

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

QUANZHOU MINGHOU TRADING CO.
LTD., a Chinese Corporation,

Plaintiff,

vs.

THE PARTNERSHIPS and
UNINCORPORATED ASSOCIATIONS
IDENTIFIED ON SCHEDULE “A,”

Defendants.

Case No. _____

COMPLAINT

Plaintiff QUANZHOU MINGHOU TRADING CO. LTD. (“Plaintiff” or “MINGHOU”) is a Chinese Corp. and hereby brings the present action against the Partnerships and Unincorporated Associations identified on Schedule “A” attached hereto (collectively, “Defendants”) and alleges as follows:

I. JURISDICTION AND VENUE

1. The Court has original subject matter jurisdiction over the claims in this action pursuant to the provisions of the Patent Act, 35 U.S.C. § 1, *et seq.*, 28 U.S.C. § 1338(a)-(b) and 28 U.S.C. § 1331.

2. Venue is proper in this Court pursuant to 28 U.S.C. § 1391, and this Court may properly exercise personal jurisdiction over Defendants since each of the Defendants directly targets business activities towards consumers in the United States, including Illinois, through at least e-commerce stores operating under the seller aliases identified in Scheduled “A” attached hereto (the “Seller Aliases”). Defendants specifically target sales towards Illinois residents and United States consumers by setting up and operating e-commerce stores using one or more “Seller Aliases.” *See, e.g., Christian Dior Couture, S.A. v. Lei Liu et al.*, 2015 U.S. Dist. LEXIS

1 158225, at *6 (N.D. Ill. Nov. 17, 2015) (personal jurisdiction proper over defendant offering to
 2 sell alleged infringing product to United States residents, including Illinois; no actual sale
 3 required); *Ford Global Techs., LLC v. New World Int'l Inc.*, 2016 U.S. Dist. LEXIS 78384, at
 4 *9-13 (E.D. Mich. June 16, 2016) (finding personal jurisdiction over defendant who sold
 5 products infringing design patents on its website and on an eBay storefront).

6 II. INTRODUCTION

7 3. MINGHOU is the assignee U.S. Patent No. [REDACTED] (“[REDACTED] Patent,” also
 8 referred to as the “[REDACTED]” and files this patent infringement action pursuant to
 9 35 U.S.C. § 1, et seq. against Defendants identified on Schedule “A” who cause irreparable
 10 harm to MINGHOU in the form of loss of goodwill, reputational harm, violations to intellectual
 11 property rights, and price erosion, by selling Infringing Products using online Seller Alias
 12 accounts on e-commerce platforms including “Amazon.com,” “eBay,” “alibaba.com” and
 13 “Walmart,” as shown in **Exhibit 1**.

14 4. Defendants attempt to avoid and mitigate liability by operating under one or
 15 more Seller Aliases to conceal both their identities and the full scope and interworking of their
 16 operation. The filing of this action also serves public interests including protecting unknowing
 17 consumers in Illinois and United States from purchasing Infringing Products.

18 5. “Infringing Products” refers to those footwear products with sole designs that
 19 infringe the [REDACTED] of [REDACTED] Patent. In addition to the damages requested herein,
 20 Plaintiff files an ex parte Motion for Temporary Injunction to halt Defendants infringement
 21 activities and freeze Defendants’ assets.

22 6. MINGHOU has been and continues to be irreparably damaged from the loss of
 23 its lawful patent rights to exclude others from making, using, selling, offering for sale, and
 24 importing its patented designs as a result of Defendants’ actions and seeks injunctive and
 25 monetary relief.
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III. THE PARTIES

A. Plaintiff QUANZHOU MINGHOU TRADING CO. LTD.

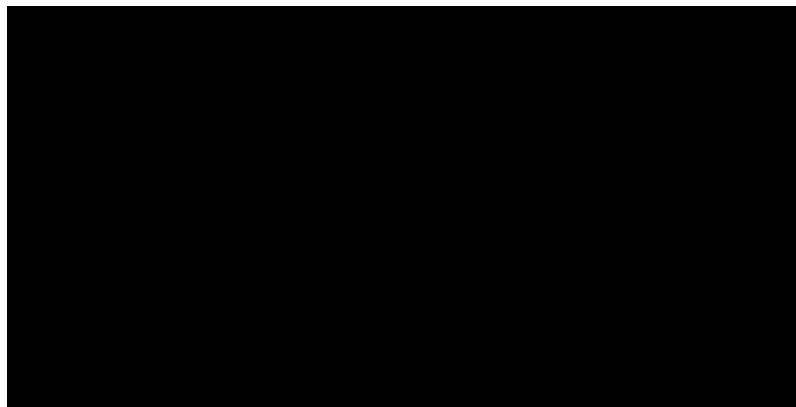
7. MINGHOU is the lawful assignee of all right, title, and interest in and to the patented Footwear Sole designs registered under U.S. Patent No. [REDACTED] (the ‘[REDACTED]’ Patent).

8. The United States Patent and Trademark Office (“USPTO”) lawfully issued the ‘[REDACTED]’ Patent on March 9, 2021, to the named inventor, You RAO. Attached hereto as Exhibit 2 is a true and correct copy of U.S. Patent No. [REDACTED] and Exhibit 3 is a true and correct copy of the Assignment Agreement.

9. MINGHOU products are distributed and sold to consumers through online retailers throughout the United States, including Illinois. MINGHOU sells products utilizing the [REDACTED] on in the United States including Illinois.

10. The [REDACTED] [REDACTED] [REDACTED] is known and broadly recognizable by its distinctiveness. The following designs (FIGS 1 – 9) illustrate the [REDACTED] of the ‘[REDACTED]’ Patent.

[REDACTED]



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[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

B. The Defendants

11. Defendants are individuals and business entities whose identities are predominantly unknown, who own and/or operate one or more of the e-commerce stores under the Seller Aliases identified on Schedule “A” and possibly others not yet known.

12. On information and belief, Defendants reside and/or operate in the People’s Republic of China and/or other foreign jurisdictions with legal systems that enforce intellectual property rights.

13. Defendants have the capacity to be sued pursuant to Federal Rule of Civil Procedure 17(b).

14. On information and belief, Defendants share the same means and methods to perpetuate their infringement and conceal their identities and operations. If Defendants provide credible information concerning their identities, Plaintiff will take appropriate steps to amend the Complaint.

15. On information and belief, Defendants, either individually or jointly, operate one or more e-commerce stores under the Seller Aliases listed in Schedule “A” attached hereto.

IV. BACKGROUND

16. Defendants infringe the [REDACTED] of the [REDACTED] Patent by creating e-commerce stores which they offer for sale, sell, and import the Infringing Products to U.S. consumers.

17. The Defendants’ shared use of Seller Aliases on the same e-commerce platforms, illustrates how their infringement activities arise out of the same transaction, occurrence, or series of transactions or occurrences. Inadequate screening by online retailers enables sellers to “routinely use false or inaccurate names and addresses when registering with these e-commerce platforms.”¹ See **Exhibit 4**.

¹ Daniel C.K. Chow, Alibaba, Amazon, and Counterfeiting in the Age of the Internet, 40 NW. J. INT’L & BUS. 157, 186 (2020).

1 18. On information and belief, Defendants have engaged in fraudulent conduct by
2 registering under Seller Aliases and providing false, misleading and/or incomplete information
3 to e-commerce platforms. Defendants' use of Seller Aliases thus allows Defendants to conceal
4 their identities and sell infringing products with impunity.

5 19. Defendants' infringement activities have caused and continue to cause
6 irreparable harm to Plaintiff's financial interests and legal rights under the [REDACTED] Patent including
7 the right to exclude others from making, using, selling, offering for sale, and importing its
8 patented designs as a result of Defendants' actions and seeks injunctive and monetary relief.

9 20. E-commerce sales, including through e-commerce stores like those of
10 Defendants, have resulted in a sharp increase in the shipment of unauthorized products into the
11 United States. Intellectual Property is one of seven Priority Trade Issues for CPB enforcement.²
12 **Exhibit 5.** Infringing and pirated products account for billions in economic losses, resulting in
13 tens of thousands of lost jobs for legitimate businesses and broader economic losses, including
14 lost tax revenue.³ See **Exhibit 6.**

15 21. On information and belief, Defendants are an interrelated group of infringers
16 working in active concert to manufacture, use, offer to sell, sell, and import for sale or use,
17 Infringing Products in the same transaction, occurrence, or series of transactions or occurrences.

18 22. Even though Defendants operate under multiple fictitious aliases, the e-
19 commerce stores operating under Seller Aliases share unique identifiers, such as templates with
20 common design elements that intentionally omit any contact information or other identifying
21 information, same registration patterns, accepted payment methods, check-out methods,
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25 ² Intellectual Property Rights Seizure Statistics. U.S. Customs and Border Protection. 2021.

26 ³ Combating Trafficking in Counterfeit and Pirated Goods (Jan. 24, 2020) (stating how little identifying
27 information is necessary to establish a seller's account and to sell infringing products.) ("CBP made over 27,000
28 seizures (i.e., 102,490 seizure lines) with an estimated manufacturer's suggested retail price (MSRP) of over \$3.3
billion, which represents an increase of 152% over the previous Fiscal Year, when goods valued at \$1.3 billion
MSRP were seized for IPR violations.")

1 keywords, illegitimate search engine optimization (SEO), advertising tactics, similarities in
2 price and quantities, the same incorrect grammar, misspellings, text and images.

3 23. Infringing Products for sale by the Seller Aliases bear similar irregularities and
4 unauthorized use as each other, suggesting that the Infringing Products were manufactured by
5 and come from a common source and that Defendants are interrelated.

6 24. The poor manufacturing and low-quality materials used by Defendants' to
7 produce of the Infringing Products has also resulted in negative reviews focused primarily on
8 the distinctive [REDACTED]

9 25. In addition, Infringers such as Defendants typically maintain multiple payment
10 accounts so that they can evade enforcement efforts and continue operating, and offshore bank
11 accounts outside the jurisdiction of this Court.

12 26. Defendants, without any authorization or license, have jointly and severally,
13 willfully make, offered for sale, sold, and/or imported into the United States for subsequent
14 resale or use products that directly and/or indirectly infringe the [REDACTED] patent.

15 27. Defendants' e-commerce store operating under the Seller Aliases offers shipping
16 to the United States, including Illinois, and, on information and belief, each Defendant has sold
17 Infringing Products into the United States and Illinois over the Internet.

18 28. Defendants' continued infringement of the [REDACTED] in connection
19 with the making, using, offering for sale, selling, and/or importing into the United States for
20 subsequent sale or use of the Infringing Products into Illinois, is irreparably harming
21 MINGHOU.
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V. COUNT I
INFRINGEMENT OF UNITED STATES DESIGN PATENT [REDACTED]
(35 U.S.C. § 271)

29. MINGHOU incorporates the foregoing allegations as if fully re-alleged and restated herein.

30. Plaintiff-assignee lawfully owns all right, title, and interest in the [REDACTED] of the [REDACTED] Patent.

31. Defendants offer for sale, sell, and/or import into the United States for subsequent resale or use, products that infringe directly and/or indirectly the ornamental design claimed in the [REDACTED] Patent.

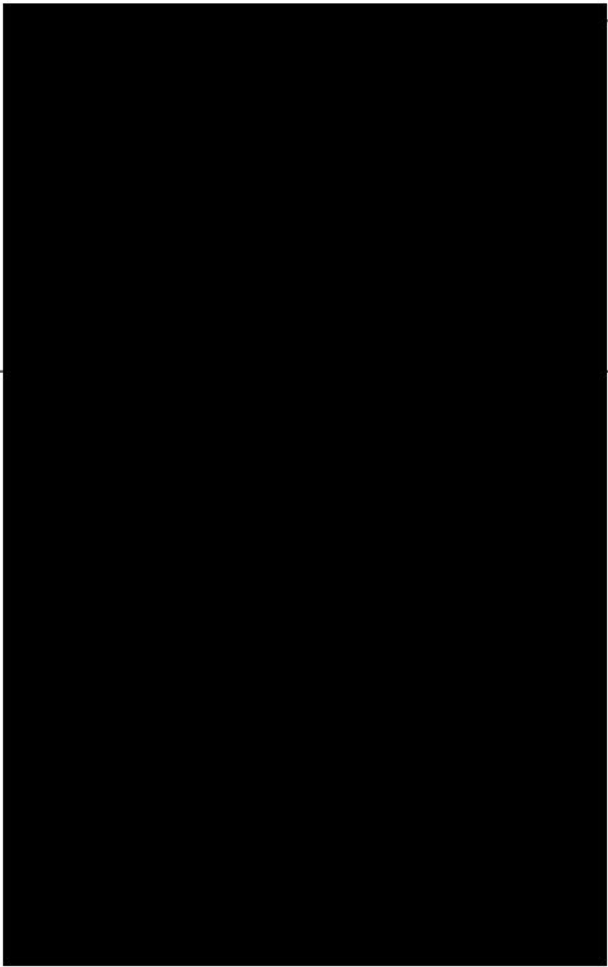
32. Defendants have infringed the [REDACTED] Patent through the aforesaid acts and will continue to do so unless enjoined by this Court.

33. Defendants' wrongful conduct has caused Plaintiff to suffer irreparable harm including the loss of its lawful patent right to exclude others from infringing the [REDACTED] Patent. As such, plaintiff is entitled to injunctive relief pursuant to 35 U.S.C. § 283.

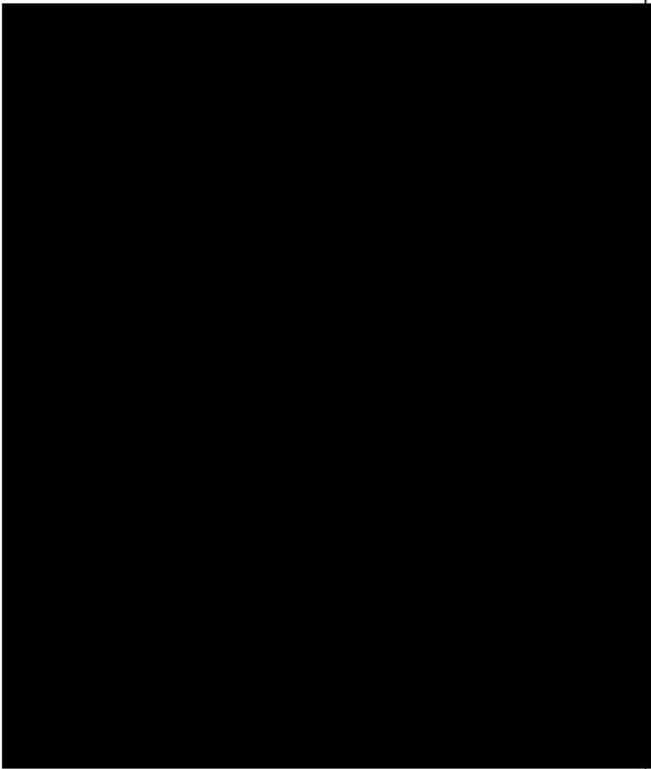
34. Defendants had notice and knowledge of the [REDACTED] Patent at least as early its issue date on March 9, 2021.

35. Defendants' actions infringe and continue to infringe the one and only claim in the [REDACTED] Patent.

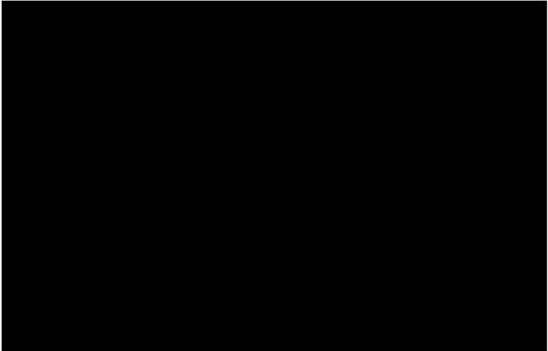
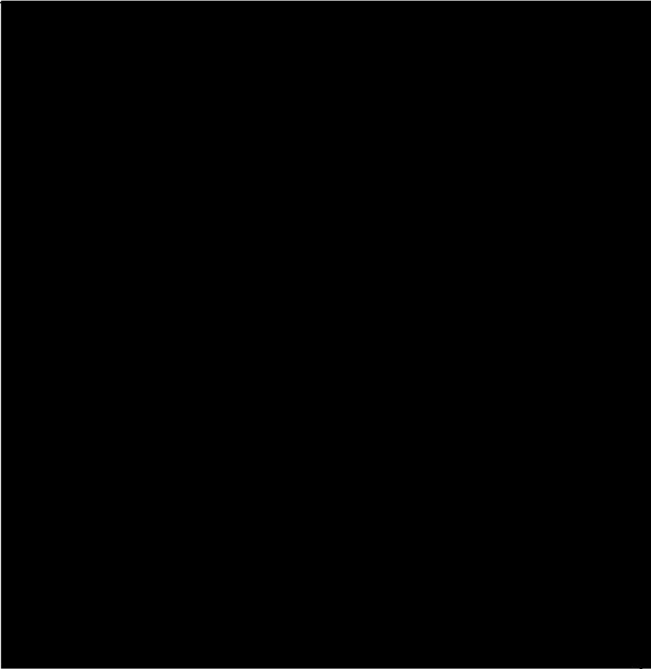
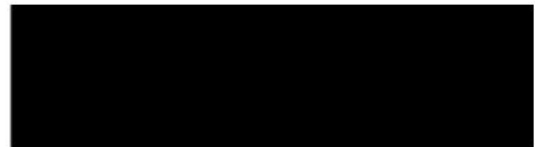
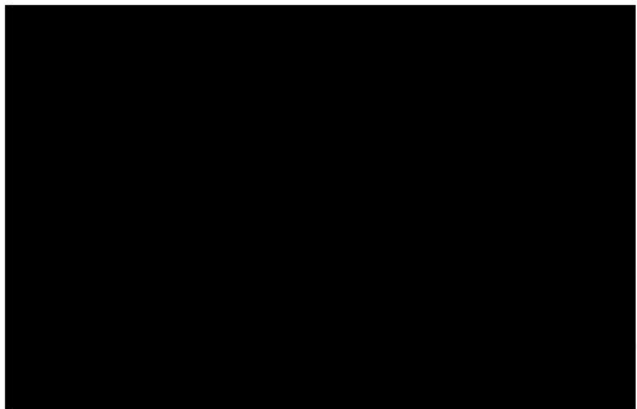
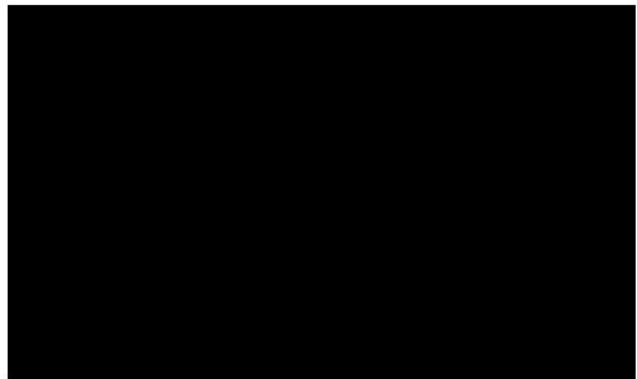
36. Below are side-by-side comparisons between representative samples of Defendants' Infringing Products and the illustrative figures of the [REDACTED] Patent.

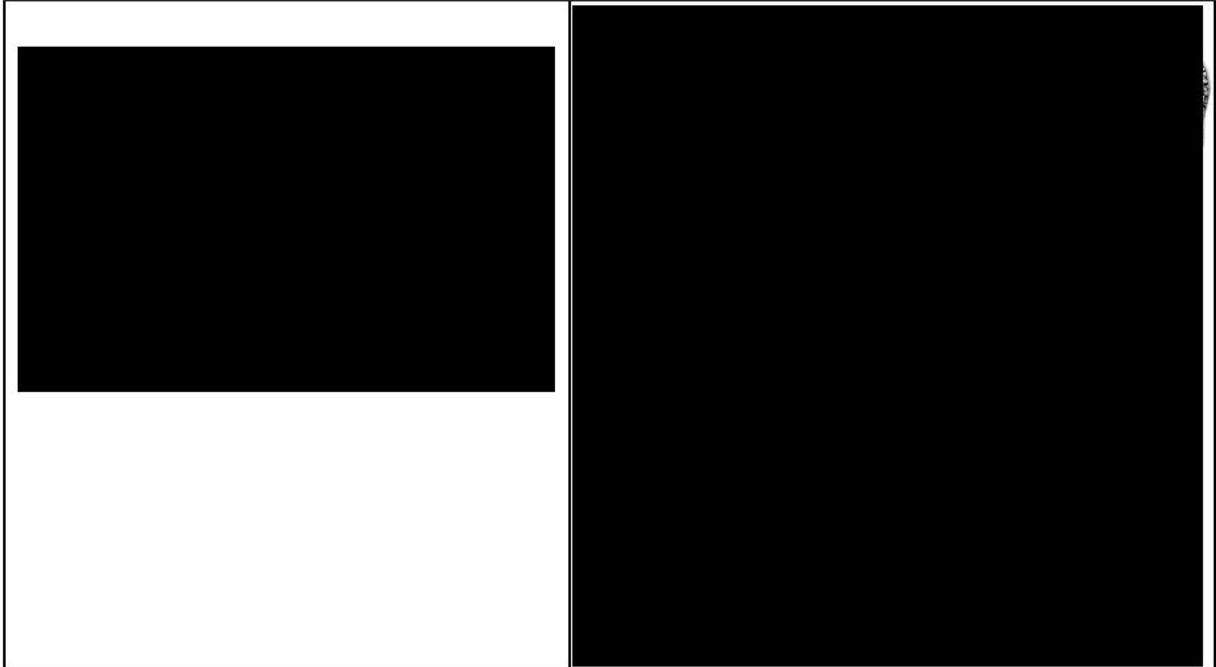
Patent Claim 1	Defendants Infringing Products
The ornamental design for a footwear sole, as shown and described.	As shown below, the Infringing Products include, either literally or by equivalents, a footwear sole substantially similar to the patent.
	
	

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37. In the eye of an ordinary observer, the soles of the Infringing Products are substantially similar to the [REDACTED] Patent [REDACTED] patent. This includes the overall shape of the sole and its novel and ornamental features consisting of uniform jagged triangle shapes along the length of the sole and the “holes” or empty spaces extending through the width of the soles. The Infringing Products so closely resemble the illustrations of the [REDACTED] Patent, that they mimic the curves running along the top and the bottom of the sole, as well as the horizontal contour line between them. Therefore, in the eyes of the ordinary observer, Defendants’ footwear infringes the [REDACTED] Patent.

38. Defendants also infringe the [REDACTED] Patent, through the manufacturing, offering to sell, selling, and importing into the U.S., the Infringing Products under the doctrine of equivalents, or indirectly by contributory infringement or inducement to infringe.

39. Plaintiff has been and continues to be damaged by Defendants’ infringing activities, entitling it to an award of money damages including but not limited to lost profits and/or a reasonable royalty pursuant to 35 U.S.C. § 289, in an amount to be determined at trial and trebled pursuant to 35 U.S.C. 284.

1 40. Plaintiff has been and will continue to be irreparably harmed by Defendants'
2 infringing activities, entitling it to injunctive relief pursuant to 35 U.S.C. § 283 that prohibits
3 Defendants from making, selling, or importing the Infringing Products

4 41. Defendants' wrongful conduct has and will continue to cause Plaintiff to suffer
5 irreparable harm resulting from the loss of its lawful patent rights to exclude others from
6 making, using, selling, offering for sale, and importing the patented invention.

7
8 **VI. PRAYER FOR RELIEF**

9 **WHEREFORE**, Plaintiff prays for judgment against Defendants as follows:

10 1) That Defendants, their affiliates, officers, agents, servants, employees, attorneys,
11 confederates, and all persons acting for, with, by, through, under, or in active concert with them
12 be temporarily, preliminarily, and permanently enjoined and restrained from:

13 a. making, using, offering for sale, selling, and/or importing into the United
14 States for subsequent sale or use any products not authorized by Plaintiff
15 and that includes any reproduction, copy or colorable imitation of the
16 designs claimed in the [REDACTED] patent;

17 b. aiding, abetting, contributing to, or otherwise assisting anyone in infringing
18 upon the [REDACTED] patent; and

19 c. effecting assignments or transfers, forming new entities or associations, or
20 utilizing any other device for the purpose of circumventing or otherwise
21 avoiding the prohibitions set forth in Subparagraphs (a) and (b).
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23 2) Entry of an Order that, upon Plaintiff's request, those with notice of the
24 injunction, including without limitation, any online marketplace platforms such as eBay,
25 AliExpress, Alibaba, Amazon, Wish.com, and Dhgate (collectively, the "Third Party
26 Providers") shall disable and cease displaying any advertisements used by or associated with
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1 Defendants in connection with the sale of goods that infringe the ornamental designs claimed
2 in the [REDACTED] patent;

3 3) That Plaintiff be awarded such damages as it shall prove at trial against
4 Defendants that are adequate to compensate Plaintiff for Defendants' infringement of the
5 [REDACTED] patent, but in no event less than a reasonable royalty for the use made of
6 the invention by Defendants, together with interest and costs, pursuant to 35 U.S.C. § 284;

7 4) That the amount of damages awarded to Plaintiff to compensate Plaintiff for the
8 infringement of the [REDACTED] patent be increased by three times the amount thereof,
9 as provided by 35 U.S.C. § 284;

10 5) In the alternative, that Plaintiff be awarded all profits realized by Defendants
11 from Defendants' infringement of the [REDACTED] patent, pursuant to 35 U.S.C. §
12 289;

13 6) That Plaintiff be awarded its reasonable attorneys' fees and costs; and

14 7) Award any and all other relief that this Court deems just and proper.
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17 DATED: January 3, 2023.

18 **Bayramoglu Law Offices, LLC**

19 /s/ Nihat Deniz Bayramoglu

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