IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION

YUNSHANG ELECTRONICS (SHENZHEN) CO., LTD, *Plaintiff*, v. R & Y GROUP, LIMITED LIABILITY COMPANY, *Defendant*.	**CASE NO. 1:24cv24190** **Judge:** **Magistrate Judge:**

COMPLAINT FOR DECLARATORY JUDGMENT

Plaintiff Yunshang Electronics (Shenzhen) Co., Ltd ("Yunshang" or "Plaintiff"), for its Complaint against Defendant R & Y Group Limited Liability Company ("RY" or "Defendant"), hereby alleges as follows:

NATURE OF THE ACTION

1. This is an action for declaratory judgment that Plaintiff's product does not infringe a United States patent and/or that the patent is invalid, pursuant to the Declaratory Judgment Act, 28 U.S.C. § § 2201-02, and the Patent Laws of the United States, 35 U.S.C. § 100 et seq., and for such other relief as the Court deems just and proper.

THE PARTIES

2. Plaintiff Yunshang Electronics (Shenzhen) Co., Ltd. is a limited liability company organized and existing under the laws of the People's Republic of China, with its principal place of business at Building B, 2nd Floor, 44 Shangwu Shequ Kengwei Avenue, Shiyan Street, Bao'an District, Shenzhen. Plaintiff conducts business in this District through online marketplaces such as Amazon.

3. Defendant is a limited liability company organized and existing under the laws of State of Florida, having its principal place of business at 20264 NE 15th court Miami, FL 33179. **Exhibit A**.

JURISDICTION AND VENUE

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

5. Venue is proper in this judicial district pursuant to 28 U.S.C. § 1391.

6. This Court has personal jurisdiction over Defendant because Defendant is a Florida company with its *principle* place of business in the State of Florida, city of Miami.

FACTS

7. Defendant is the current owner of U.S. Patent No. D965,959 (" '959 Patent"), which covers a Gel Hat. **Exhibit B**. The Defendant's patent was filed on August 20, 2020, and granted on October 11, 2022

8. Plaintiff owns and operates one Amazon stores named "QnoonDirect." Plaintiff sells a Migraine Headache Relief Cap in its Amazon store.

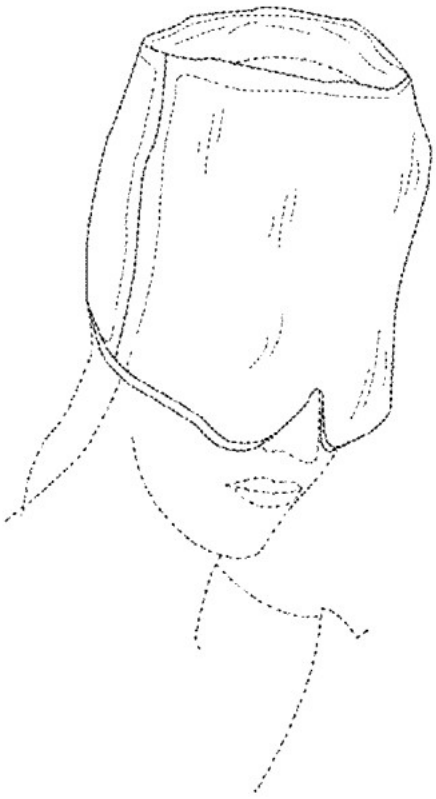
9. On or around October 3, 2024, Plaintiff's store received a Notice from Amazon. The Notice informed the Plaintiff that Amazon had received a report from the Defendant, alleging that Plaintiff infringed on Defendant's '959 Patent, which is attached hereto as **Exhibit C**. In the Notice, Amazon provided Plaintiff with the Rights Owner's contact details: Ron@shipadeal.com.

10. As a result of the infringement complaint sent by Defendant to Amazon, one of Plaintiff's ASINs was de-listed: B0CQXMWQH9

COUNT I
(Declaratory Judgment of Invalidity of U.S. Patent, No. D965,959 under §171)

11. Plaintiff incorporates by reference the allegations set forth above in paragraphs 1-10 of this Complaint as if fully set forth herein.

12. The frustoconical shape of the gel hat, with upper and lower openings, is designed for ergonomic purposes, specifically to fit the human head. The tapered design—with a smaller opening at the top and a larger opening at the bottom—ensures the hat can stably rest on the head without slipping off. This functional design allows for a secure fit, addressing practical considerations rather than ornamental ones



13. A key feature of the ’959 Patent is the V-shaped opening at the lower front end of the hat, which is also functional. This opening is specifically designed to accommodate the shape of the human nose, allowing the user to breathe freely while wearing the hat. The placement and

shape of this opening serve no ornamental purpose; rather, they are dictated by practical requirements to enhance comfort and usability

14. Because the overall design of the hat serves purely functional purposes, it fails to meet the eligibility requirements for patent protection under 35 U.S.C. § 101. Patent law requires that designs be ornamental, not dictated solely by functionality. As the design of the ’959 Patent is entirely functional, it cannot be protected as a design patent

15. Accordingly, the ’959 Patent is invalid for pure functionality and fails to meet the statutory requirements under 35 U.S.C. § 171

COUNT II
(Declaratory Judgment of Invalidity of U.S. Patent, No. D965,959 under §102 and/or 103)

16. Plaintiff incorporates by reference the allegations set forth above in paragraphs 1-10 of this Complaint as if fully set forth herein.

17. This claim arises under the patent laws of the United States, Title 35 United States Code, and the Federal Declaratory Judgment Act, 28 U.S.C. § 2201, et seq.

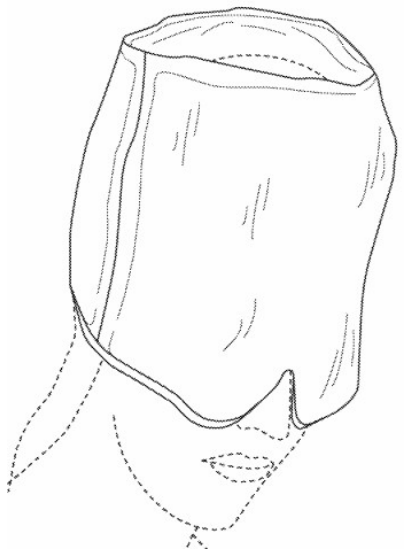
18. There exists an actual and justiciable controversy between Plaintiff and Defendant with respect to the alleged validity of the ’959 Patent due to the assertion of the ’959 Patent against the Plaintiff’ product.

19. The claimed design of the ’959 Patent was available to the public and on sale prior to its filing date, or at the very least, it was anticipated by the Aroma product sold on Amazon on November 22, 2018. Therefore, the ’959 Patent is invalid under 35 U.S.C. § 102.

20. The claimed design of ’959 Patent was also invalid under 35 U.S.C §§ 103 because the claimed invention would have been obvious to a person with ordinary skill in the art before the filing date.

21. The claimed design of the ’959 Patent is anticipated by the *Aroma* product listed on Amazon.de under the title Aroma Season Cooling Mask, Cap for the Treatment of Migraines, Headaches, Swelling, Cold Therapy, Cooling Pads, Cool Pillow, Eye Mask (Exhibit D) pursuant to 35 U.S.C. § 102(a)(1). The *Aroma* product is a cooling cap, first made available on the internet on **November 22, 2018**. As such, the claimed invention was patented, described in a printed publication, or publicly used, sold, or otherwise made available to the public before the effective filing date of the claimed invention.

22. The appearance of the *Aroma* cooling cap is substantially the same as the claimed design of the ’959 Patent. The ordinary observer test, which is the sole test for anticipation, demonstrates that the two designs are effectively identical. A comparison of the claimed design of the ’959 Patent and the *Aroma* cooling cap is provided below:

Claimed design (’959 patent)	***Aroma***
	

23. The disclosed design features of the Aroma cooling cap include:

a. An overall truncated conical shape with openings at both the top and bottom.

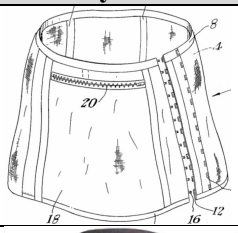
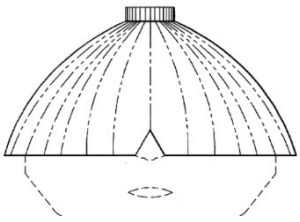
b. A triangular or inverted V-shaped opening on the front, designed to fit the human nose and allow for unobstructed breathing.
c. A side profile that is essentially straight.

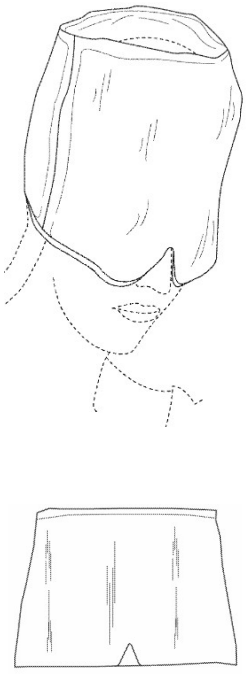
24. Coincidentally, all these overall or partial design features disclosed by *Aroma's* cap are embodied in the '959 Patent. Any other differences between the two designs are insignificant, making the '959 Patent anticipated by *Aroma*, as the two designs are **essentially identical** in their overall appearance.

25. Therefore, the '959 Patent is invalid under 35 U.S.C. § 102(a)(1), as the *Aroma* cooling cap is substantially identical in design, meeting the requirements of the ordinary observer test for anticipation.

26. In the aforementioned anticipation analysis, an ordinary designer would understand that *Aroma* has essentially disclosed the overall visual appearance of the '959 patent. Any minor differences between the two fall within the routine modification capabilities of an ordinary designer in the field. Therefore, the '959 patent is also obvious over *Aroma*.

27. The '959 Patent is further rendered invalid under 35 U.S.C. § 103 due to obviousness in light of other prior art references. The table below lists several example primary and secondary references used in the obviousness analysis:

Ref.	**Primary reference**	**Ref.**	**Secondary reference**	**'959 patent**
Olga (Ex. E) 1972.7.24		Acevedo (Ex. I) 2004.8.26		
Migraine (Ex. F) 2016.7.12				

FOMI (Ex. G) 2018.8.21				
Yanming (Ex. H) 2016.10.12				

28. Discovery is ongoing, and the prior art cited herein is illustrative, not exhaustive. Additional prior art and/or additional combinations thereof may exist.

A. Invalidity Combination 1: Olga-Acevedo Combination

29. *Olga* discloses a **heat and cold applicator** designed to support heat supply or removal from certain parts of the body, regardless of body movement. *Olga* reveals several primary design elements of the ’959 Patent, including an overall truncated conical shape with openings at both the top and bottom, and a straight side profile. As such, *Olga* serves as the **primary reference** in evaluating the patentability of the ’959 Patent.

30. Although *Olga* lacks the triangular or inverted V-shaped opening described in the ’959 Patent, *Acevedo* discloses such an opening in relation to a **Cold Helmet**. Before the ’959 Patent’s filing date, a person of ordinary skill in the art would have been motivated to apply Acevedo’s triangular or V-shaped opening to *Olga*’s cold applicator to ensure proper fit around the nose, allowing for

unobstructed breathing. The combination of *Olga* and *Acevedo* would result in a design with the same overall appearance as that claimed in the '959 Patent.

31. This predictable application of *Acevedo's* design insights renders the *Olga-Acevedo* combination sufficient to establish the obviousness of the '959 Patent. Any minor differences between this combination and the claimed design are trivial. See *KSR Int'l Co. v. Teleflex Inc.*, 550 U.S. 398, 416 (2007) ("The combination of familiar elements according to known methods is likely to be obvious when it does no more than yield predictable results.").

B. Invalidity Combination 2: Migraine-Acevedo Combination

32. The *Migraine* Ice Hat discloses key design elements of the '959 Patent, such as a truncated conical shape with an opening at the bottom and a straight side profile. While the Migraine Ice Hat has a closed top, modifying it to include an opening would fall within the routine skills of a designer with ordinary expertise, for example, to enhance adjustability for a better fit. Thus, *Migraine* serves as the primary reference.

33. Although the *Migraine* Ice Hat does not feature the triangular or inverted V-shaped opening of the '959 Patent, this element is disclosed by *Acevedo's* Cold Helmet. A person skilled in the art would have been motivated to incorporate *Acevedo's* opening design into the *Migraine* Ice Hat to accommodate the nose and facilitate normal breathing.

34. Applying *Acevedo's* design elements to the *Migraine* Ice Hat would result in a product with the same visual appearance as the design claimed in the '959 Patent. This is merely a predictable design combination, and any minor differences are insignificant. Thus, the *Migraine-Acevedo* combination renders the '959 Patent obvious.

C. Invalidity Combination 3: FOMI-Acevedo Combination

35. The *FOMI Gel Ice Hat* shares key features with the '959 Patent, such as a truncated conical shape, a straight side profile, and an opening at the bottom. Although the *FOMI* Hat has a

closed top, modifying it to include an opening is a straightforward adjustment that would enhance adjustability for user comfort. *FOMI* thus serves as the **primary reference**.

36. While *FOMI* lacks the triangular or V-shaped opening featured in the '959 Patent, *Acevedo's* Cold Helmet discloses precisely this feature. A designer with ordinary skill would have had reason to incorporate Acevedo's design into the *FOMI* Hat to fit the nose and ensure proper breathing.

37. The predictable combination of *FOMI* and *Acevedo's* designs yields a product with the same overall appearance as the '959 Patent. Any remaining differences are insignificant. Thus, the *FOMI-Acevedo* combination renders the '959 Patent obvious. See *KSR Int'l Co.*, 550 U.S. at 416.

D. Invalidity Combination 4: Yanming-Acevedo Combination

38. The *Yanming* Ice Hat also shares the primary design features of the '959 Patent, including a truncated conical shape, a straight side profile, and an opening at the bottom. Modifying the top of the *Yanming* Ice Hat to include an opening would require only routine skills and would improve portability and fit, making *Yanming* the primary reference.

39. Although *Yanming's* design lacks the triangular or inverted V-shaped opening present in the '959 Patent, *Acevedo's* Cold Helmet discloses precisely such an opening. Incorporating this element into the *Yanming* Ice Hat would enhance usability by accommodating the shape of the nose, ensuring normal breathing for the user.

40. The combination of *Yanming* and *Acevedo's* designs would result in a product with the same overall visual appearance as the '959 Patent. This is a predictable application of design elements, and any minor differences are trivial. Thus, the *Yanming-Acevedo* combination renders the '959 Patent obvious.

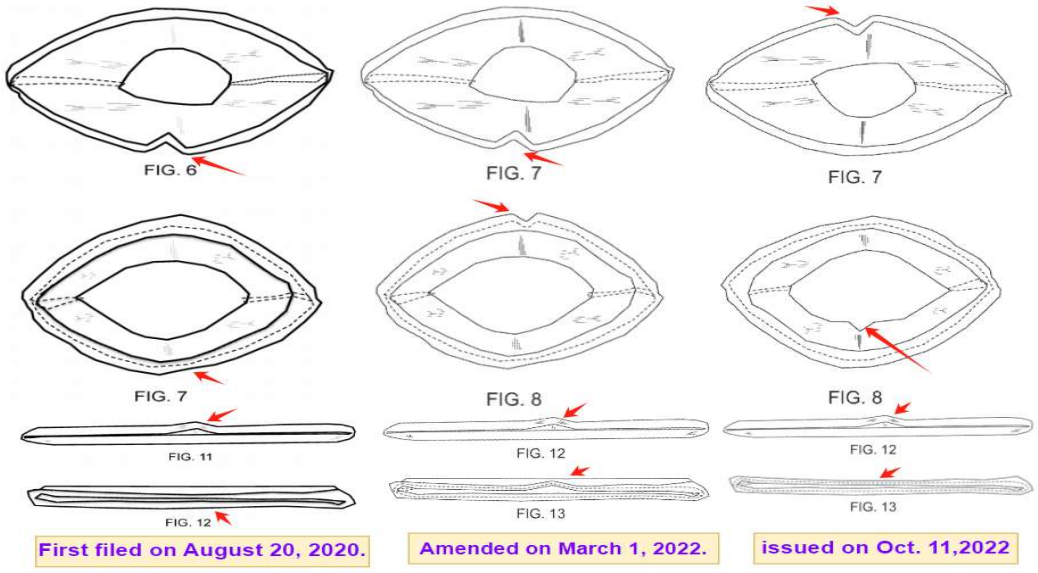
41. Based on the foregoing combinations and analysis, the '959 Patent is rendered obvious under 35 U.S.C. § 103. Therefore, the '959 Patent is invalid and should not be enforceable.

42. In the view of the foregoing, Plaintiff is entitled to a judgment declaring that the ’959 Patent is invalid.

COUNT III
(Declaratory Judgment of Invalidity of U.S. Patent, No. D965,959 under 112)

43. Plaintiff incorporate by reference the allegations set forth above in paragraphs 1-10 of this Complaint as if fully set forth herein.

44. The ’959 Patent is also invalid due to indefiniteness and lack of enablement under 35 U.S.C. § 112. The overall design appearance depicted in the patent drawings is chaotic, with severe inconsistencies between the various views. During the patent application process, the patentee made several significant modifications to the design, resulting in contradictions and confusion. As demonstrated below, the patentee likely did not even understand what they were drawing or the design they intended to protect. No reasonable ordinary observer would be able to determine the precise scope of the claims. Furthermore, due to the numerous inconsistencies and poor-quality drawings, a designer of ordinary skill in the art would be unable to implement the claimed design. Therefore, the ’959 Patent is invalid for both indefiniteness and lack of enablement.



45. The illustration above highlights the patentee's conflicting amendments during the examination process. Specifically, Figures 7, 8, and 13 underwent multiple, contradictory modifications.

a. In the initial version, **Figure 7** depicted a V-shaped opening at the bottom, but in the final version, the opening was shifted to the top.
b. **Figure 8**, initially a top view without any V-shaped opening, was amended to add one at the top. However, in the final version, the V-shaped opening was inexplicably moved to the lower interior.
c. **Figure 13** initially lacked dashed lines to delineate boundaries. In the first amendment, dashed lines and a V-shaped opening were added, only for the V-shaped opening to be removed in the final version.

46. Looking at the drawings of the Design Patent, Figures 7 and 8, which are intended to represent the **bottom view** and **top view**, respectively, are in direct contradiction.

a. **Figure 7** shows a radiating frustoconical structure extending from top to bottom. Logically, the V-shaped openings should appear along the outer contour in the corresponding top view (Figure 8).
b. However, **Figure 8** depicts the V-shaped openings on the inside rather than on the outer contour, creating a discrepancy.
c. Additionally, since **Figure 8** represents a top view, and it shows 3 solid lines and 1 dashed line. **Figure 13** represents top view in a closed position, however, it only shows 2 solid lines and 1 dashed line.

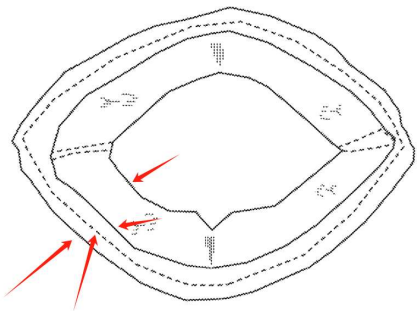


FIG. 8

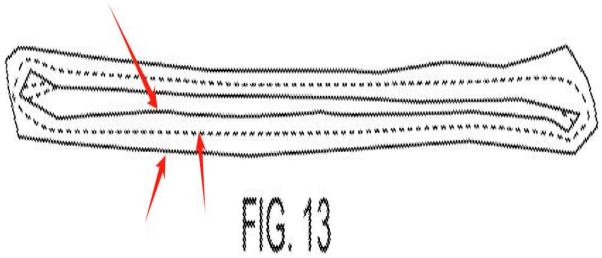


FIG. 13

47. Moreover, even if dashed lines were appropriate, **Figure 8** should display circumferential dashed lines rather than radial ones. Radial dashed lines would be impossible to observe from a top view, given the frustoconical shape of the hat. This inconsistency further complicates the interpretation of the drawings.

48. Additionally, there are significant inconsistencies between Figures 12 to 15 of the ’959 Patent. Specifically, Figure 12, which provides the bottom view, shows a raised V-shaped opening. Consequently, the corresponding top view in Figure 13 should also depict the raised portion. Since both the bottom and top views are projected on the same horizontal plane, the visible and invisible portions should remain consistent. However, in the final issued version of the drawings, Figure 13 lacks the raised portion that corresponds to the one in Figure 12. This inconsistency introduces confusion, inevitably leading to indefiniteness and non-enablement under 35 U.S.C. § 112

49. It is also evident that the patentee recognized this defect as early as March 1, 2022, when the drawings were amended for the first time. In these March 1, 2022, amendments, the patentee added the raised portion related to the V-shaped opening to the top view in Figure 13. However, in the final issued version, the raised portion was once again removed from the top view. This contradictory and confusing behavior demonstrates the severe inconsistency in the patent’s drawings

50. These inconsistencies are not limited to Figures 12 and 13. Figures 14 and 15, which show the left side view and right side view respectively, also exhibit significant inconsistencies with Figure 12. Since Figure 12 shows a raised V-shaped opening in the bottom view, this raised portion should also appear in Figures 14 and 15 to ensure consistency across the drawings. However, Figures 14 and 15 fail to include the raised portion, further exacerbating the inconsistencies in the ’959 Patent

FIG. 12

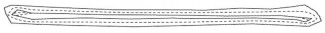


FIG. 13

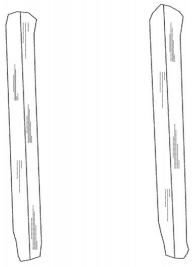


FIG. 14 FIG. 15

51. These inconsistencies between Figures 12, 13, 14, and 15 undermine the overall coherence of the patent drawings. As a result, the patent fails to provide a clear and consistent disclosure that enables a person of ordinary skill in the art to understand and implement the design. Therefore, the ’959 Patent should be deemed invalid due to indefiniteness and non-enablement under 35 U.S.C. § 112.

52. These conflicting amendments and inconsistencies throughout the drawings render the '959 Patent’s claims indefinite under 35 U.S.C. § 112. An ordinary observer would not be able to reasonably determine the scope of the claimed design, as the visual discrepancies make it unclear what is protected.

53. Additionally, the lack of enablement under 35 U.S.C. § 112 arises because a designer of ordinary skill in the art would not be able to recreate the claimed design based on the provided drawings. The numerous contradictions between the figures make it impossible to understand the design fully or implement it accurately. The patentee’s inability to present a coherent design demonstrates that the patent fails to enable the public to practice the invention, further justifying its invalidation.

54. Therefore, due to both indefiniteness and lack of enablement under 35 U.S.C. § 112, the ’959 Patent is invalid and unenforceable.

COUNT IV
(Declaratory Judgment of Non-infringement of U.S. Patent, No. D965,959)

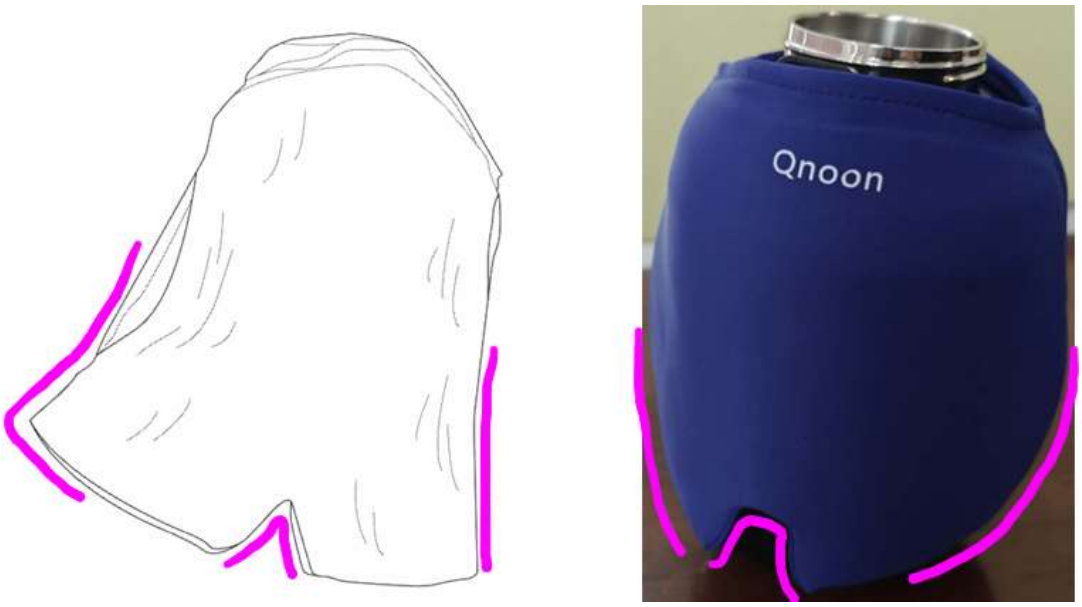
55. Plaintiff incorporate by reference the allegations set forth above in paragraphs 1-10 of this Complaint as if fully set forth herein.

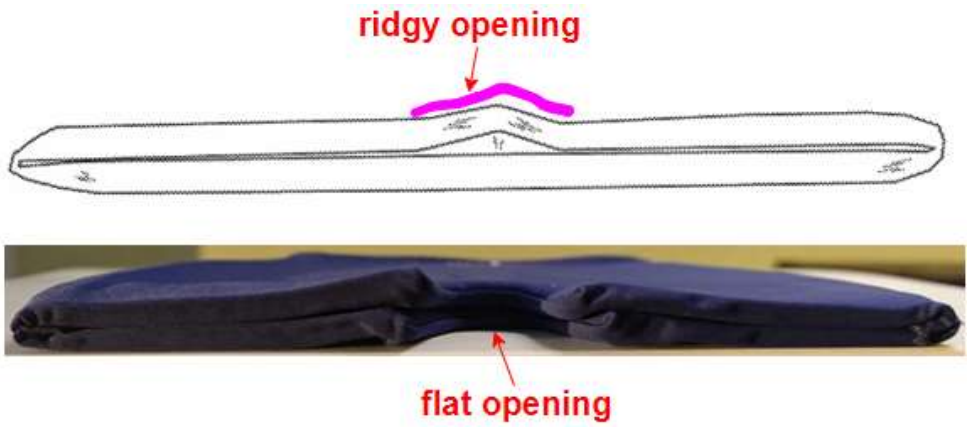
56. As described previously, Defendant alleges that Plaintiff’ product infringes the ’959 Patent.

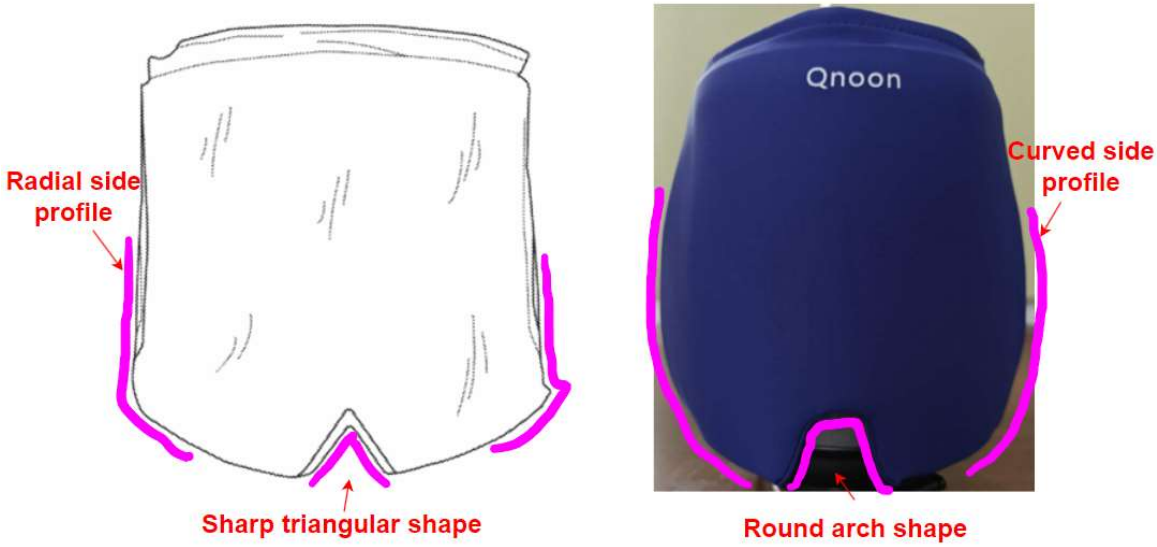
57. The circumstances show that there is an actual, present, substantial, and justiciable controversy between Plaintiff and Defendant, which have adverse legal interests, of sufficient immediacy and reality to warrant the issuance of a declaratory judgment.

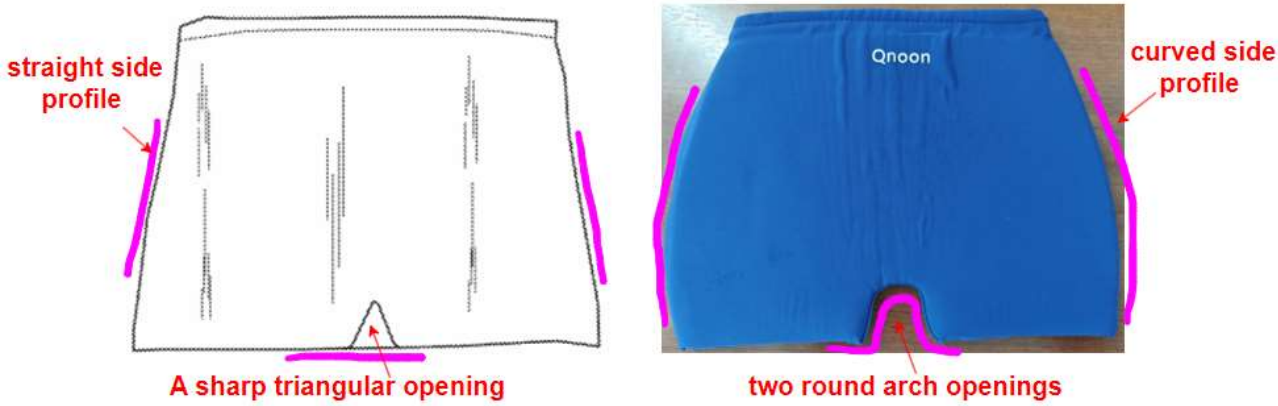
58. Plaintiff's accused design does not infringe, as no reasonable jury could find the two designs to be substantially the same.

59. The images below show several illustrative, non-exhaustive examples of differences which show that the accused design does not infringe:









60. Qnoon, the accused product, has a design that is visually distinct from the '959 Patent in several key ways:

a. Side Profile: Qnoon features a curved side profile, which enhances the fit and stability on the user's head. In contrast, the '959 Patent has a radial and straight side profile, giving it a distinctly different appearance.

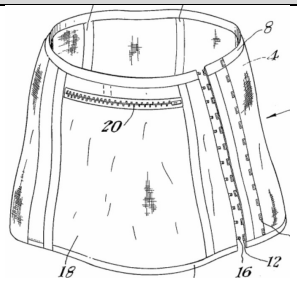
b. Openings: Qnoon includes two round arch-shaped openings that penetrate through the front and back portions of the hat, appearing flat when viewed from the bottom. In contrast, the '959 Patent has only one opening in the center of the front portion, with a sharp triangular shape.

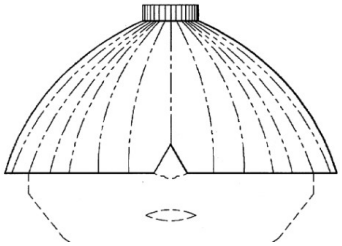
c. Bottom Openings: Qnoon's two flat openings at the bottom of the hat align flush with the hat's surface when viewed from the bottom.By comparison, the '959 Patent's bottom opening is a sharp triangular shape, which is ridgy and prominently noticeable from the bottom view.

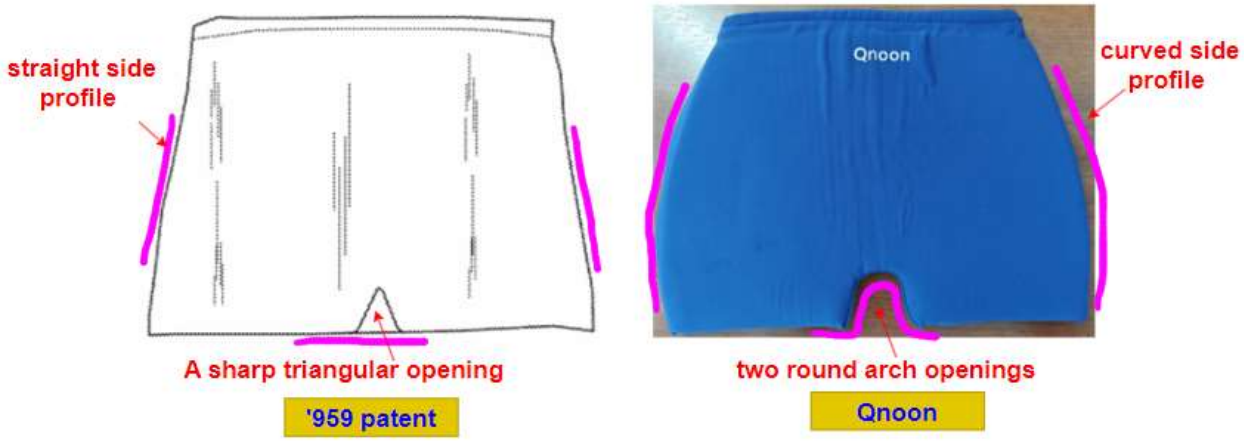
61. These three differences, whether evaluated individually or as a whole, significantly impact the overall visual impression of the two hats. The design elements of Qnoon and the ’959 Patent are sufficiently distinct and plainly dissimilar, ensuring that an ordinary observer would have no difficulty distinguishing between them.

62. It is clear that Qnoon’s design does not create a similar overall visual impression to that of the ’959 Patent. Therefore, Qnoon’s product does not infringe the ’959 Patent.

63. Even assuming that Plaintiff’s accused design and Defendant’s patent are not sufficiently distinct or plainly dissimilar, a comparison incorporating prior art reveals significant differences. When visually comparing the claimed design, the accused design, and any relevant prior art identified by the accused infringer, differences that may have initially gone unnoticed become apparent. These differences, highlighted through the lens of prior art, are sufficient to demonstrate that Plaintiff’s accused product does not infringe Defendant's patent.

Ref. No.	**Sample pictures**	**Ref. No.**	**Sample pictures**
Ref. 1		Ref. 2	
Ref. 3		Ref.4	

Ref.5		Ref.6	
Ref.7			



64. The prior art has already established the basic appearance profile for this type of gel hat or ice hat, which features a truncated conical shape with openings at both the top and bottom. Notably, the prior art also discloses a triangular-shaped hole, similar to the one found in the ’959 patent, intended to accommodate the user’s nose. Both the ’959 patent and Qnoon continue to utilize the basic outline contributed by the prior art, which includes a truncated conical shape with top and bottom openings

65. In simple terms, the prior art has laid the foundation for this type of product, with both the ’959 patent and Qnoon building upon it through redesign and further improvement

66. As a result, when the three differences identified above are viewed against the background of this established outline from the prior art, they become even more apparent and distinguishable. The basic profile provided by the prior art highlights these differences, reinforcing that the two designs are distinct

67. Based on these significant and noticeable differences mentioned above, an ordinary observer would clearly be able to distinguish between Qnoon and the ’959 patent. Therefore, Qnoon’s product does not infringe the ’959 patent

68. Plaintiff seeks a declaratory judgment that Plaintiff is not infringing, has not infringed and is not liable for infringing the ’959 Patent.

COUNT V
(Tortious Interference with Contractual Relations)

69. Plaintiff incorporate by reference the allegations set forth above in paragraphs 1-10 of this Complaint as if fully set forth herein.

70. The elements of a claim for tortious interference with contract are: (1) the existence of a valid contract between the plaintiff and a third party; (2) the defendant's knowledge of the contract; (3) the defendant's intentional procurement of the third-party's breach of the contract

without justification; (4) the defendant's wrongful conduct caused the third party to breach of the contract; and (5) damages resulting therefrom.

71. Plaintiff has a valid and existing contract with Amazon in order to sell its products through Amazon.com

72. Plaintiff is informed and believes, and on that basis alleges, that Defendant knew of Plaintiff's contractual relationships with the Amazon.

73. Plaintiff is informed and believes, and on that basis alleges, that Defendant intentionally interfered with those contractual relationships and furthermore knowingly and intentionally, by ways of asserting materially false allegations of patent infringement against Plaintiff in order to have Plaintiff's listing removed and eliminate Plaintiff's lawful competition.

74. As a result of Defendant's improper acts, Plaintiff's listing was removed from Amazon.

75. Plaintiff has suffered direct, proximate and foreseeable damages and continues to suffer direct, proximate and foreseeable damages.

76. Defendant's efforts to have Plaintiff's products delisted through improper means was and is unlawful.

77. By reason of Defendant's acts, Plaintiff is entitled to equitable remedies and damages in an amount to be proven at trial.

COUNT VI
(Tortious Interference with Prospective Economic Advantage)

78. Plaintiff incorporate by reference the allegations set forth above in paragraphs 1-10 of this Complaint as if fully set forth herein.

79. The elements of a claim for tortious interference with prospective economic advantage are: (1) the plaintiff had a reasonable expectation of entering into or continuing a valid

business relationship with a third party; (2) the defendant knew of that expectation; (3) the defendants intentionally and without justification interfered with that expectation; (4) the defendant's interference prevented the plaintiff's legitimate expectancy from ripening into a valid business relationship and (5) the plaintiff suffered damages as a result of the interference.

80. Plaintiff's ongoing business relationship with Amazon included the selling of Gel Hat now delisted as a result of Defendant's malicious and spurious infringement complaint.

81. Plaintiff's ongoing business relationship with Amazon includes the current sale of products which Defendant claims are infringing.

82. Defendant had and continues to have full knowledge of the ongoing relationships and prospective future business arrangements between Plaintiff and Amazon regarding Plaintiff's sale of Gel Hat products.

83. Defendant intentionally and knowingly made fraudulent assertions of patent infringement, which ultimately caused Amazon to remove Plaintiff's listing, thus denying the future and ongoing business relationship between Plaintiff with Amazon.

84. Defendant knew that the removal of Plaintiff's product listings would harm Plaintiff's business and would benefit Defendant due to it having less competition. Defendant intended to harm Plaintiff by fraudulently convincing Amazon to remove Plaintiff's product listing.

85. Defendant has no privilege or justification in interfering with Plaintiff's relationship with Amazon.

86. As a result of Defendant's interference with Plaintiff's ongoing and future relationship with Amazon, Plaintiff have incurred damages and will continue to incur damages

87. The damages to Plaintiff should its product be delisted as a result of Defendant's malicious complaint against Plaintiff will result in the incurring removal fees, transport fees, and fees associated with transportation of the delisted products

88. The delisting of Plaintiff's ASIN would result in an immediate and ongoing detrimental impact on Plaintiff's ability to conduct business, remain profitable, and damage Plaintiff's product's rankings and reviews, loss of Plaintiff's goodwill and reputation on the Amazon marketplace. The damage to Plaintiff should its product continue to be delisted as a result of Defendant's frivolous action against Plaintiff is incalculable and irreparable.

89. By reason of the foregoing, Plaintiff has suffered direct, proximate and foreseeable damages in an amount to be proven at trial.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for judgment against Defendant as follows:

1. For judgment in favor of Plaintiff against Defendant on all claims.

2. Declaring that Defendant's D965,959 Patent registration is invalid.

3. Declaring that Plaintiff's Gel Hat products does not infringe Defendant's D965,959 Patent.

4. Judgment that this case is exceptional and that the Defendant be ordered to pay all Plaintiff's costs and attorneys' fees associated with this action pursuant to 35 U.S.C. § 285.

5. Order by this Court that Defendant must immediately revoke any complaints of infringement of the D965,959 Patent made to Amazon with respect to Plaintiff's Gel Hat products.

6. Enjoining Defendant temporarily, preliminarily, and permanently from making any future complaint regarding the D965,959 Patent against Plaintiff's Gel Hat products.

7. Ordering Defendant to return to the Court with proof of compliance of this Order within seven (7) days of entry thereof, with a copy served on Plaintiff's attorney.

8. Awarding Plaintiff damages due to Defendant's improper acts, doubled and/or trebled due to the willful and exceptional nature of the case.

9. Awarding Plaintiff compensatory, general and special, consequential and incidental damages in an amount to be determined at trial.

10. Awarding Plaintiff exemplary, punitive, statutory, and enhanced damages.

11. Awarding pre- and post- judgment interest.

12. Awarding Plaintiff such other and further relief as this Court deems is just and proper.

Jury Trial Demand

Plaintiff hereby demands a jury trial on all issues so triable.

Date: October 28, 2024

/s/ Luca L. Hickman, Esq.

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