically, each Defendant has targeted sales to Illinois residents by setting up and operating e-commerce stores that target United States consumers using one or more Seller Aliases, offers shipping to the United States, including Illinois, accepts payment in U.S. dollars and, on information and belief, has sold products to residents of Illinois. This Court has personal jurisdiction over Defendant SHR because it has already availed itself of this jurisdiction by filing a Declaratory Judgment Action against Plaintiff, captioned, *Shenzhen Huamingjun Rubber Co., Ltd. v. Dongguan Saien Chuangke Technology Co. Ltd.*, No. 1:24-cv-7133 (N.D. Ill.).

**DEFENDANTS' ACTS OF INFRINGEMENT OF THE D'929 AND D'861 PATENTS**

16. On information and belief, each of Defendants Internet Stores 1-45 markets knock-offs of Plaintiff's SOPPYCID water balloons.

17. The D'929 patent claims an "ornamental design for a spherical toy water ball, as shown and described in the drawings." Ex. A. Figs. 1 and 2, reproduced in part below, show the claimed design:

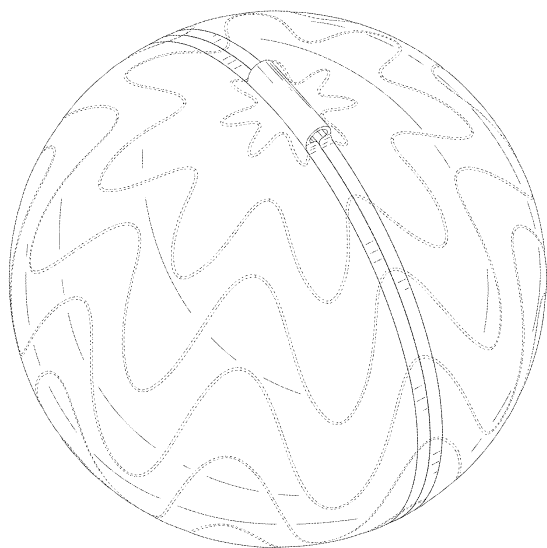


FIG. 1

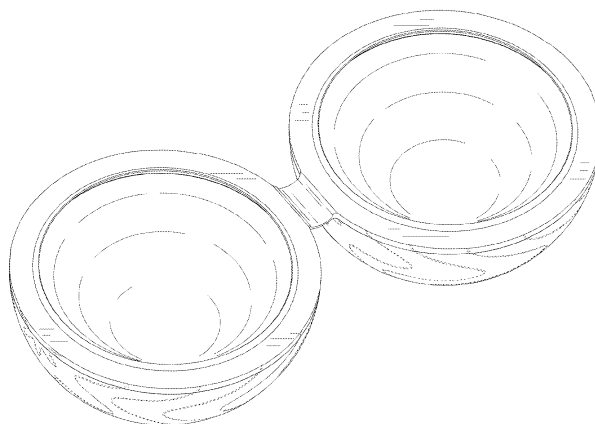


FIG. 2

18. The D'929 patent states that the “broken lines depict portions of the spherical toy water ball that form no part of the claimed design.”

19. Defendants are marketing products that directly infringe the claimed design of the D'929 patent (“the Accused Products”). Representative reproductions from Defendants’ web pages clearly show direct infringement.





20. The D'861 patent claims an “ornamental design for a toy water ball, as shown and described in the drawings.” Ex. B. Figs. 1 and 2 of Ex. 2, reproduced in part below, show the claimed design:



FIG. 1

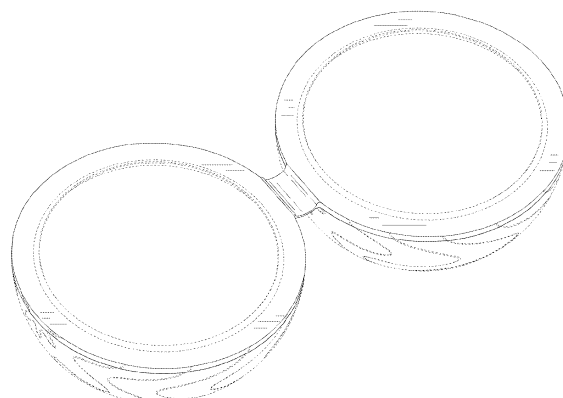


FIG. 2

21. The D'861 patent states that the “broken lines depict portions of the spherical toy water ball that form no part of the claimed design.”



22. Defendants are marketing products that directly infringe the claimed design of the D'861 patent (“the Accused Products”). Representative reproductions from Defendants’ web pages clearly show direct infringement.



**DEFENDANTS’ INFRINGEMENT OF PLAINTIFF’S REGISTERED SOPPYCID TRADEMARK AND VIOLATION OF LANHAM ACT § 43(a)**

23. Plaintiff incorporates paragraphs 1-22 by reference.
24. Plaintiff sells its products under the trademark and brand SOPPYCID.
25. A search for “SOPPYCID” run on Amazon.com on September 4, 2024 produced an Amazon.com webpage, which listed thumbnail links to webpages selling reusable water balloons that did not display the mark SOPPYCID. Of the those thumbnail links, every one of them had SOPPYCID embedded in the webpage so as to ensure that the webpage would



be revealed as a result of a consumer search for SOPPYCID. A number of those thumbnail links are for infringing products sold by Defendants in this case.

26. On information and belief, some or all of Defendants 1-45 are using Plaintiff's trademark SOPPYCID as a keyword to attract consumers who search for Plaintiff's SOPPYCID brand. On information and belief, some or all of the Defendants have used SOPPYCID as a keyword in its Amazon listing for their infringing products for the purpose of misleading consumers into believing that its knock-off products are made by, affiliated with, sold by, marketed by, approved by or sponsored by Plaintiff.

27. Defendants' marketing of their knock-off products is likely to cause confusion, mistake, or to deceive purchases and potential purchasers of Plaintiff's SOPPYCID water balloons into believing that Defendants' knock-off products are affiliated with, sponsored by, approved by or made or marketed by Plaintiff.

28. Defendants' marketing of their knock-off products, which are identical to Plaintiff's product, misrepresents the nature, characteristics, or qualities of Defendants' products or commercial activities.

## **COUNT I**

### **PATENT INFRINGEMENT**

29. Plaintiff incorporates paragraphs 1-28 by reference.

30. Plaintiff is the owner of the D'929 and D'861 patents.

31. Plaintiff's D'929 and D'861 patents were duly issued by the United States Patent and Trademark Office, and under 35 U.S.C. § 282 are presumed valid.

32. Defendants have infringed and will continue to infringe Plaintiff's D'929 and D'861 patents by engaging in the acts complained of herein, by offering to sell, selling, and importing products that infringe Plaintiff's D'929 and D'861 patents.

33. Plaintiff has been and continues to be irreparably injured by Defendants' infringing activities and has no adequate remedy at law.

34. Plaintiff is entitled to an immediate order, temporarily restraining Defendants from offering for sale, selling, marketing, and importing the accused products.

35. Plaintiff is also entitled to an order freezing Defendants' bank accounts used in connection with the sales of the Accused Products, including but not limited to Defendants' accounts for the sale of the Accused Products in the Amazon Store.

36. Defendants have willfully infringed Plaintiff's patents, in reckless disregard of Plaintiff's rights.

37. Plaintiff is also entitled to damages for Defendants' acts of infringement, to a finding that this case is exceptional, under 35 U.S.C. § 285, and to three times the amount of such damages pursuant thereto.

38. Plaintiff is also entitled to recover its attorneys' fees and costs from Defendants.

## **COUNT II**

### **VIOLATION OF LANHAM ACT § 43(A), 15 U.S.C. § 1125(A)**

39. Plaintiff incorporates paragraphs 1-37 by reference.

40. Defendants have violated section 43(a) of the Lanham Act by selling knock-off products that are indistinguishable in their appearance from Plaintiff's SOPPYCID water balloons, which has created a likelihood of confusion by copying the ornamental designs of Plaintiff's products.

41. Some Defendant Internet Stores have violated section 43(a) of the Lanham Act by using Plaintiff's SOPPYCID trademark as a keyword for Amazon searches for their knock-off products, which is likely to confuse consumers into believing that the knock-offs are made by Plaintiff, sponsored by Plaintiff, or marketed or approved by Plaintiff.

42. Defendants actions have violated Plaintiff's rights under 15 U.S.C. § 1125(a).

43. Plaintiff has been and continues to be irreparably injured by Defendants' infringing activities and has no adequate remedy at law.

44. Plaintiff is entitled to an immediate order, temporarily restraining Defendants from offering for sale, selling, marketing, and importing the accused products under 35 U.S.C. § 1116.

45. Plaintiff is also entitled to an order freezing Defendants' bank accounts used in connection with the sales of the Accused Products, including but not limited to Defendants' accounts for the sale of the Accused Products in the Amazon Store.

46. Defendants have willfully violated Plaintiff's rights under Lanham Act §43(a), in reckless disregard of Plaintiff's rights.

47. Plaintiff is also entitled to damages for Defendants' acts of infringement, to recover Defendants' profits, and to recover the costs of this action, and a finding that this case is exceptional, under 15 U.S.C. § 1117, and to three times the amount of such damages pursuant thereto.

48. Plaintiff is also entitled to recover its attorneys' fees and costs from Defendants.

### **COUNT III**

#### **TRADEMARK INFRINGEMENT IN VIOLATION OF 15 U.S.C. § 1114(1)(a)**

49. Plaintiff incorporates by reference paragraphs 1-48 by reference.

50. Some Defendant Internet Stores have infringed Plaintiff's registered SOPPYCID mark by using Plaintiff's SOPPYCID trademark as a keyword for Amazon searches for their knock-off products, which is likely to confuse consumers into believing that the knock-offs are made by Plaintiff, sponsored by Plaintiff, or marketed or approved by Plaintiff.

51. Defendants actions have violated Plaintiff's rights under 15 U.S.C. § 1114(1)(a).

52. Plaintiff has been and continues to be irreparably injured by Defendants' infringing activities and has no adequate remedy at law.

53. Plaintiff is entitled to an immediate order, temporarily restraining Defendants from offering for sale, selling, marketing, and importing the accused products under 35 U.S.C. § 1116.

54. Plaintiff is also entitled to an order freezing Defendants' bank accounts used in connection with the sales of the Accused Products, including but not limited to Defendants' accounts for the sale of the Accused Products in the Amazon Store.

55. Defendants have willfully violated Plaintiff's rights under 15 U.S.C. 1114(1)(a) in reckless disregard of Plaintiff's rights.

56. Plaintiff is also entitled to damages for Defendants' acts of infringement, to recover Defendants' profits, and to recover the costs of this action, and a finding that this case is exceptional, under 15 U.S.C. § 1117, and to three times the amount of such damages pursuant thereto.

57. Plaintiff is also entitled to recover its attorneys' fees and costs from Defendants.

#### **PRAYER FOR RELIEF**

WHEREFORE, Plaintiff prays for judgment against Defendants as follows:

A. That Defendants, their affiliates, officers, agents, servants, employees, attorneys, principals, confederates, and all persons acting for, with, by, through under or in active concert with them be temporarily, preliminarily, and permanently enjoined and restrained from:

1. Infringing U.S. Patent Nos. D1,030,929 and D1,034,861, in violation of 35 U.S.C. § 271;
2. Marketing products that incorporate Plaintiff's ornamental design in a manner that is likely to cause confusion, mistake or to deceive purchasers or potential purchasers into

believing that Defendants' products are sponsored by, made by, produced by, marketed by, authorized by or approved by Plaintiff, in violation of 15 U.S.C. § 1125(a);

B. For entry of an Order that, upon Plaintiff's request, those with notice of the injunction, including, without limitation, any payment platforms such as credit cards, PayPal, JCB, Maestro, OXXO, and Diners' Club International, (collectively, the "Third Party Payment Providers") shall disable the accounts used by or associated with Defendants in connection with the sale of the Accused Products, which infringe the patents-in-suit;

C. For entry of an Order that, upon Plaintiff's request, those with notice of the injunction, including without limitation any online marketplace platforms such as eBay, AliExpress, Alibaba, Amazon, Wish.com, Walmart, Etsy, DHgate, Temu, web hosts, sponsored search engine or ad-word providers, credit cards, banks, merchant account providers, third party processors and other payment processing service providers, Internet search engines such as Google, Bing and Yahoo (collectively, the "Third Party Providers") shall:

- 1) disable and cease displaying any advertisements used by or associated with Defendants in connection with the sale of the Infringing Products;
- 2) disable and cease providing services being used by Defendants, currently or in the future, to engage in the sale of the Infringing Products; and
- 3) take all steps necessary to prevent links to the Defendant Internet Stores identified on Schedule A from displaying in search results, including, but not limited to, removing links to the Defendant Internet Stores from any search index;

D. Judgment that Plaintiff's patents-in-suit are valid and enforceable;

E. Judgment that Defendants have infringed and are infringing U.S. Patent Nos. D1,030,929 and D1,034,861;

F. That Plaintiff be awarded damages pursuant to 35 U.S.C. § 284 for Defendants' infringement of the patents-in-suit;

G. That this Court find that Defendants have willfully infringed Plaintiff's patents-in-suit, that this Court find this case exceptional under 35 U.S.C. §285, and award three times actual damages under 35 U.S.C. §284 and Plaintiff's attorneys' fees under 35 U.S.C. §285 and costs;

H. That Defendant account for and pay to Plaintiff all damages Plaintiff suffered and all profits Defendants realized by reason of Defendants' violations of Plaintiff's rights under 15 U.S.C. § 1125(a);

I. For an award of damages pursuant to 15 U.S.C. §1117(a) for Defendants' false designations of origin in violation of 15 U.S.C. § 1125(a) and to increase such damages three-fold as provided under § 1117(a);

J. For the Court to find that this case is exceptional under 15 U.S.C. §1117(a) and to award Plaintiff its costs and attorneys' fees; and,

K. For such other and further relief as this Court deems just and proper.

**DEMAND FOR JURY TRIAL**

Plaintiff hereby demands a jury for all issues so triable.

Date: September 5, 2024

Respectfully submitted,

RIMON, P.C.

*/s/ Eric C. Cohen*

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