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15 Attorneys for Plaintiff
16 Manehu Product Alliance, LLC
17 d/b/a MantelMount

18 UNITED STATES DISTRICT COURT
19 SOUTHERN DISTRICT OF CALIFORNIA
20 SAN DIEGO COUNTY

21 MANEHU PRODUCT ALLIANCE
22 LLC d/b/a MANTELMOUNT,

23 Plaintiff,

24 v.

25 TRANSFORM PARTNERS LLC d/b/a
26 MOUNT-IT!,

27 Defendant.

Case No. **'24CV1814 DMS MMP**

**COMPLAINT FOR PATENT
INFRINGEMENT**

COMPLAINT FOR PATENT INFRINGEMENT

28 Plaintiff Manehu Product Alliance, LLC d/b/a MantelMount (“MantelMount”)
brings this action for patent infringement against Defendant Transform Partners LLC
d/b/a Mount-It! (“Defendant” or “Mount-It!”), and alleges as follows:

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PARTIES

1. MantelMount is a limited liability company registered and existing under the laws of the State of California, with its principal place of business at 22333 Faraday Avenue, Suite J, Carlsbad, CA 92008.

2. On information and belief, Defendant Mount-It! is a corporation registered and existing under the laws of the State of California, with its principal place of business at 12113 Kirkham Road, Poway, CA 92064.

NATURE OF ACTION

3. This is a patent infringement action arising from Mount-It!’s infringement of MantelMount’s patents by its sale of infringing television wall mounts, and its refusal to cease such sales despite notice of the patents and its infringing activities.

JURISDICTION AND VENUE

4. This action arises under the patent laws of the United States, 35 U.S.C § 1, *et seq.*, including 35 U.S.C. § 271. This Court has original and exclusive subject matter jurisdiction over the claims under 28 U.S.C. §§ 1331 and 1338(a).

5. This Court has personal jurisdiction over Defendant Mount-It! because Mount-It! is a corporation organized under the laws of the State of California with its principal place of business in this District and because it has committed acts of infringement in this District.

6. Venue is proper in this District pursuant to 28 U.S.C. § 1391 as well as 28 U.S.C. §1400(b) because Mount-It! is a California corporation, Mount-It! resides in this District, Mount-It! has a “regular and established place of business” in this District, and Mount-It! committed at least one act of infringement in this District. Furthermore, a substantial part of the events or omissions giving rise to the claims asserted herein occurred within this judicial district.

1 **FACTUAL BACKGROUND**

2 7. Plaintiff MantelMount is the premier designer of innovative television
3 wall mounts, with a specific focus on mounts that lower a television for a better
4 viewing angle (e.g., from above a fireplace). MantelMount has designed, made and
5 sold thousands of such mounts, including manual and motorized mounts.

6 8. The United States Patent and Trademark Office has repeatedly
7 acknowledged MantelMount’s innovations by granting MantelMount patents on its
8 inventions. MantelMount owns more than 20 patents and has many pending
9 applications.

10 9. MantelMount is the owner of the entire right, title, and interest in and to
11 U.S. Patent No. 8,724,037 (the “‘037 Patent”), which was duly issued by the United
12 States Patent Trademark Office on May 13, 2014. A copy of the ‘037 Patent is
13 attached hereto as Exhibit A.

14 10. 10. MantelMount is the owner of the entire right, title, and interest in
15 U.S. Patent No. 10,257,460 (the “‘460 Patent”), which was duly issued by the United
16 States Patent Trademark Office on April 9, 2019. A copy of the ‘460 Patent is
17 attached hereto as Exhibit B.

18 11. MantelMount is the owner of the entire right, title, and interest in and to
19 U.S. Patent No. 10,277,860 (the “‘860 Patent”), which was duly issued by the United
20 States Patent Trademark Office on April 30, 2019. A copy of the ‘860 Patent is
21 attached hereto as Exhibit C.

22 12. MantelMount is the owner of the entire right, title, and interest in and to
23 U.S. Patent No. 10,281,080 (the “‘080 Patent”), which was duly issued by the United
24 States Patent Trademark Office on May 7, 2019. A copy of the ‘080 Patent is attached
25 hereto as Exhibit D.

26 13. MantelMount is the owner of the entire right, title, and interest in U.S.
27 Patent No. 10,935,180 (the “‘180 Patent”), which was duly issued by the United
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1 States Patent Trademark Office on March 2, 2021. A copy of the ‘180 Patent is
2 attached hereto as Exhibit E.

3 14. MantelMount is the owner of the entire right, title, and interest in and to
4 U.S. Patent No. 11,346,493 (the “‘493 Patent”), which was duly issued by the United
5 States Patent Trademark Office on May 31, 2022. A copy of the ‘493 Patent is
6 attached hereto as Exhibit F.

7 15. MantelMount is the owner of the entire right, title, and interest in and to
8 U.S. Patent No. 11,607,042 (the “‘042 Patent”), which was duly issued by the United
9 States Patent Trademark Office on March 21, 2023. A copy of the ‘042 Patent is
10 attached hereto as Exhibit G.

11 16. MantelMount is the owner of the entire right, title, and interest in and to
12 U.S. Patent No. 11,849,246 (the “‘246 Patent”), which was duly issued by the United
13 States Patent Trademark Office on December 19, 2023. A copy of the ‘246 Patent is
14 attached hereto as Exhibit H.

15 17. MantelMount is the owner of the entire right, title, and interest in and to
16 U.S. Patent No. 11,856,317 (the “‘317 Patent”), which was duly issued by the United
17 States Patent Trademark Office on December 26, 2023. A copy of the ‘317 Patent is
18 attached hereto as Exhibit I.

19 18. Mount-It! sells television wall mounts throughout the United States,
20 including in this District. Mount-It! sells mounts through various channels of trade,
21 including from its own website and through Amazon.com.

22 19. Mount-It! has repeatedly sold mounts that incorporate MantelMount’s
23 inventions and has repeatedly refused to stop selling infringing mounts after getting
24 notice of its infringement from MantelMount and/or its predecessor.

25 20. On May 4, 2018, MantelMount’s predecessor, Dynamic Mounting, sent
26 a letter to Mount-It! advising it of its infringement of the ‘037 patent. Mount-It!
27 never responded to the letter and did not cease its sales of infringing mounts.
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1 and elsewhere in the United States, without license or authority, products that infringe
2 one or more claims of the '460 Patent, as shown, by way of example, in the three
3 claim charts attached hereto as Exhibit L.

4 29. MantelMount has suffered and will continue to suffer damages and
5 irreparable harm in the absence of an injunction.

6 **THIRD CLAIM FOR RELIEF:**
7 **Infringement of U.S Patent No. 10,277,860**

8 30. Plaintiff realleges and incorporates by reference the allegations
9 contained in the preceding paragraphs as though fully set forth herein.

10 31. Mount-It! has infringed, and currently is infringing pursuant to 35
11 U.S.C. §§ 271(b) and (c), by inducing its customers to practice one or more of the
12 claimed methods in the '860 patent, and by selling products that have no substantial
13 non-infringing use, as shown, by way of example, in the six claim charts attached
14 hereto as Exhibit M.

15 32. MantelMount has suffered and will continue to suffer damages and
16 irreparable harm in the absence of an injunction.

17 **FOURTH CLAIM FOR RELIEF:**
18 **Infringement of U.S. Patent No. 10,281,080**

19 33. Plaintiff realleges and incorporates by reference the allegations
20 contained in the preceding paragraphs as though fully set forth herein.

21 34. Mount-It! has infringed, and currently is infringing, by, among other
22 things, making, using, selling, offering for sale and/or importing within this District
23 and elsewhere in the United States, without license or authority, products that infringe
24 one or more claims of the '080 Patent, as shown, by way of example, in the claim
25 chart attached hereto as Exhibit N.

26 35. Such infringement has been, on information and belief, willful,
27 deliberate and egregious, such that it constitutes willful infringement.

28 36. MantelMount has suffered and will continue to suffer damages and

1 irreparable harm in the absence of an injunction.

2 **FIFTH CLAIM FOR RELIEF:**
3 **Infringement of U.S. Patent No. 10,395,180**

4 37. Plaintiff realleges and incorporates by reference the allegations
5 contained in the preceding paragraphs as though fully set forth herein.

6 38. Mount-It! has infringed, and currently is infringing, by, among other
7 things, making, using, selling, offering for sale and/or importing within this District
8 and elsewhere in the United States, without license or authority, products that infringe
9 one or more claims of the '180 Patent, as shown, by way of example, in the claim
10 chart attached hereto as Exhibit O.

11 39. Such infringement has been, on information and belief, willful,
12 deliberate and egregious, such that it constitutes willful infringement.

13 40. MantelMount has suffered and will continue to suffer damages and
14 irreparable harm in the absence of an injunction.

15 **SIXTH CLAIM FOR RELIEF:**
16 **Infringement of U.S. Patent No. 11,346,493**

17 41. Plaintiff realleges and incorporates by reference the allegations
18 contained in the preceding paragraphs as though fully set forth herein.

19 42. Mount-It! has infringed, and currently is infringing, by, among other
20 things, making, using, selling, offering for sale and/or importing within this District
21 and elsewhere in the United States, without license or authority, products that infringe
22 one or more claims of the '493 Patent, as shown, by way of example, in the claim
23 chart attached hereto as Exhibit P.

24 43. Such infringement has been, on information and belief, willful,
25 deliberate and egregious, such that it constitutes willful infringement.

26 44. MantelMount has suffered and will continue to suffer damages and
27 irreparable harm in the absence of an injunction.

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SEVENTH CLAIM FOR RELIEF
Infringement of U.S. Patent No. 11,607,042

45. Plaintiff realleges and incorporates by reference the allegations contained in the preceding paragraphs as though fully set forth herein.

46. Mount-It! has infringed, and currently is infringing, by, among other things, making, using, selling, offering for sale and/or importing within this District and elsewhere in the United States, without license or authority, products and/or processes that infringe one or more claims of the '042 Patent, as shown, by way of example, in the claim chart attached hereto as Exhibit Q.

47. Such infringement has been, on information and belief, willful, deliberate and egregious, such that it constitutes willful infringement.

48. MantelMount has suffered and will continue to suffer damages and irreparable harm in the absence of an injunction.

EIGHTH CLAIM FOR RELIEF:
Infringement of U.S. Patent No. 11,849,246

49. Plaintiff realleges and incorporates by reference the allegations contained in the preceding paragraphs as though fully set forth herein.

50. Mount-It! has infringed, and currently is infringing, by, among other things, making, using, selling, offering for sale and/or importing within this District and elsewhere in the United States, without license or authority, products and/or processes that infringe one or more claims of the '246 Patent, as shown, by way of example, in the claim chart attached hereto as Exhibit R.

51. Such infringement has been, on information and belief, willful, deliberate and egregious, such that it constitutes willful infringement.

52. MantelMount has suffered and will continue to suffer damages and irreparable harm in the absence of an injunction.

1 patent is invalid or unenforceable;

2 (F) Enter judgment that Mount-It! has infringed and is infringing the '493
3 patent, that the infringement has been willful, and that Mount-It! has not proven the
4 patent is invalid or unenforceable;

5 (G) Enter judgment that Mount-It! has infringed and is infringing the '042
6 patent, that the infringement has been willful, and that Mount-It has not proven the
7 patent is invalid or unenforceable;

8 (H) Enter judgment that Mount-It! has infringed and is infringing the '246
9 patent, that the infringement has been willful, and that Mount-It has not proven the
10 patent is invalid or unenforceable;

11 (I) Enter judgment that Mount-It! has infringed and is infringing the '317
12 patent, that the infringement has been willful, and that Mount-It has not proven the
13 patent is invalid or unenforceable;

14 (J) Issue a preliminary and permanent injunction prohibiting Mount-It!
15 and all persons or entities acting for or in concert with Mount-It from infringing the
16 asserted patents;

17 (K) Enter judgment awarding MantelMount damages adequate to
18 compensate MantelMount for Mount-It!'s infringement, but in no event less than a
19 reasonable royalty under 35 U.S.C. § 284;

20 (L) Enter judgment awarding MantelMount enhanced damages pursuant to
21 35 U.S.C. § 284 or as otherwise permitted by law;

22 (M) Enter judgment awarding MantelMount its attorneys' fees and costs
23 pursuant to 35 U.S.C. § 285 or as otherwise permitted by law;

24 (N) Enter judgment awarding MantelMount pre-judgment and post-
25 judgment interest; and

26 (O) Award MantelMount such other and further relief as this Court or a
27 jury may deem just and proper.

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JURY DEMAND

Plaintiff requests a jury trial on all issues triable.

Dated: October 9, 2024

PERKINS COIE LLP

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