

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

Yangzhou Ciyang Craft Products Co., Ltd.,

Plaintiff,

v.

Shengzhou Yuneng Trade Department,

Defendant.

Civil Action No. _____

COMPLAINT

This is an action brought under the Declaratory Judgment Act by Plaintiff Yangzhou Ciyang Craft Products Co., Ltd (“*Plaintiff*”), against Defendant Shengzhou Yuneng Trade Department (“*Defendant*”), claiming for invalidity of a design Patent “Rolling Storage Cart” (Patent No. D1,002,985S) (“*’985 Patent*”). Upon actual knowledge with respect to itself and its acts, and upon information and belief as to all other matters, Plaintiff alleges as follows:

INTRODUCTION

1. The Defendant registered a design patent in the United States for furniture that a Chinese manufacturer had already designed, produced, and sold as early as 2022. By expediting the application process through additional fees, the Defendant obtained the patent approval for the ’985 Patent within three months.

2. Subsequently, the Defendant began leveraging this design patent to file complaints against various furniture sellers, including the Plaintiff.

3. As a result, the Plaintiff’s storefronts, through which it sells rolling storage cart AGTEK (Seller ID: ALVW3C8AC7RLS), had its listing for ASINs B0CMH98RDB,

B0CT5BWK1H, B0CT5F97ZW, and B0CT5B748J removed following the Defendant's infringement complaint to Amazon.

4. The Plaintiff now seeks to file this action against the Defendant, requesting the invalidation of the fraudulently obtained design patent and the cessation of the Defendant's improper actions.

NATURE OF THE ACTION

5. This court has original jurisdiction over the subject matter of this action pursuant to the Patent Act, 35 U.S.C. §§ 101, 102, 103 et seq., pursuant to 28 U.S.C. §§ 1331, , 1338(a), and pursuant to the Declaratory Judgment Act, 28 U.S.C. §§ 2201 and 2202.

6. This is an action under the Declaratory Judgment Act, 28 U.S.C. §§ 2201 and 2202, seeking a declaratory judgment that Plaintiff has not infringed any of Defendant's alleged patent rights in the '985 Patent (including any of Defendants' predecessors and/or successors in interest), directly, contributorily, or vicariously.

7. This is an action under the Declaratory Judgment Act, 28 U.S.C. §§ 2201 and 2202, seeking a declaratory judgment that Defendant's Patent U.S. Patent No. D1,002,985S is invalid under at least 35 U.S.C. §§ 101, and 102.

8. This action arises from Defendant's filing of fraudulent Patent infringement complaint to Amazon, causing Amazon to de-list Plaintiff's top selling product from the market, which could lead to the total annihilation of Plaintiff's business.

JURISDICTION AND VENUE

9. This Court has subject matter jurisdiction under 28 U.S.C. §§ 2201, 2202, 1331, 1338(a), because this action arises under the laws of the United States, in particular the Patent Act of the United States, 35 U.S.C. § 100 et seq.

10. An actual case or controversy exists between the parties to this action.

11. Defendant filed a patent infringement complaint to Amazon which resulted in the removal of Plaintiff's Amazon product listings.

12. Product delisting from Amazon has stopped Plaintiff's product sales on Amazon and caused significant financial loss in the United States, including Virginia. Defendant's actions thereby give rise to an actual controversy under 28 U.S.C. § 2201 et. seq.

13. Personal jurisdiction and venue are proper in this Court as to Defendant pursuant to 35 U.S.C. § 293. Defendant is the current assignee of record of the '985 Patent. Defendant is a Chinese company with its principal place of business in China, and has not filed a written designation of an agent in the United States on whom may be served process or notice of proceedings affecting the patent rights of the '985 Patent.

PARTIES

14. Plaintiff Yangzhou Ciyang Craft Products 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 located at 278 Situmiao Road, Hanjiang District, Yangzhou City, Jiangsu Province, China.

15. On information and belief, Defendant is also a limited liability company organized and existing under the laws of the People's Republic of China, with its principal place of business located at No. 287 Dayuan Road East, Dawu Village, Pukou Street, Shengzhou, Shaoxing, Zhejiang, China.

FACTUAL BACKGROUND

16. Plaintiff owns and operates one Amazon store AGTEK (Seller ID: ALVW3C8AC7RLS). Plaintiff sells furniture in that Amazon store.

17. On September 15, 2024, Plaintiff's store received a Notice from Amazon. *See Exhibit 1.*

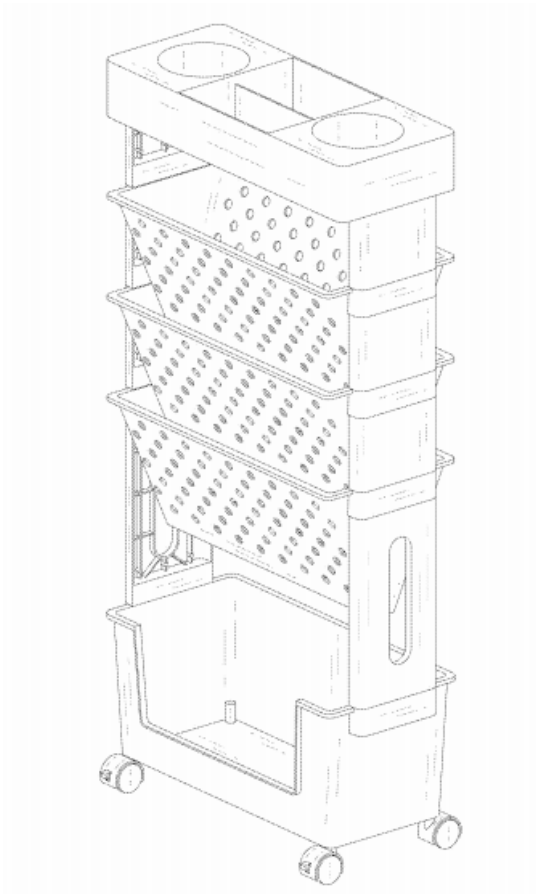
18. This Notice informed the Plaintiff that Amazon had received a report from the Defendant, alleging that Plaintiff infringed the '985 Patent (a copy of which patent is attached hereto as **Exhibit 2**).

19. In the Notice, Amazon provided Plaintiff with the Rights Owner's contact details, namely, infringement@sulelaw.com.

20. As a result of the infringement complaint sent by Defendant to Amazon, Plaintiff's ASINs B0CMH98RDB, B0CT5BWK1H, B0CT5F97ZW, and B0CT5B748J were de-listed.

21. The '985 Patent's filing date is July 10, 2023 and issued on October 24, 2023.

22. A perspective view of the design covered by the '985 Patent is shown as below:



23. However, the '985 Patent was already patented, in public use, on sale, or otherwise made available to the public before its filing date.

24. The exact same design was being sold on the Chinese e-commerce platform PDD (“*Temu*”) at least as early as 2022.

25. For example, the following screenshot shows the design being sold on December 1, 2022, at 14:55.

Product Name	Price	Inventory	Total Sales	30 Day sales	Quality Point	Creating Time
商品名称	价格	库存	累计销量	30日销量	质量分	创建时间
 书桌置物架桌下落地小推车移动儿童书架带轮书本多层收纳架子宿舍 ID:694177654036 编码:MO632204-63220404 分享	¥86.30	0	351	0	100分 获得流量加持	2022-12-01 14:55 合库中
Under-Desk Storage Shelf with Wheels, Movable Multi-Layer Bookshelf for Kids, Rolling Book Organizer, Dormitory Shelf Rack						
 可移动书本收纳箱课桌书架神器教室书架学生带轮盒书箱书桌置物架 ID:673909510967 编码:MO632204-63220404 分享 卖点播报	¥111.25	0	981	0	100分 获得流量加持	2022-04-28 14:21 合库中

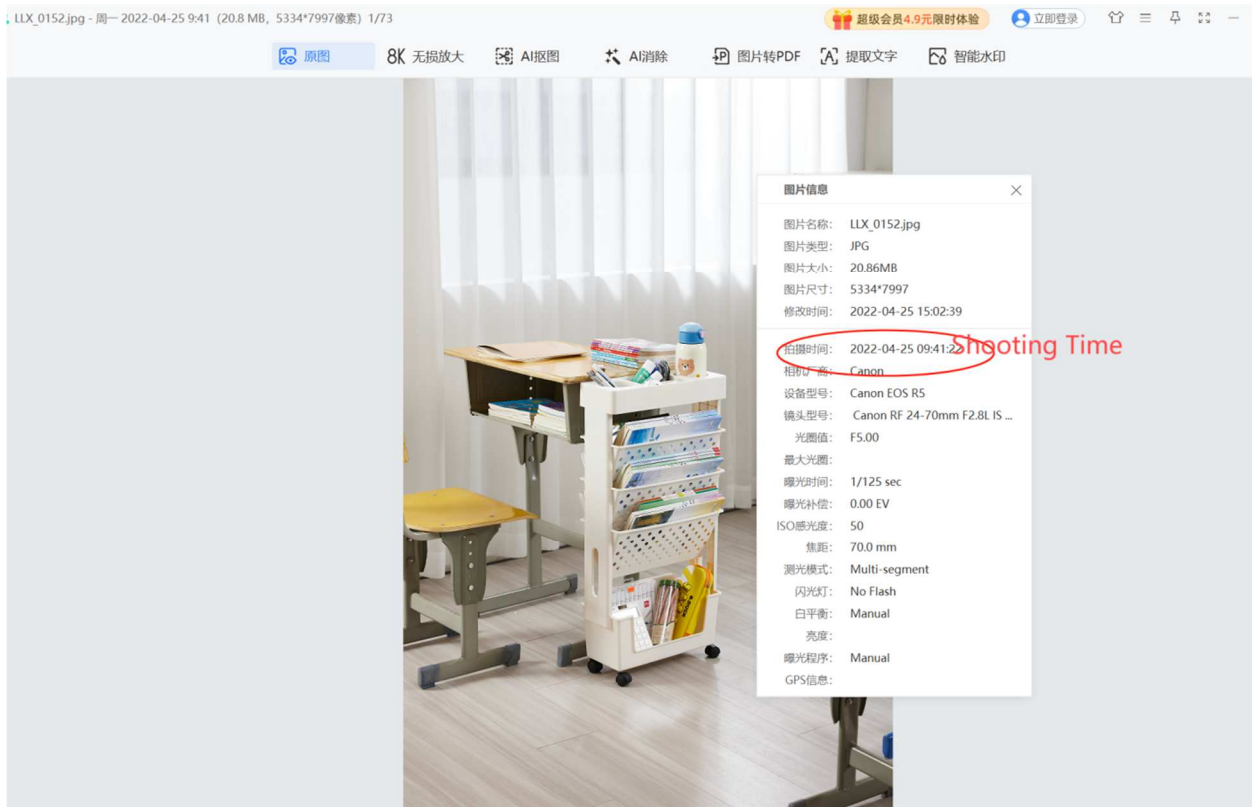
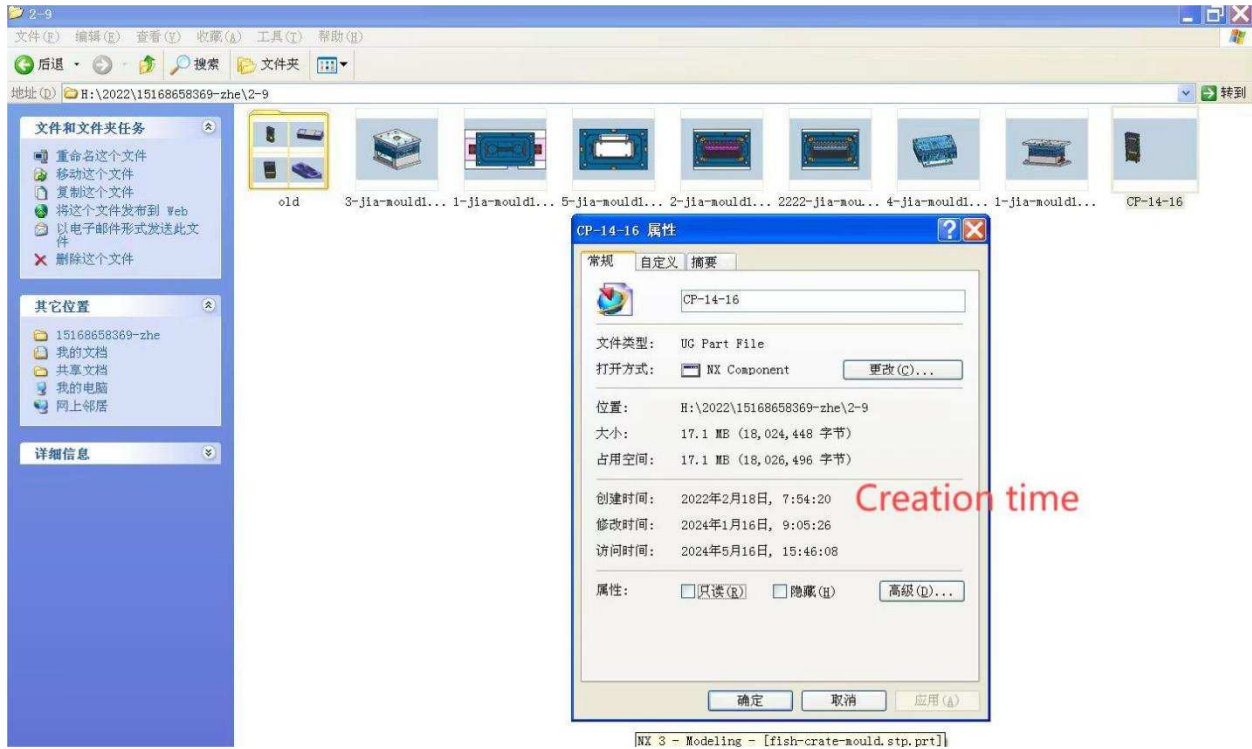
26. Another screenshot shows the design being sold on June 11, 2022, at 10:27.

商品信息	price	inventory	total sales	30 day sales	Creation Time	操作	
价格(元)	总库存	收藏	累计销量	30日销量	商品质检分	创建时间	
 可移动万能书架带轮桌架收纳整理学生教室落地置物架教室书立推车 ID: 37390966370 商品编码: 8332	13.9 ~ 45.9 修改价格	6609 修改库存	125775	206651 评价分: 1分 查看评价	339 设置优惠券 营销活动 商品已降价! ¥13.23-44.99 上新, 重获自然流量	2022-06-11 10:27 销售中	编辑 下架 预览 二维码 链接 发布相似品

27. Additionally, the factory that manufactured this shelf is able to provide design documents and product photos dating back to 2022.

28. For example, a promotional photo clearly displaying the claimed design was taken on April 25, 2022, at 9:41:22.

29. Furthermore, the factory has provided images of the product's design, showing that the design was created on February 18, 2022, at 7:54:20.



30. Based on the foregoing prior art, Plaintiff's product cannot infringe the '985 Patent

because the '985 Patent is invalid.

COUNT I
(Declaration Judgment of Invalidity of U.S. Patent, No. D1,002,985)

31. Plaintiff incorporates by reference the allegations set forth above in paragraphs 1 through 30 as if fully set forth herein.

32. 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.

33. There exists an actual and justiciable controversy between Plaintiff and Defendant with respect to the alleged validity of the '985 Patent due to the assertion of the '985 Patent against the Plaintiff's product.

34. On information and belief, Defendant is not the inventor of the design covered by the '985 Patent.

35. Put another way, on information and belief, Defendant did not "invent[] or discover[]" the design claimed in the '985 Patent as used in 35 USC § 101.

36. As shown above, the claimed design of '985 Patent was available to the public and on sale before the filing date of the '985 Patent.

37. Therefore, the '985 Patent is invalid as anticipated under 35 USC § 102.

38. Moreover, the '985 Patent is invalid as obvious under 35 USC § 103.

39. Additionally, Defendant made fraudulent representations to the USPTO when applying for the '985 Patent by falsely naming the inventor and intentionally concealing the sales records from 2022.

40. In the view of the foregoing, Plaintiff is entitled to a judgment declaring that the '985 Patent is invalid under at least 35 USC §§ 101, 102 and/or 103.

COUNT II
(Tortious Interference with Contractual Relations)

41. Plaintiff incorporates by reference the allegations set forth above in paragraphs 1 through 30 as if fully set forth herein.

42. 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.

43. Plaintiff has a valid and existing contract with Amazon in order to sell their product through the Amazon.com platform.

44. Plaintiff is informed and believes, and on that basis alleges, that Defendant knew of Plaintiff's contractual relationship with Amazon.

45. Plaintiff is informed and believes, and on that basis alleges, that Defendant intentionally interfered with such contractual relationship and furthermore knowingly and intentionally interfered, 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.

46. As a result of Defendant's improper acts, Plaintiff's listings were removed from Amazon.

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

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

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

COUNT III
(Tortious Interference with Prospective Economic Advantage)

50. Plaintiff incorporate by reference the allegations set forth above in paragraphs 1 through 30 as if fully set forth herein.

51. 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.

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

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

54. Defendants 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 rolling storage cart products.

55. Defendant intentionally and knowingly made false 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.

56. 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.

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

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

59. The damages to Plaintiff should their 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 product.

60. 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, Amazon seller's rating, and Amazon reviews; resulting in a loss of Plaintiff's goodwill and reputation on the Amazon marketplace.

61. The damage to Plaintiff should its products continue to be delisted as a result of Defendant's frivolous action against Plaintiff is incalculable and irreparable.

62. 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:

- A. For judgment in favor of Plaintiff against Defendant on all claims.
- B. Declaring that Defendant's D1,002,985 Patent registration is invalid.
- C. Declaring that Plaintiff's rolling storage cart products do not infringe Defendant's

D1,002,985 Patent.

D. 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.

E. Order by this Court that Defendant must immediately revoke any complaints of infringement of the D1,002,985 Patent made to Amazon with respect to Plaintiff's rolling storage cart products.

F. Enjoining Defendant temporarily, preliminarily, and permanently from making any future complaint regarding the D1,002,985 Patent against Plaintiff's rolling storage cart products.

G. 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.

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

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

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

K. Awarding pre- and post- judgment interest.

L. 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: January 16, 2025

Respectfully submitted,

/s/ Brittany G. Simmons

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