

Matthew L. Lalli (6105)
Jeremy J. Stewart (12247)
SNELL & WILMER L.L.P.
15 West South Temple, Suite 1200
Salt Lake City, Utah 84101-1004
Telephone: (801) 257-1900
Facsimile: (801) 257-1800
mlalli@swlaw.com
jjstewart@swlaw.com

David J. Tobin (pro hac vice to be filed)
MCDERMOTT WILL & EMERY LLP
2501 North Harwood Street Suite 1900
Dallas, TX 75201
Telephone: (214) 210-2793
dtobin@mwe.com

Jay H. Reiziss (pro hac vice to be filed)
Alexander P. Ott (pro hac vice to be filed)
MCDERMOTT WILL & EMERY LLP
500 North Capitol Street, NW
Washington, DC 20001
Telephone: (202) 756-8000
jreiziss@mwe.com
aott@mwe.com

Attorneys for Plaintiff Cricut, Inc.

**UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION**

CRICUT, INC., a Delaware corporation,
Plaintiff,

v.

Shanghai Sishun E-commerce Co., Ltd.,
Shanghai Sishun Co., Ltd.,
Bozhou Wanxingyu Technology Co. Ltd.,
Bozhou Zhongdaxiang Technology Co., Ltd.,
and Wuyi Bohai Electric Tools Co., Ltd.

Defendants.

COMPLAINT

Case No. 2:24-cv-747

Judge _____

JURY TRIAL DEMANDED

Plaintiff Cricut, Inc., by and through the undersigned counsel, hereby complains against Defendants Shanghai Sishun E-commerce Co., Ltd., Shanghai Sishun Co., Ltd., Bozhou Wanxingyu Technology Co. Ltd., Bozhou Zhongdaxiang Technology Co., Ltd., and Wuyi Bohai Electric Tools Co., Ltd. for patent infringement and alleges as follows:

PARTIES

1. Plaintiff Cricut, Inc. (“Cricut”) is a publicly traded corporation (NASDAQ: CRCT) that is headquartered in Delaware, and with its principal place of business at 10855 South River Front Parkway, South Jordan, Utah 84095.

2. Defendants are Shanghai Sishun E-commerce Co., Ltd. (“SSECL”), Shanghai Sishun Co., Ltd. (“SSCL”), Bozhou Wanxingyu Technology Co. Ltd. (“BWTCL”), Bozhou Zhongdaxiang Technology Co., Ltd. (“BZTCL”), and Wuyi Bohai Electric Tools Co., Ltd. (“WBETCL”) (collectively, “Defendants”).

3. Each Defendant is a corporation with its principal place of business in China and organized under the laws of China.

4. The Defendants collectively do business as “Vevor.”

5. On information and belief, WBETCL is the entity that manufactures the accused Vevor cutting machines. The accused Vevor cutting machines are then exported and/or sold by SSECL, SSCL, BWTCL, and/or BZTCL.

6. On information and belief, Defendant WBETCL has a principal place of business at No. 1, Chementou, Hardware Machinery Industrial Park, Tongqin Town, Wuyi County, Jinhua City, Zhejiang Province, China.

7. On information and belief, Defendant SSECL has a principal place of business at 5th Floor, Building 6, Lane 958, Jinsha Jiangxi Road, Jiading District, Shanghai, China 201824. This is the address provided by the “WHOIS” internet domain search for the <http://www.vevor.com> website, in which the “Registrant Organization” is Shanghai Sishun E-COMMERCE Co., Ltd.”¹ A screenshot is shown below:



Registrant Organization: Shanghai Sishun E-COMMERCE Co., Ltd.
Registrant Street: 5th Floor, Building 6, Lane 958, Jinsha Jiangxi Road,
Registrant Street: Jiading District
Registrant City: Shanghai
Registrant State/Province: Shanghai
Registrant Postal Code: 201824
Registrant Country: CN
Registrant Phone: +86.16601839140

8. According to USPTO assignment records, on October 16, 2023, Defendant SSECL transferred ownership of the “VEVOR” trademarks to Defendant BZTCL. *See* Reel 8241 Frame 0537-0563.² The assignment records were signed by Rubao Jiao as President of SSECL and by Shuai Zhao as President of BZTCL.

9. According to the assignment records at Reel 8241 Frame 0537-0563, another address for Defendant SSECL is Room J106, Building 5, No. 3131, Jinshajiang Road, Zhensin Street, Jiading District, Shanghai China 201824.

¹

https://www.godaddy.com/whois/results.aspx?itc=dlp_domain_whois&domain=http%3A%2F%2Fwww.vevor.com

² <https://legacy-assignments.uspto.gov/assignments/assignment-tm-8241-0537.pdf>

10. According to the assignment records at Reel 8241 Frame 0537-0563, Defendant BZTCL has a principal place of business at No. 41, Zhaoyangzhuang Vil, Dawang Xingzheng Vil, Niuji Town, Qiaocheng Dist, Bozhou, Anhui, China, 236800.

11. On information and belief, BTWCL has a principal place of business at No. 26, Guangming Rd., Qiaocheng Dist., Bozhou, Anhui, China, 236800. On information and belief, the president of Bozhou Wanxingyu Technology Co. Ltd. is Rongxing Cui.

12. According to product packaging, Defendants may also be contacted at Baoshanqu Shuangchenglu, 803long 11hao, 1602A-1609shi, Shanghai, China. Defendants may also be contacted through their importer, Sanven Technology Ltd., Suite 250, 9166 Anaheim Place, Rancho Cucamonga, CA 91730.

13. An alternate method to contact Defendants is through a “Live Chat” available on their website.³

14. On information and belief, Defendants may also be contacted at: Di Li Law P.C., 17700 Castleton Street Suite 353, City of Industry, California, 91748 and at: trademarks@dililaw.com, TMProce@scienbizip.com, and ecptm@scienbizip.com. This is the address and contact information that Defendants provided to the United States Patent and Trademark Office in connection with their VEVOR trademark, U.S. Registration No. 6225158.

³ <https://www.vevor.com/pages/contact-us>

JURISDICTION AND VENUE

15. This is a civil action for patent infringement arising under the patent laws of the United States, 35 U.S.C. §§ 1 *et seq.* Accordingly, this Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338(a).

16. The Court has personal jurisdiction over Defendants because Defendants have, directly or through agents and/or intermediaries, committed acts within the State of Utah, giving rise to this action and/or have established minimum contacts with Utah and this District such that the exercise of jurisdiction would not offend traditional notions of fair play and justice.

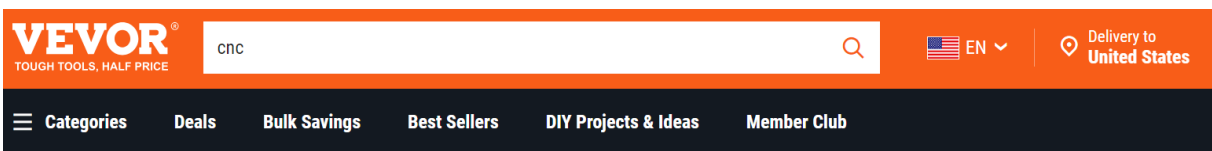
17. On information and belief, Defendants regularly conduct business in Utah, including this District, and purposefully have availed themselves of the privileges of conducting business in Utah. In particular, on information and belief, Defendants, directly and/or through their agents and/or intermediaries, use, import, offer for sale, sell, and/or advertise their products in Utah. In addition, Defendants have placed, and continue to place, infringing products into the stream of commerce, via an established distribution channel, with the knowledge and/or understanding that such products are sold in the United States including in Utah.

18. For example, Defendants sell and offer to sell infringing products directly through their websites to the public throughout the United States, including in Utah. Defendants' direct-to-consumer websites include <https://www.vevor.com>.⁴

⁴ Vevor vinyl cutter machine is sold at: https://www.vevor.com/vinyl-cutter-c_11151/vevor-vinyl-cutter-machine-bluetooth-connectivity-diy-cutting-machine-compatible-with-ios-android-windows-and-mac-massive-designs-included-for-creating-customized-cards-home-decor-p_010950632811

19. Defendants also sell and offer to sell infringing products through other sales channels, including Ali Express⁵ and Amazon.com.⁶ The infringing products have been inventoried in the United States, such that they are shipped from Vevor.com with 2-day shipping and, for less than 1 week shipping from Amazon.com and AliExpress. For example, Vevor states that it has “60+ warehouses globally”⁷ and elsewhere it refers to “100 strategically located warehouses worldwide.”⁸

20. Defendants specifically target the United States for delivery and sales of their infringing products. They manufacture the infringing products in China and then import them to warehouses in the United States. The <https://www.vevor.com> website is in English and the homepage lists the United States as one of 12 countries for delivery, as shown in the excerpt below:



21. On information and belief, Defendants have sent representatives to tradeshows throughout the United States to advertise and promote the infringing products.

22. Alternatively, and/or in addition, this Court has jurisdiction over Defendants under Federal Rule of Civil Procedure 4(k)(2). This lawsuit arises from actions of Defendants directed toward the United States, including (1) committing at least a portion of the infringing acts alleged

⁵ <https://www.aliexpress.us/item/3256806437949412.html>

⁶ <https://www.amazon.com/VEVOR-Bluetooth-Connectivity-Compatible-Customized/dp/B0CWN29RW2/>

⁷ <https://www.vevor.com/diy-ideas/who-is-vevor/>

⁸ <https://www.vevor.com/pages/about-us>

herein and (2) regularly transacting business, soliciting business, and deriving revenue from the sale of infringing products to individuals in the United States. Therefore, Defendants have purposefully availed themselves of the benefits of the United States, including the District of Utah, and the exercise of jurisdiction over Defendants would not offend traditional notions of fair play and substantial justice.

23. Venue is proper in this District under at least 28 U.S.C. § 1391(b), 1391(c), and/or 1400(b). Defendants are foreign residents that have committed acts of infringement in this District, as detailed throughout this complaint. *See generally In re HTC Corp.*, 889 F.3d 1349 (2018).

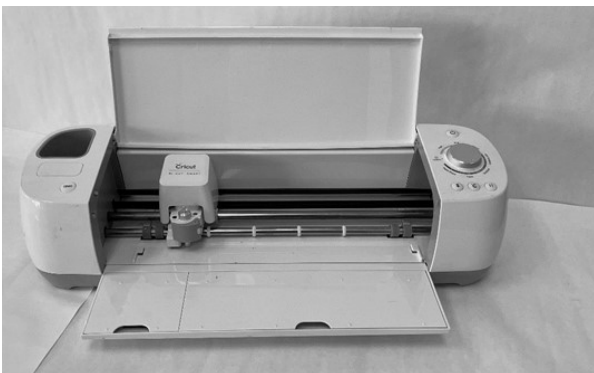
CRICUT'S PATENTED TECHNOLOGY

24. Cricut is an American company that is dedicated to helping people lead creative lives. Cricut's platform and ecosystem of interrelated devices enables its engaged and loyal community of over 8.9 million users (as of December 31, 2023) to turn ideas into "I Did It" — Do-It-Yourself goods from custom greeting cards and apparel to on-demand gifts and large-scale decor. Cricut created an ecosystem of interconnected cutting machine crafting devices, heat-press crafting machines, accessories, and consumable materials for scalability and seamless integration, allowing Cricut to both introduce new products as well as continuously update the functionality and features of existing physical and digital products. This makes the Cricut ecosystem broadly extensible and empowers its users to unlock ever-expanding creative potential.

25. The CRICUT® ecosystem of crafting devices consists of interconnected cutting machines, heat presses, and other crafting tools and accessories that provide seamless integration, allowing users to create custom crafts, including greeting cards, apparel, on-demand gifts, wedding-related services, and large-scale decor. The Cricut crafting devices allow users to create

their own professional-looking home-made goods, from start to finish, instead of purchasing manufactured goods from a third-party.

26. The Cricut cutting machines—such as the CRICUT EXPLORE® line—can cut, score, and create decorative effects using a wide array of materials including paper, vinyl, wood, and leather. Cricut’s cutting machines have adopted an innovative look and feel, embodied in design patents, that spans across multiple models of cutting machines, as shown below.



This look and feel enables its users to instantly recognize the cutting machines as authentically “Cricut®” and promotes consumer awareness and trust.

27. Cricut’s release of its innovative cutting machines was followed by a deluge of copycats that other companies have designed abroad, seeking to capitalize off the industry created

by Cricut. Such companies have designed their products to mimic the innovative look and feel of the Cricut products. When customers become dissatisfied with the quality and/or performance of these other products, it harms Cricut and the crafting industry.

28. Cricut has developed intellectual property, including patents, to protect its innovative, high-quality products. Cricut is committed to protecting its reputation, as well as its customers, employees, and content creators who have made Cricut what it is today. As a result, Cricut is enforcing its intellectual-property rights against illegal outside use. By addressing infringement of its patents, Cricut seeks to not only safeguard its innovations (thus ensuring its ability to continue to innovate and deliver high-quality products), but also to uphold the trust and satisfaction of its loyal customers. One such patent is the subject of this lawsuit.

ASSERTED PATENT

29. On May 28, 2024, the United States Patent and Trademark Office duly and legally issued U.S. Patent No. D1,029,090 (“the D090 Patent” or “Asserted Patent”), entitled “Electronic Cutting Machine.”

30. Copies of the Asserted Patent are publicly available through numerous online repositories, including but not limited to the United States Patent and Trademark Office at <https://ppubs.uspto.gov/pubwebapp/static/pages/ppubsbasic.html>.

31. The Asserted Patent is currently asserted against Defendants in a parallel matter before the International Trade Commission in an Investigation entitled *In the Matter of Certain Crafting Machines and Components Thereof*.

DEFENDANTS' INFRINGING ACTIVITY

32. Defendants have made, used, sold for importation into the United States, imported into the United States, and/or sold after importation within the United States cutting machines that infringe the Asserted Patent. These products, referred to as the “Infringing Cutting Machine Products,” include, without limitation, the Vevor Vinyl Cutter Machine.⁹

33. Further discovery may uncover additional infringing products.

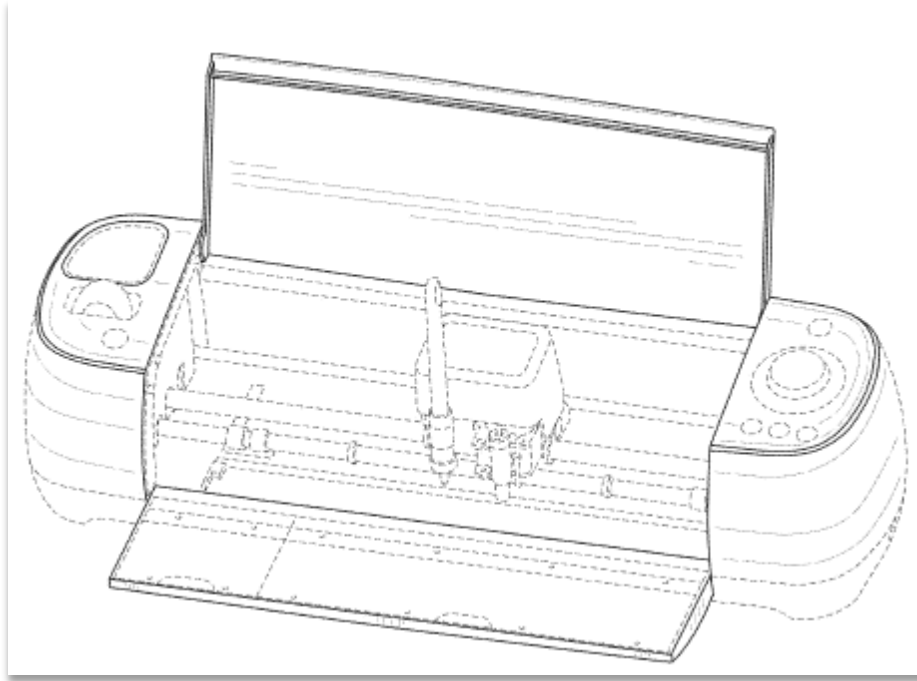
FIRST CAUSE OF ACTION
(Infringement of U.S. Patent No. D1,029,090)

34. Cricut repeats and re-alleges each of the allegations in the foregoing paragraphs as if fully set forth herein.

35. By assignment, duly recorded with the USPTO, Cricut owns all rights to the D090 Patent, including the right to sue and recover damages for all infringement.

36. The D090 Patent depicts a non-functional visual design of a Cricut cutting machine. The D090 Patent illustrates the integration of smooth, inviting and rounded cover end shapes with two aesthetically proportioned rectangular open panel shapes. The overall visual design produces a unified and cohesive ornamental design for the canonical view of the Cricut cutting machine product.

⁹ https://www.vevor.com/vinyl-cutter-c_11151/vevor-vinyl-cutter-machine-bluetooth-connectivity-diy-cutting-machine-compatible-with-ios-android-windows-and-mac-massive-designs-included-for-creating-customized-cards-home-decor-p_010950632811



The broken lines immediately adjacent the shaded areas represent the bounds of the claimed design, while all other broken lines are directed to environment; the broken lines form no part of the claimed design.

37. Defendants have infringed the claim of the D090 Patent by making, using, selling for importation into the United States, importing into the United States, and/or selling after importation within the United States the Infringing Cutting Machine Products. Non-limiting examples of Defendants' infringing acts can be found in the claim charts attached as Exhibit 1.

38. Defendants have directly infringed and continue to directly infringe, literally and/or under the doctrine of equivalents, the D090 Patent under 35 U.S.C. § 271(a).

39. Defendants induce infringement and contribute to infringement of the D090 Patent under 35 U.S.C. §271(b) and 35 U.S.C. § 271(c), respectively. Based at least on this complaint

and the parallel ITC complaint, Defendants have knowledge of the D090 Patent and of their infringement of the D090 Patent.

40. Defendants actively promote the sale, use, and importation of Infringing Cutting Machine Products. For example, Defendants have taken active steps to encourage and facilitate its partners, affiliates, subsidiaries, resellers, and distributors to import the Infringing Cutting Machine Products into the United States. As another example, Defendants have provided product manuals to end users of the Infringing Cutting Machine Products. By these actions, Defendants have had the specific intent to induce, or were willfully blind to inducing infringement of the D090 Patent. Defendants have contributed to the direct infringement of the D090 Patent by selling for importation into the United States, importing into the United States, and/or selling within the United States after importation the Infringing Cutting Machine Products, which are specially made or adapted for use in an infringing manner and are not staple articles of commerce suitable for substantial non-infringing use.

41. Defendants' infringement of the D090 Patent has been and continues to be willful, at least since the time of filing and service of this complaint.

42. Defendants' acts of infringement have injured and damaged Cricut and will continue to injure and damage Cricut. Cricut is therefore entitled to recover from Defendants the damages it has sustained as a result of Defendants' wrongful and continued acts in an amount to be proven at trial.

43. Defendants' infringement has damaged and will continue to damage Cricut irreparably, and Cricut has no adequate remedy at law for its injuries. In addition to actual

damages, Cricut is entitled to a permanent injunction enjoining Defendants from infringing the D090 Patent.

44. Cricut has complied with 35 U.S.C. § 287 by marking its patented products with the number of the D090 Patent.

JURY DEMAND

45. Plaintiff hereby demands a trial by jury.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully prays for the following relief:

- A. Declaring that Defendants have infringed the Asserted Patents, directly and indirectly, literally and/or under the doctrine of equivalents.
- B. Declaring that Defendants infringement has been willful.
- C. Awarding Cricut damages arising out of this infringement of the Asserted Patents, including enhanced damages pursuant to 35 U.S.C. 284.
- D. Permanently enjoining Defendants and their respective officers, agents, servants, employees, and those acting in privity with it, from further infringement, including inducing infringement and contributory infringement, of the Asserted Patents.
- E. Awarding attorneys' fees to Cricut pursuant to 35 U.S.C. 285 or as otherwise permitted by law; and
- F. Awarding to Cricut such other pre- and post-judgment interest, costs, and further relief as the Court deems just and proper.

DATED this 4th day of October, 2024.

SNELL & WILMER, L.L.P.

/s/ Jeremy J. Stewart

Matthew L. Lalli

Jeremy J. Stewart

MCDERMOTT WILL & EMERY LLP

David J. Tobin (pro hac vice to be filed)

Jay H. Reiziss (pro hac vice to be filed)

Alexander P. Ott (pro hac vice to be
filed)

Attorneys for Cricut, Inc.