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6

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8 **UNITED STATES DISTRICT COURT**
9 **CENTRAL DISTRICT OF CALIFORNIA**

10 TIANXIANG YU, an Individual,

11 Plaintiff,

12 v.

13 The Entities and Individuals Identified
in Annex A,

14 Defendants.
15

Case No.:

**COMPLAINT FOR PATENT
INFRINGEMENT**

JURY TRIAL DEMANDED

16
17 Plaintiff TIANXIANG YU (“Plaintiff”) hereby files this Complaint for
18 patent infringement and related claims against the Entities and Individuals
19 identified in Annex A (each hereinafter referred to individually as a “Defendant”
20 and collectively as the “Defendants”) and alleges as follows:
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1 **NATURE OF THE ACTION**

2 1. This is an action for design patent infringement pursuant to 35 U.S.C.
3 § 271 against Defendants for unlawful use of Plaintiff’s design patent in conjunction
4 with unauthorized sales of infringing products.

5 2. Defendants are individuals and entities who sell and/or offer for sale
6 infringing and unauthorized products through various online retail websites
7 including, but not limited to, Amazon.

8 **JURISDICTION AND VENUE**

9 3. This Court has jurisdiction over the subject matter of this action
10 pursuant to 28 U.S.C. §§ 1331 and 1338(a).

11 4. Each Defendant runs a “storefront” through Amazon and other website
12 platforms through which each Defendant specifically targets residents in this
13 judicial district by offering to sell and/ upon information and belief, shipping
14 infringing products to residents within the Central District of California. Thus, each
15 Defendant is committing design patent infringement in this district.

16 5. Venue is proper in this judicial district pursuant to 28 U.S.C. § 1391
17 because a substantial part of the events that give rise to the claim occur within this
18 district and each Defendant has committed acts of infringement in, and has
19 significant contacts within, this district. In addition, on information and belief, each
20 of the Defendants is a foreign entity or individual and “a defendant not resident in

1 the United States may be sued in any judicial district...” 28 U.S.C. § 1391(c)(3).

2 **THE PARTIES**

3 6. Plaintiff TIANXIANG YU is and was at all times relevant to the
4 allegations herein a natural person and citizen of the People’s Republic of China
5 with his domicile in Guangzhou, China.

6 7. The design patent owned by Plaintiff and asserted in this action is
7 Patent No. D959,699 (the “’699 Patent”) entitled “Portable Inflatable Spray Booth,”
8 which was duly and legally issued by the United States Patent and Trademark Office
9 on August 2, 2022. A copy of this design patent registration is attached hereto as
10 Exhibit 1.

11 8. Plaintiff sells its Portable Inflatable Spray Booth (“Plaintiff’s Spray
12 Booth”), which incorporates the design protected in the ‘699 Patent, throughout the
13 United States, including in this district, through various online retail websites
14 including Amazon.

15 9. The popularity of Plaintiff’s Spray Booth has led to Plaintiff receiving
16 an abundance of positive reviews for the product, and the design of Plaintiff’s Spray
17 Booth has become known throughout the United States.

18 10. Because Plaintiff’s Spray Booth has become so popular and
19 recognized by consumers, the design of Plaintiff’s product has been subject to
20 widespread infringement.

1 11. On information and belief, Defendants are individuals and entities who
2 conduct business in the United States, including within California, through their
3 operation of interactive, online marketplaces and/or websites which offer for sale
4 infringing Plaintiff's Spray Booth and other products that infringe the '699 Patent.

5 12. On information and belief, based on similarities in the characteristics
6 of the online product listings and the infringing products, some or all of the
7 Defendants are related or work together as part of a single enterprise to willfully
8 make, import, distribute, offer for sale, and sell products that infringe the '699
9 Patent.

10 13. At present, many of the Defendants can only be identified through their
11 online storefronts and other limited publicly available information. Plaintiff will
12 amend its Complaint if Defendants provide additional credible information
13 regarding their identities.

14 **DEFENDANTS' UNLAWFUL CONDUCT**

15 14. Defendants operate under many different names on a variety of
16 different websites and sales platforms to overwhelm the marketplace with a
17 multitude of infringing products in order to evade detection by patent owners. Upon
18 information belief, some of the Defendants operate under more than one alias so as
19 to avoid identification. The online marketplaces and/or websites conceal the actual
20 persons and entities responsible for the websites and listings in favor of fictitious

1 ones, such as the names listed on Annex A.

2 15. The storefronts created by Defendants typically sell various infringing
3 and/or counterfeit goods, including infringing Plaintiff's Spray Booth that infringe
4 upon Plaintiff's '699 Patent.

5 16. Individuals and entities that operate in the same manner as Defendants
6 commonly disable their marketplace storefronts and attempt to disappear as soon as
7 they learn that they have been sued, only to re-emerge under new online
8 marketplace accounts with new fictitious names after a short period of time. These
9 individuals and entities often utilize a multitude of payment methods and accounts
10 so that, even if detection requires them to close down one such account, there are
11 other accounts set up to take its place.

12 17. Additionally, these individuals and entities located abroad frequently
13 maintain off-shore and foreign bank accounts. If detected, they quickly move funds
14 from their accounts denominated in U.S. currency, such as PayPal accounts, to off-
15 shore bank accounts outside the jurisdiction of this Court.

16 **COUNT I**
17 **INFRINGEMENT OF U.S. DESIGN PATENT NO. D959,699**
(35 U.S.C. § 271)

18 18. Plaintiff repeats and incorporates by reference the allegations
19 contained in the preceding paragraphs of this Complaint as if fully set forth herein.

20 19. Defendants have infringed and are currently infringing, and unless
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1 enjoined will continue to infringe the '699 Patent.

2 20. Defendants have infringed and are currently infringing, directly and/or
3 through intermediaries, the '699 Patent by making, using, selling, offering for sale,
4 and/or importing into the United States, without authority, products that incorporate
5 the design protected by the '699 patent.

6 21. An ordinary observer, giving such attention as a purchaser usually
7 gives, would be so deceived by the resemblance between the design of the accused
8 products and the '699 Patent as to be induced to purchase the accused products
9 believing they embody the design of the '699 Patent.

10 22. On information and belief, each and every Defendant has had actual
11 knowledge of their infringement of the '699 Patent since no later than the filing date
12 of this Complaint.

13 23. Defendants' deliberate and willful actions in infringing the design of
14 the '699 Patent have caused, and will continue to cause, irreparable harm to Plaintiff
15 unless preliminarily and permanently enjoined pursuant to 35 U.S.C. § 283.

16 24. By reason of Defendants' infringement of the '699 Patent, Plaintiff has
17 suffered, and will continue to suffer, substantial damages.

18 25. Defendants' infringement of the '699 patent is exceptional and entitles
19 Plaintiff to recovery of its attorneys' fees and costs incurred in prosecuting this
20 action under 35 U.S.C. § 285.

1 **PRAYER FOR RELIEF**

2 WHEREFORE, Plaintiff prays for judgment as follows:

3 1. That Defendants and their respective agents, employees, affiliates, and
4 all persons acting in concert with them be temporarily, preliminarily, and
5 permanently enjoined and restrain from further infringement of the ‘699 Patent
6 including, but not limited to, importing, making, using, selling, and offering for sale
7 any products that infringe upon the design protected by the ‘699 Patent.

8 2. That, upon Plaintiff’s request, all in privity with Defendants, with
9 notice of the injunction, including, but not limited to, any online marketplace
10 platforms such as Amazon and any financial services providers such as credit card
11 providers, banks, merchant account providers, third party payment processors, and
12 Internet search engines, shall:

13 a. cease providing services used by Defendants, currently or in the
14 future, to sell or offer for sale products which infringe the ‘699 Patent;

15 b. cease displaying any advertisements in any form in connection
16 with the sale or offer for sale of infringing products; and

17 c. disable all links to the marketplace accounts identified on Annex
18 A from displaying in search results, including from any search index.

19 3. That Defendants, and each of them, account to Plaintiff for their profits
20 and any damages sustained by Plaintiff arising from their acts of infringement;

Annex A

Doe #	Merchant Name	Merchant URL	Accused Product ASINs
1	Shanghai Sishun E-commerce Co., Ltd.	https://www.amazon.com/stores/VEVOR/page/09A776F6-0EB9-4948-918D-9FF03FC17370?ref_=ast_bln&store_ref=bl_ast_dp_brandLogo_sto	B0D7M2PWN6, B0CLRVSR16, B0CLRVM41D, B0CLRTG3YZ, B0CNJQTXCQ, B0DB59GKK9, B08G1RRTHQ, B07QH3XZG8, B08YMTWRHF, B08WCJW28L
2	Fengsheng Wang	https://www.amazon.com/stores/FLAPKWAN/page/0A935DDC-A8A9-4250-A541-DD999CF2D404?ref_=ast_bln&store_ref=bl_ast_dp_brandLogo_sto	B08NG113LC, B08YX8N38D, B093LBMNN4, B09XM6G8CG, B086YF9G3Y, B094Q534XG, B0932G6FF4, B0932G6FF4, B09J15CMNF
3	Guangzhou Mufeng International Trade Co., Ltd.	https://www.amazon.com/stores/Oriente/page/11DF6E8A-9B9A-4EFC-8730-817D491A90DA?ref_=ast_bln&store_ref=bl_ast_dp_brandLogo_sto	B08WRZDJWC, B08VDF3R8V, B08W34HFFT, B08VDT5WF1, B07RRC2PCG, B08W3CF328, B09J4Y79J4
4	Wuhan Hongmedia Electronic Commerce Co., Ltd.	https://www.amazon.com/stores/LVAOSTT/page/0FC827EA-EE29-45EC-B783-9475913469D2?ref_=ast_bln&store_ref=bl_ast_dp_brandLogo_sto	B0BKKT9PRH, B0BZP9383G, B0BZPB7Q8Y, B0BZPBJ5SD, B0BZPC9WMN, B0CGHYXHTB
5	Shushu Chen	https://www.amazon.com/stores/BONOTH/page/E859BC3D-9D7F-48D8-BDF8-B7CBFD2C9DEB?ref_=ast_bln&store_ref=bl_ast_dp_brandLogo_sto	B0CKPNT45G, B09ZTXF8RW, B09ZTX18T8, B09ZTYCL81, B0CFGMKJD8, B0D2CQQWKD
6	Hong Kong Yinta International Trade Company Limited	https://www.amazon.com/stores/YITAHOME/page/48204C75-BB9D-461E-BC71-9CB13D8CF5F0?ref_=ast_bln&store_ref=bl_ast_dp_brandLogo_sto	B0D7HVL8T7, B0D3Q2Z9BL, B0C9MRBNGL, B0D3LN1JMJ, B0D9P6R11L, B0D7HVL8T7, B0D7HWM3BR

Exhibit 1



US00D959699S

(12) **United States Design Patent** (10) **Patent No.:** **US D959,699 S**
Yu (45) **Date of Patent:** **** Aug. 2, 2022**

(54) **PORTABLE INFLATABLE SPRAY BOOTH**

2015/0267425 A1* 9/2015 Harlow E04H 1/1277
 52/741.1
 2017/0156961 A1* 6/2017 Patel E04H 1/1205
 2020/0299984 A1* 9/2020 Williams B60S 5/00
 2021/0301549 A1* 9/2021 Williams E04H 15/22

(71) Applicant: **Tianxiang Yu**, Guangzhou (CN)

(72) Inventor: **Tianxiang Yu**, Guangzhou (CN)

(**) Term: **15 Years**

OTHER PUBLICATIONS

(21) Appl. No.: **29/799,042**

Orionet, Inflatable Paint Booth 20x13x10FT, (First available Nov. 12, 2020), Amazon.com, URL:<https://www.amazon.com/dp/B08WRZDJWC> (Year: 2020).*

(22) Filed: **Jul. 12, 2021**

(Continued)

(51) **LOC (13) Cl.** **25-03**

(52) **U.S. Cl.**

USPC **D25/1; D25/33**

(58) **Field of Classification Search**

USPC D21/814, 818, 820, 835; D15/199;
 D25/1, 18, 21, 33
 CPC ... E04H 15/20; E04H 15/22; E04H 2015/201;
 E04H 2015/204; B60J 7/102; B60J
 7/1256; A63B 63/004; A63H 33/008
 See application file for complete search history.

Primary Examiner — Calvin E Vansant
Assistant Examiner — Mark T. Philipps
 (74) *Attorney, Agent, or Firm* — True Shepherd, LLC;
 Andrew Cheng

(57) **CLAIM**

The ornamental design for a portable inflatable spray booth, as shown and described.

(56) **References Cited**

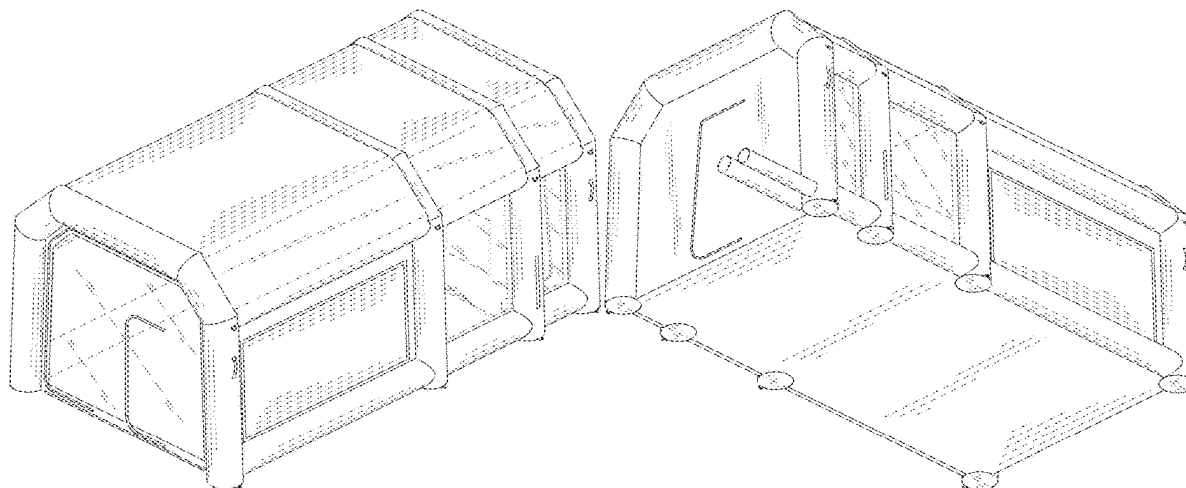
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D439,946	S *	4/2001	Gourchounian	D21/835
D441,416	S *	5/2001	Gourchounian	D21/820
D703,829	S *	4/2014	Page	.....	D25/33
D732,590	S	6/2015	Bedeschi		
D795,319	S	8/2017	Bedeschi		
D803,340	S *	11/2017	Scherba	.....	D21/814
D824,471	S *	7/2018	Bagumyan	.....	D21/818
D930,188	S *	9/2021	Xue	.....	D25/18
2005/0284031	A1*	12/2005	Chen	.....	E04H 15/20 52/2.11
2012/0090248	A1*	4/2012	Thompson	.....	A63B 63/004 29/897
2015/0017897	A1*	1/2015	Williams	.....	B05B 16/80 454/51

DESCRIPTION

FIG. 1 is a front, right, and top perspective view of a portable inflatable spray booth, showing my design.
 FIG. 2 is a rear, left, and bottom perspective view thereof.
 FIG. 3 is a front elevation view thereof.
 FIG. 4 is a rear elevation view thereof.
 FIG. 5 is a left side elevation view thereof.
 FIG. 6 is a right side elevation view thereof.
 FIG. 7 is a top plan view thereof; and,
 FIG. 8 is a bottom plan view thereof.
 The broken lines shown in the drawings are included for the purpose of illustrating portions of the portable inflatable spray booth that form no part of the claimed design.

1 Claim, 8 Drawing Sheets



US D959,699 S

Page 2

(56)

References Cited

OTHER PUBLICATIONS

Flapkwon, 28×15×10ft Inflatable Spray Paint Booth Tent with Upgrade High-Power Blowers, (first available Apr. 10, 2020), Amazon.com, URL:<<https://www.amazon.com/PeaceWin-28X15X10FT-Inflatable-High-Power-Workstation/dp/B086YF9G3Y/>> (Year: 2020).*

Vevor, Portable Inflatable Paint Booth 28×15×10ft Inflatable Spray Booth, (first available Aug. 31, 2021), Amazon.com, URL:<<https://www.amazon.com/dp/B09F2TPCFQ>> (Year: 2021).*

* cited by examiner

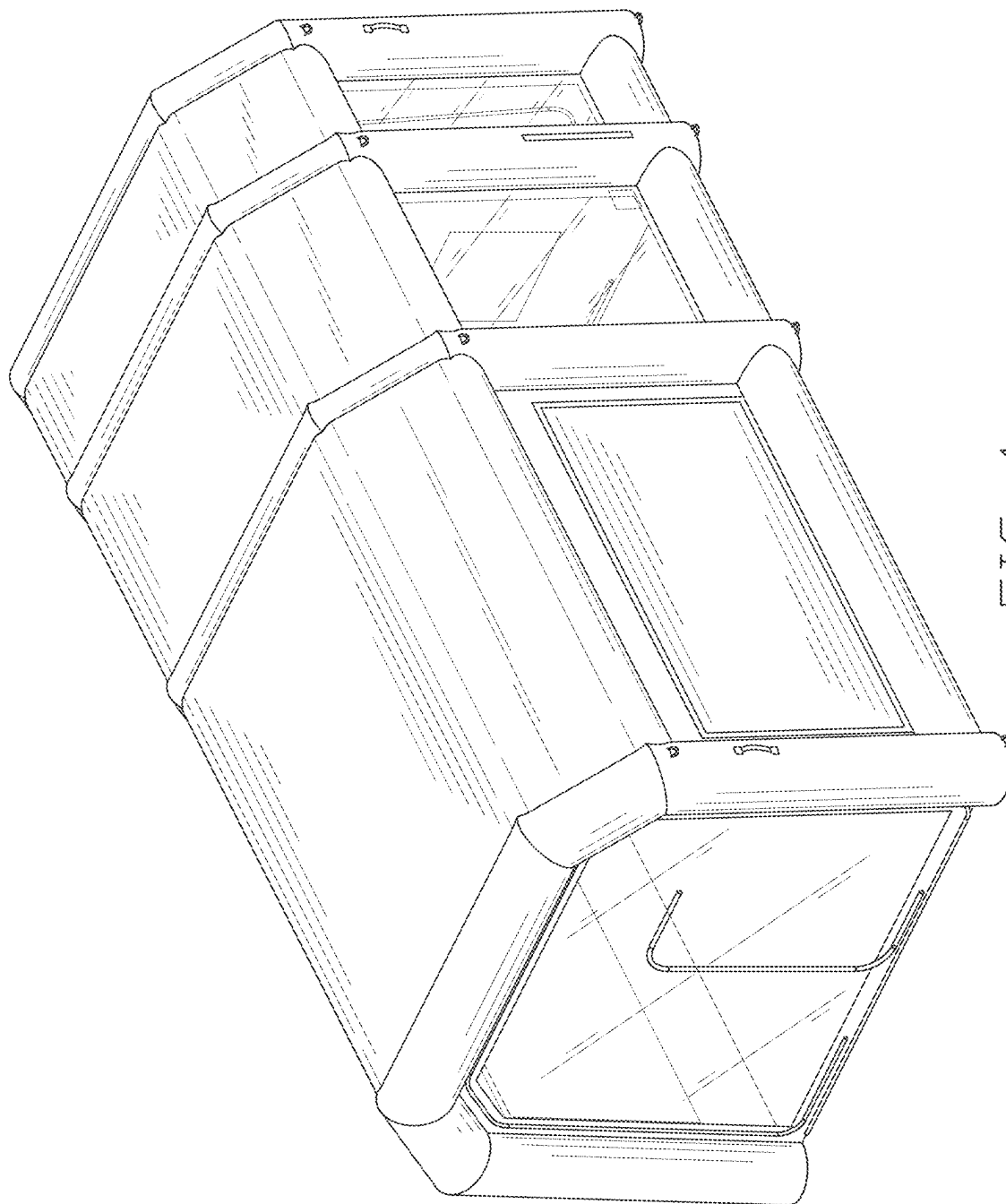
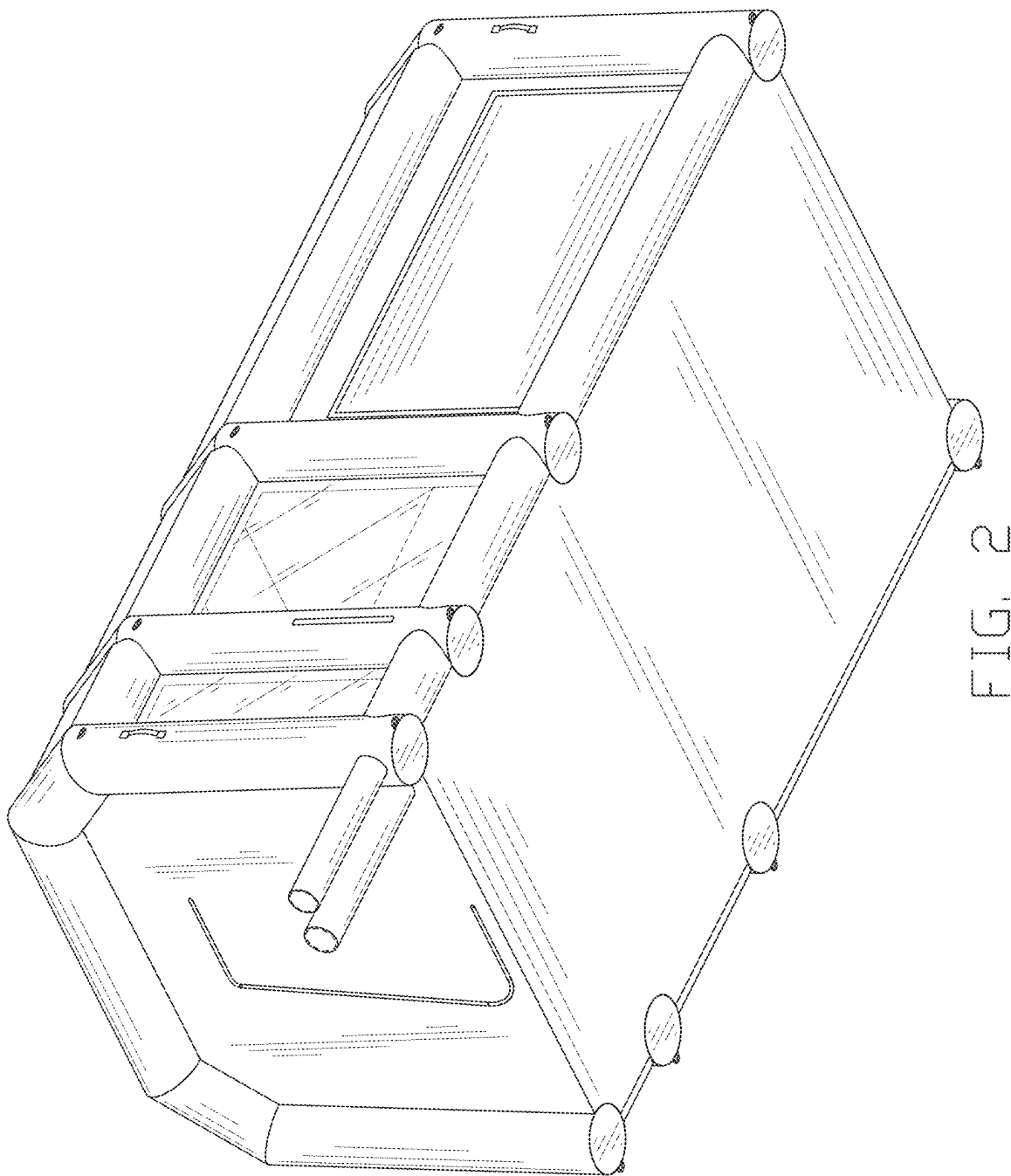


FIG. 1



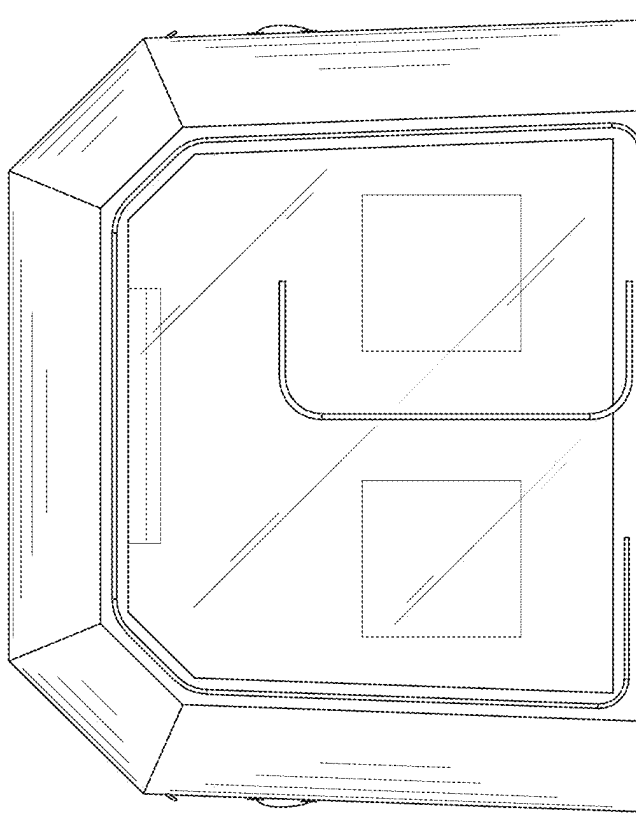


FIG. 3

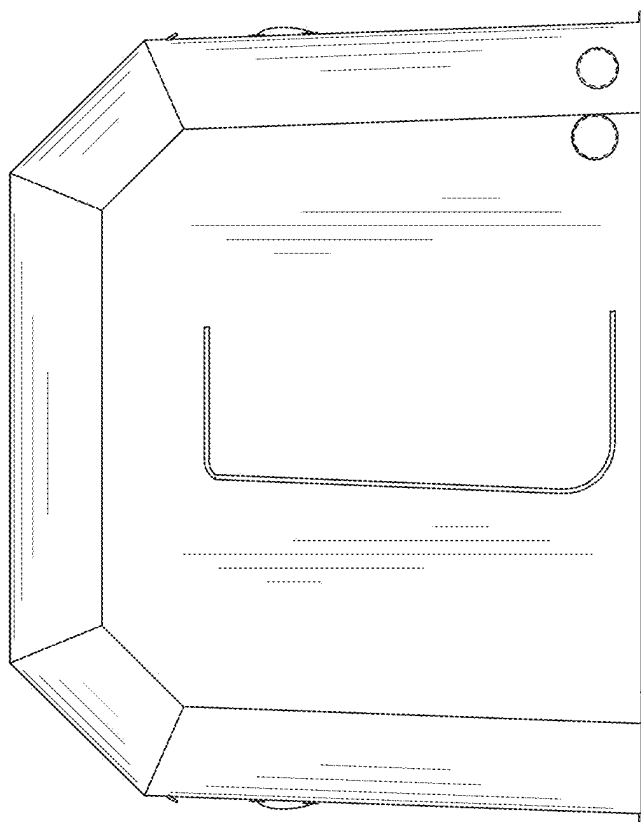


FIG. 4

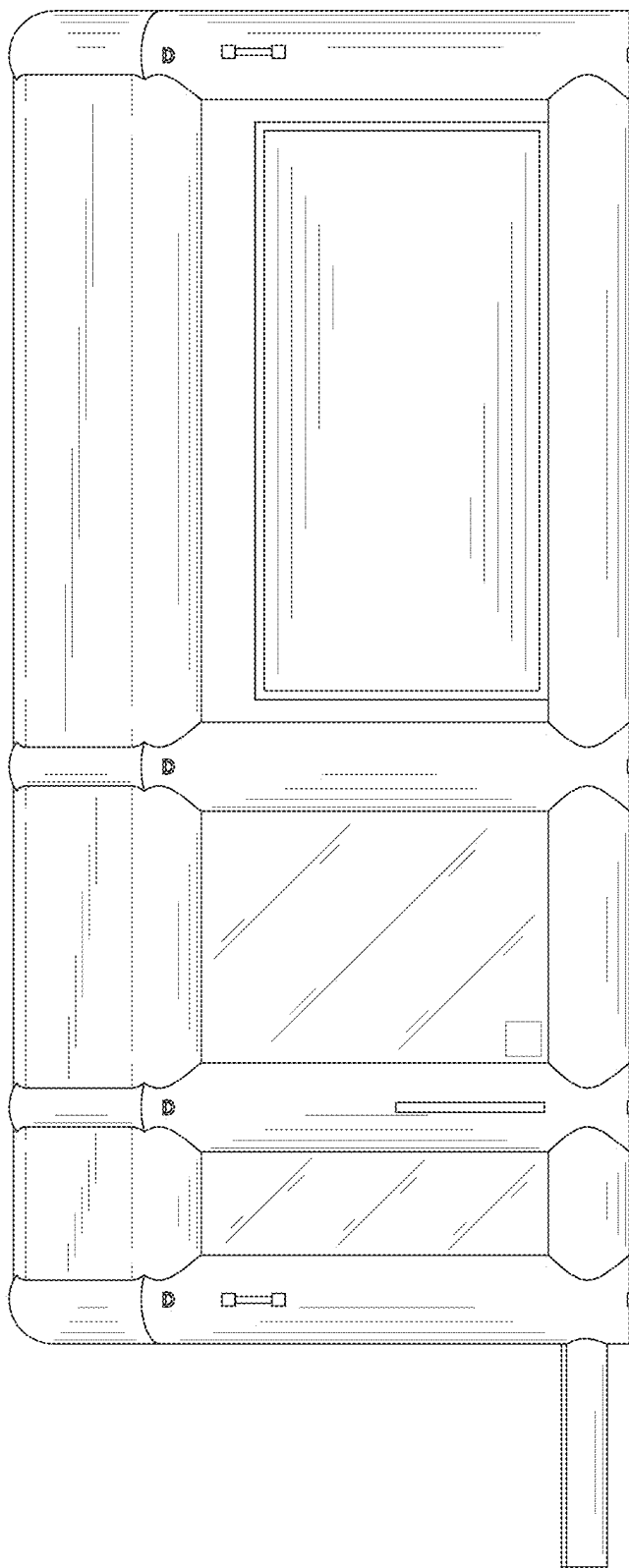


FIG. 5

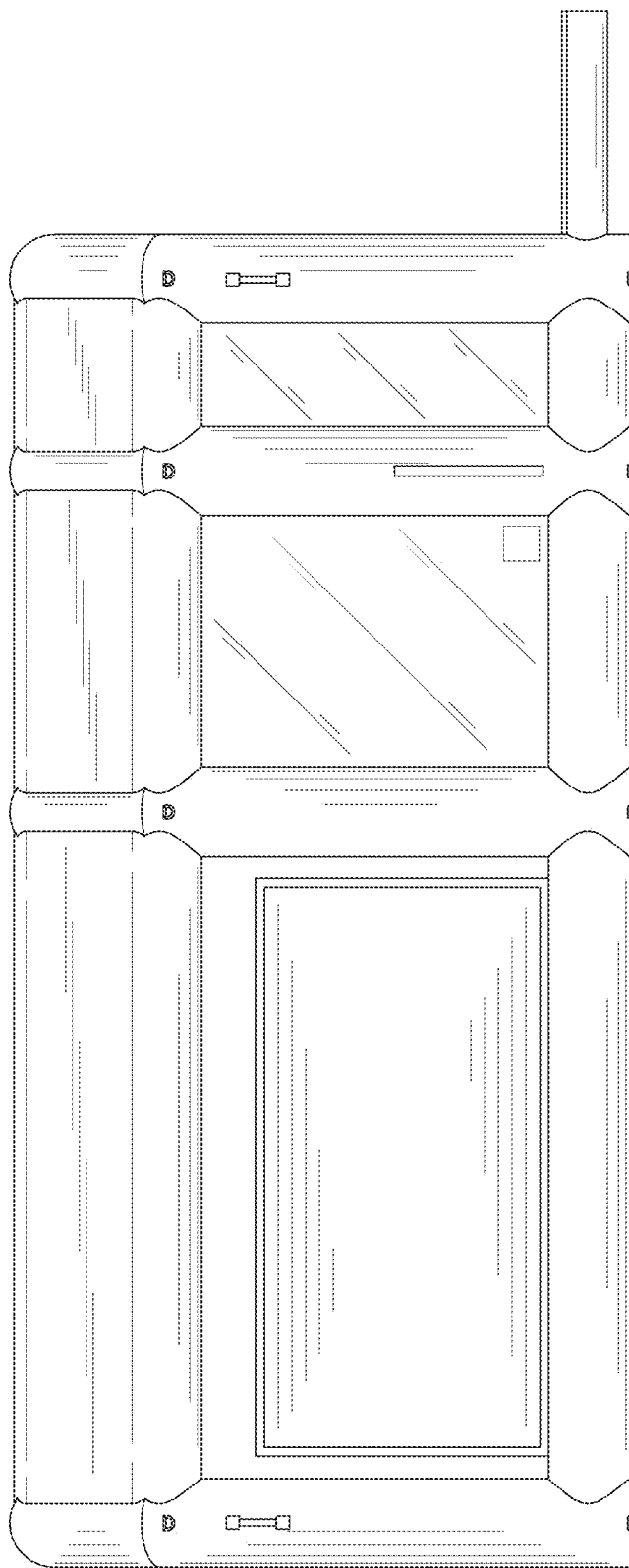


FIG. 6

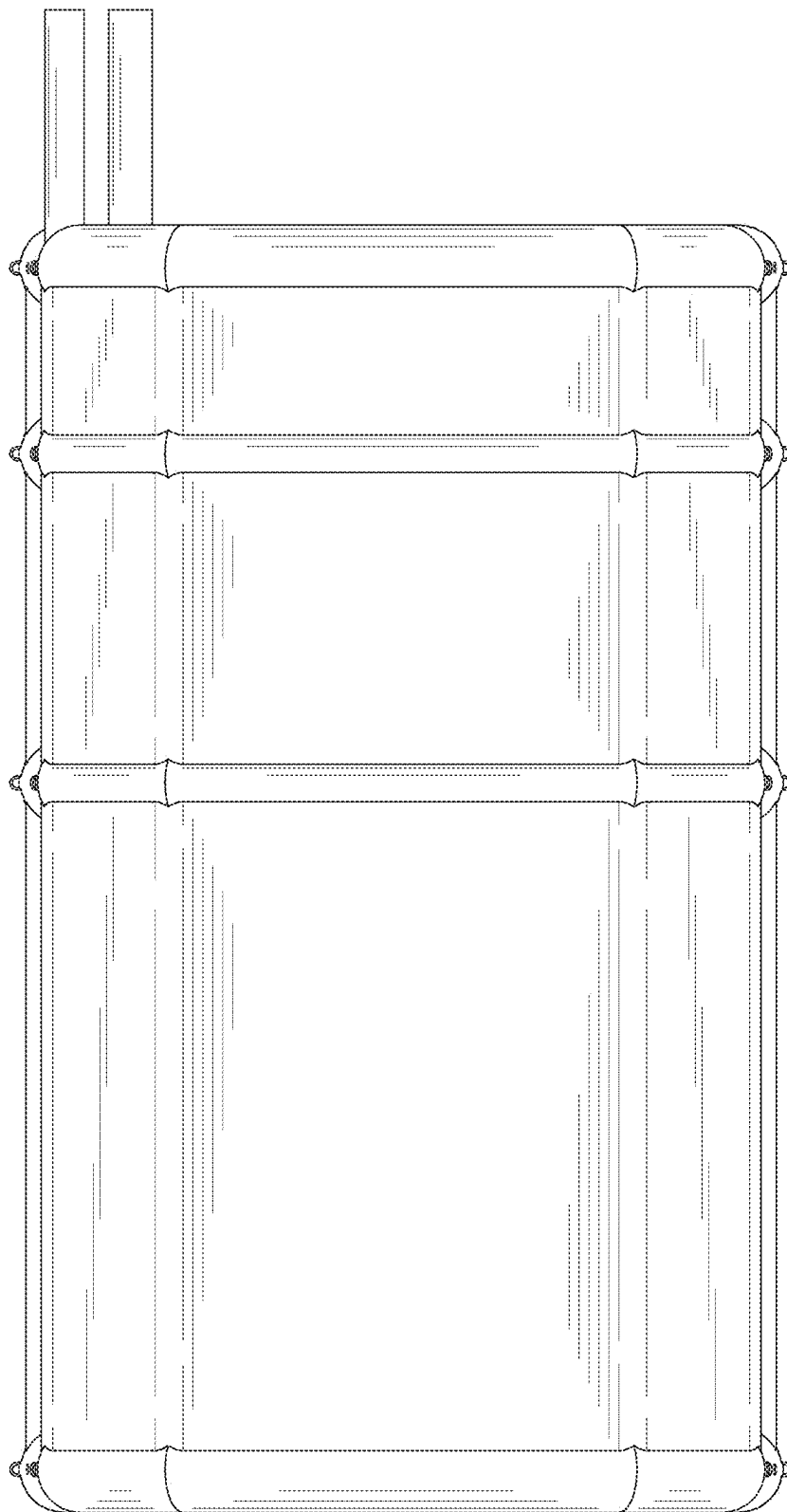


FIG. 7

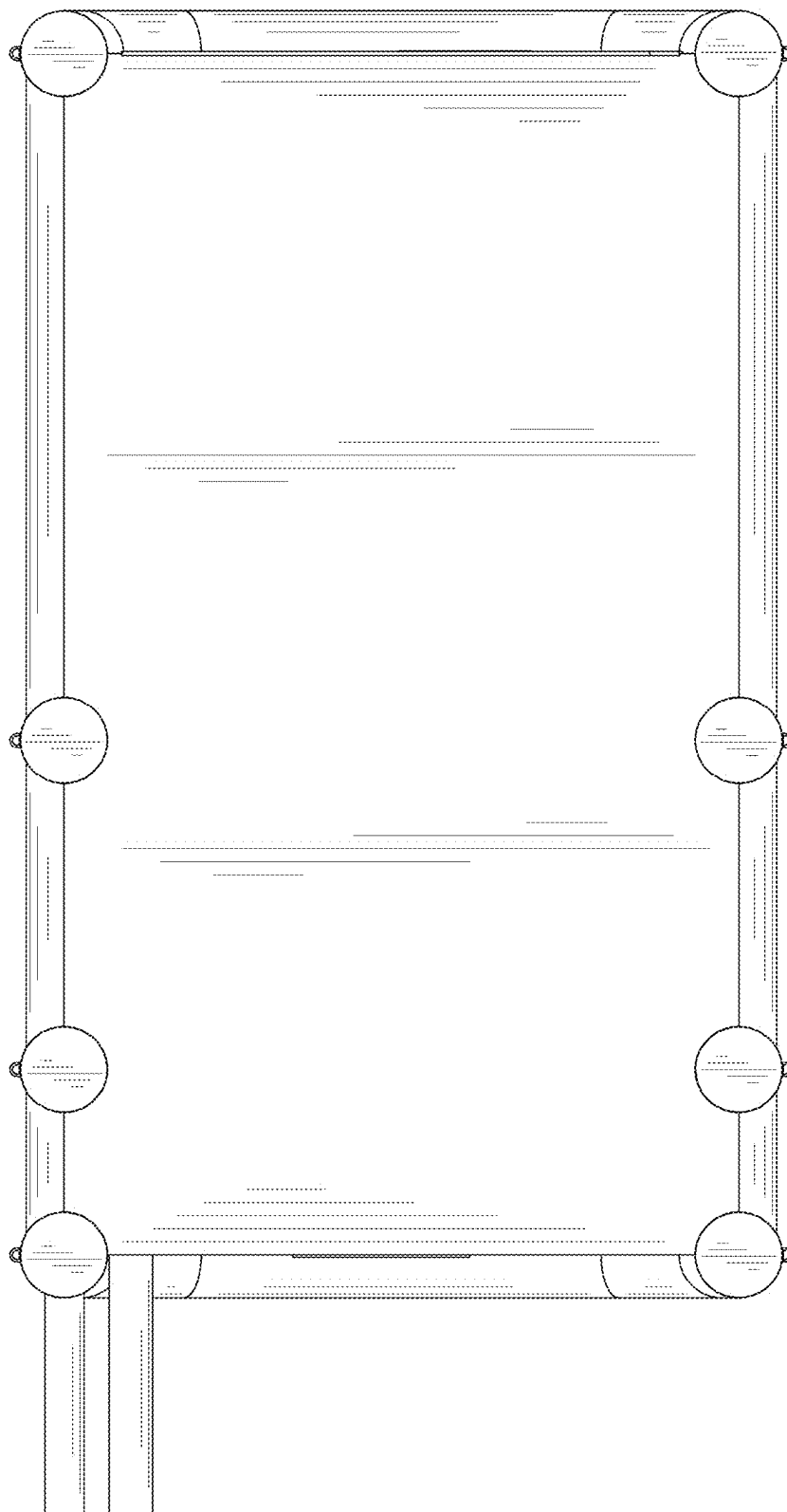


FIG. 8