

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

WHIRLPOOL CORPORATION,	§	
	§	
Plaintiff,	§	
	§	Civil Action No. 2:16-cv-229
v.	§	
	§	
TIANJIN JINGHAI YUNDA	§	
INDUSTRY AND TRADE CO., LTD.	§	
a/k/a YUNDA INDUSTRY & TRADE	§	
CO. d/b/a YUNDA FILTER CO., and	§	
WAYNE WEI and ROSE LU,	§	
Defendants.		

COMPLAINT FOR PATENT INFRINGEMENT

COMES NOW Plaintiff Whirlpool Corporation (“Whirlpool”), and for its Complaint against Wayne Wei, Rose Lu, and Tianjin Jinghai Yunda Industry & Trade Co., Ltd. a/k/a Yunda Industry and Trade Co. d/b/a Yunda Filter Co. for Patent Infringement of the below identified United States Patents states as follows:

PATENTS-AT-ISSUE

1. The patents-at-issue herein are: United States Patent No. 7,000,894 (‘894 Patent) and United States Patent No. 8,356,716 (‘716 Patent); United States Patent No. 8,413,818 (‘818 Patent); United States Patent No. 8,591,736 (‘736 Patent); United States Patent No. D654,559 (‘D559 Patent); United States Patent No. D654,560 (‘D560 Patent); United States Patent No. D654,561 (‘D561 Patent); United States Patent No. D654,562 (‘D562 Patent); and, United States Patent No. D655,377 (‘D377 Patent)(hereinafter collectively referred to as Patents-at-Issue).

PARTIES

2. Plaintiff Whirlpool is a corporation organized and existing under the laws of the state of Delaware with a principal place of business at 2000 North M-63, Benton Harbor, Michigan.

3. Defendant Tianjin Jinghai Yunda Industry and Trade Co., Ltd. a/k/a Yunda Industry and Trade Co. d/b/a Yunda Filter Co. (Yunda) was formed in the Peoples' Republic of China in 2001. It manufactures, offers to sell, sells and exports a variety of products related to water purification and treatment, including replacement refrigerator water filters.

4. Wayne Wei is the President of Yunda, and has personally appeared within the United States for the purpose of marketing Yunda's replacement refrigerator water filters including accused products.

5. Rose Lu is the Marketing Manager of Yunda, and has personally appeared within the United States for the purpose of marketing Yunda's replacement refrigerator water filters including accused products.

JURISDICTION, VENUE & FURTHER ALLEGATIONS

6. The action arises under the patent laws of the United States, Title 35 United States Code. The jurisdiction of this Court is proper under Title 35 U.S.C. § 271, *et seq.* and Title 28 U.S.C. §§ 1331, 1332, and 1338.

7. Yunda is a manufacturer and supplier of replacement water filters for installation and use within refrigerators, including refrigerators manufactured and sold by Whirlpool.

8. Throughout the United States, Yunda has offered for sale Whirlpool-compatible replacement water filters that infringe the '894 Patent, such as water filters bearing Model No.

RFC0800A or RWF0800A, which is a Whirlpool “Filter 3” design, and Model No. RFC1700A or RWF1700A, which is a Whirlpool “Filter 1” design,

9. Throughout the United States, Yunda has offered for sale Whirlpool-compatible replacement water filters that infringe the ‘716 Patent; ‘818 Patent; ‘736 Patent; ‘D559 Patent; ‘D560 Patent; ‘D561 Patent; ‘D562 Patent and ‘D377 Patent such as water filters bearing Model No. RFC2100A or RWF3645A, which is a Whirlpool “Filter 2” design.

10. Yunda offers accused refrigerator replacement water filters for sale on its website as shown below where at the RFC0800A (Whirlpool Filter 3 design) is offered:



11. Yunda offers its refrigerator replacement water filters for sale on [Alibaba.com](http://www.alibaba.com). This includes the offer for sale of accused filters. For example, the RWF1700A, which is a copy of the Whirlpool Filter 1 design, is offered for sale at the following Alibaba webpages:

http://www.alibaba.com/product-detail/Refrigerator-Water-Filter-For-Whirlpool-W10295370A_60269589423.html and http://tj-yunda.en.alibaba.com/product/60209632112-213438377/Replacement_Water_Filter_For_Whirlpool_W10295370A.html. Also, Yunda's offer for sale of the Whirlpool Filter 2 design, designated as RFC2100A on Alibaba.com webpage, is found at http://www.alibaba.com/product-detail/Refrigerator-Water-Filter-For-Whirlpool-W10413645A_60329022174.html?spm=a2700.7724838.30.1.z9WxLd.

12. Such sales efforts also include, but are not limited to Wayne Wei and Rose Lu personally attending and operating an exhibition for Yunda at the 2015 Water Quality Association (WQA) Convention held at Las Vegas, Nevada. At the 2015 WQA Convention, Wayne Wei and Rose Lu offered and solicited orders for refrigerator replacement water filters, including accused filters.

13. Yunda is again exhibiting at the 2016 WQA Convention currently underway at Nashville, Tennessee. Yunda is seeking to enhance its commercial presence within the United States.

14. As a part of its concerted marketing efforts within the United States, Yunda has distributed wholesale pricing catalogs to persons within the United States which catalogs advertise and solicit orders for Yunda's refrigerator replacement water filters, including accused filters. Below is the cover page from the 2015 Yunda wholesale pricing catalog, a copy of which is appended as Exhibit A:



Tianjin Jinghai Yunda Industry & Trade Co., Ltd.
www.fridgefilter.co

15. Within the 2015 Yunda catalog distributed in the United States, Yunda offers to sell the accused replacement for the Whirlpool Filter 1 design:



Improve Water, Improve Life

RFC1700A---
Whirlpool W10295370A

Wholesale Price FOB China



2500-4999 Units	5000-9999 Units	10000-14999 Units	15000- Units
\$5.19	\$4.93	\$4.68	\$4.35

Unit/Case	40 Units
Case Weight	9kg = 19.8pounds
Case Dimension	47cm x 30cm x 21cm = 18.5" x 11.8" x 8.3"
Individual Filter Dimension	OD: 1 7/8" Length: 7 1/8"
Individual Unit Weight With Box	about 236g = 8.3oz
Individual Unit Box Dimension	5.5cm x 5.5cm x 18cm = 2.2" x 2.2" x 7.1"
Specification	MICRON RATE: 0.5 Micron OPERATING TEMP.: 1-38°C / 34-100°F OPERATING PRESSURE: 30-120psi / 207-827kPa FLOW RATE: 0.5 GPM = 1.9 LPM FILTRATION LIFE: 6 months/200G *Depends on water quality and level of contaminants.
Benefits of the Filter	Removes chlorine, taste and odor; Does not remove beneficial minerals.

Email: info@cnfilter.net market1@cnfilter.net Tel:86 22 68608298 Fax:86 22 68608262

16. Within the 2015 Yunda catalog distributed in the United States, Yunda offers to sell the accused replacement for the Whirlpool Filter 2 design:



Improve Water, Improve Life

RFC2100A---
Whirlpool W10413645A



Wholesale Price FOB China

2500-4999 Units	5000-9999 Units	10000-14999 Units	15000- Units
\$5.58	\$5.19	\$4.83	\$4.49

Unit/Case	40 Units
Case Weight	9kg = 19.8pounds
Case Dimension	31cm x 46.5cm x 21.5cm = 12.2" x 18.3" x 8.5"
Individual Filter Dimension	2 1/5" x 2" x 7 1/2"
Individual Unit Weight With Box	about 200g = 7.1oz
Individual Unit Box Dimension	6.2cm x 5.8cm x 20.5cm = 2.4" x 2.3" x 8.1"
Specification	MICRON RATE: 0.5 Micron OPERATING TEMP.: 1-38°C / 34-100°F OPERATING PRESSURE: 30-120psi / 207-827kPa FLOW RATE: 0.5 GPM = 1.9 LPM FILTRATION LIFE: 6 months/200G * Depends on water quality and level of contaminants.
Benefits of the Filter	Removes chlorine, taste and odor; Does not remove beneficial minerals.

ICEPURE is the Trade Mark of Tianjin Jinghai Yunda Industry & Trade Co., Ltd.

Email: info@cnfilter.net market1@cnfilter.net Tel:86 22 68608298 Fax:86 22 68608262

17. Within the 2015 Yunda catalog distributed in the United States, Yunda offers to sell the accused replacement for the Whirlpool Filter 3 design:



Improve Water, Improve Life

RFC0800A---
Whirlpool 4396710



Wholesale Price FOB China

2500-4999 Units	5000-9999 Units	10000-14999 Units	15000- Units
\$7.48	\$7.11	\$6.40	\$5.76

Unit/Case	40 Units
Case Weight	15kg = 33pounds
Case Dimension	53.5cm x 33cm x 34.5cm = 21.1" x 13.0" x 13.6"
Individual Filter Dimension	OD: 2 3/4" Length: 12"
Individual Unit Weight With Box	about 386g = 13.5oz
Individual Unit Box Dimension	6.3cm x 6.3cm x 30.2cm = 2.5" x 2.5" x 11.9"
Specification	MICRON RATE: 0.5 Micron OPERATING TEMP.: 1-38°C / 34-100°F OPERATING PRESSURE: 30-120psi / 207-827kPa FLOW RATE: 0.5 GPM = 1.9 LPM FILTRATION LIFE: 6 months/300G * Depends on water quality and level of contaminants.
Benefits of the Filter	Removes chlorine, taste and odor; Does not remove beneficial minerals.

Email: info@cnfilter.net market1@cnfilter.net Tel:86 22 68608298 Fax:86 22 68608262

18. Yunda's Model No. RFC0800A, Model No. RFC1700A, and Model No. RFC2100A are collectively referred to as the Infringing Filters.

19. Further, Yunda has a number of wholesale customers within the United States to which it ships refrigerator replacement water filters. These customers include NewView Filters Company which is located within the Eastern District of Texas at 6401 W Eldorado Pkwy, Suite C, McKinney, Texas 75070; DeltaFill Enterprises, Inc. located in Houston, Texas; Dilmen, LLC located in Houston, Texas, and Air 1 Supply, Inc., located in Monroe, Louisiana.

20. Air 1 Supply has offered at retail the Yunda refrigerator replacement water filters, including the accused Infringing Filters. Air 1 Supply operates a retail store for walk-in trade in Monroe, Louisiana; and it also has an active website whereat it has offered for retail sale the Yunda refrigerator replacement water filters, including the accused Whirlpool Filter Design 1, 2 and 3. Additionally, Air 1 Supply has operated a store front named Stay Pure Filters whereby it offered at retail via the internet on sites such as Amazon.com and eBay.com the Yunda refrigerator replacement water filters, including the accused Whirlpool Filter Design 1, 2 and 3.

21. Yunda's primary contact at Air 1 Supply has been its Vice-President, Charlie Tuberville. Mr. Tuberville's LinkedIn page (<https://www.linkedin.com/in/charlie-tuberville-16247b96>) includes the below posting showing Mr. Tuberville in the middle surrounded by Rose Lu and Wayne Wei of Yunda:



Charlie Tuberville

Vice President at Air 1 Supply
Monroe, Louisiana | Wholesale

Current	Air 1 Supply, Air1Supply
Education	Ouachita Parish HighSchool, Delta Votech Community College
Recommendations	1 person has recommended Charlie

22. Air 1 Supply has sold and delivered accused water filters to retail purchasers located within the Eastern District of Texas. Further, Air 1 Supply was properly sued in this Court, Case No. Civil Action No. 2:15-cv-1640, and judgment has been entered against it which includes an injunction preventing further sales and distribution of accused product within the United States by Air 1 Supply.

23. In 2014, Wayne Wei, identifying himself as a representative of Tianjin Jinghai Yunda Industry & Trade Co., Ltd., directly communicated via email with Huseyin Dilmen, the owner of Dilmen LLC d/b/a Coral Premium Water Filters, regarding the offer for sale of refrigerator replacement water filters. At that time, he identified Sean Zhang of DeltaFill Enterprises, Inc. as his contact person in Houston, Texas, providing Mr. Zhang's telephone number and email address, sean.zhang@deltafill.com. Subsequently, Wayne Wei and Rose Lu have dealt directly with Dilmen LLC in providing Yunda manufactured refrigerator replacement water filters under a private label agreement whereby the brand, CORAL, owned by Dilmen LLC was applied to the labeling of the filters by Yunda. The filters provided and sold by Yunda to Dilmen LLC have included the accused Whirlpool Filter 1, 2 and 3 designs.

24. Yunda has provided and sold refrigerator replacement water filters, including accused filters, to a large number of persons and entities for retail sale within the United States. Many of these retail sales are accomplished via the internet, substantially using Amazon.com and eBay.com.

25. Amazon.com states the following about its ability to reach customers in soliciting persons and entities to sell via Amazon: "Access a massive audience of confident customers—in the U.S. alone, Amazon has over 95 million monthly unique visitors.

(http://www.amazon.com/b/ref=nav_nav_cs_sell?_encoding=UTF8&ld=AZUSSOA-sell&node=12766669011).

26. ebay.com states that it has one hundred, fifty-nine million (159,000,000) active buyers (<https://www.ebayinc.com/stories/news/infographic-the-business-of-ebay>) and, further, that it is a “Top 10 Global Retail Brand” having experienced “291 App Downloads” so as to electronically reach its customer base (<https://www.ebayinc.com/our-company/who-we-are>). In July of 2013, eBay, Inc. reported that its sales within the US market reached \$7.3 billion for the 2nd quarter of the year. Internet Retailer, *eBay’s U.S. sales climb 16% in Q2*, (July 17, 2013) (<https://www.internetretailer.com/2013/07/17/ebaysussalesclimb16q2>).

27. In April of 2014, eBay, Inc. reported worldwide sales of \$20.195 billion for the 1st quarter of the year, of which 41% (\$8.28 billion) were sales made within the United States. Internet Retailer, *eBay’s U.S. marketplace sales rise 2% in Q1* (April 22, 2015) (<https://www.internetretailer.com/2015/04/22/ebays-us-marketplace-sales-rise-2-q1>)

28. For the 2014 financial year, eBay, Inc. reported to the United States Security and Exchange Commission that it derived revenues of \$8,495,000,000 from its United States sales alone. *eBay, Inc., Annual Report Pursuant to Section 13 or 15(d) of the Securities Exchange Act of 1934 for the fiscal year ended December 31, 2014 (Form 10K), page F-19*.

29. Yunda, and Wayne Wei and Rose Lu, have full knowledge of the sales of accused products via the internet by their customers, and intend, encourage, and support such sales activity throughout the United States, including the Eastern District of Texas.

30. In February of 2016, Rose Lu directly emailed the owner of DG Enterprises, LLC, a corporation located in South Dakota which operates the electronic retail store,

SplashFilters.com, advising that Yunda had completed manufacture of more filters, Model No. RWF1700A, which filters Yunda was ready to deliver directly to DG Enterprises, LLC.

31. In May of 2015, Rose Lu prepared and circulated an “IcePure Bottom Retailing Pricing List” (appended as Exhibit C) to the US based Yunda authorized retailers. Therein, Ms. Lu stated: “Bottom Retailing Prices are not the Suggested Retailing Prices, but the lowest prices you can sell. If your prices are below the Bottom Retailing Prices, please adjust your prices. Or, we have right to stop the delivery to you.” In correspondence to Brian Craft of Craft Appliances, an authorized Yunda retailer, Ms. Lu presented Yunda’s Bottom Retail Pricing program and closed her communication with the following: “Let us manage this brand and earn money together.”

32. The Court has personal jurisdiction over Defendants because they have actively engaged in the sales of replacement water filters, including accused products, in Texas, including the Eastern District of Texas; they have actively communicated with and encouraged and supported sales of accused products by their customers via the internet; and, they have engaged in a concerted course of conduct in the offer for sale and actual sale of accused products to entities who have directly sold such accused products into the Eastern District of Texas.

33. On information and belief, customers of Yunda who have sold accused products directly into the Eastern District of Texas include the following, each of whom have been properly sued and are now subject to a judgment and injunction of this Court:

- a. Zipras, Inc. – Case No. 2:15-cv-1636;
 - b. Air 1 Supply, Inc. – Case No. 2:15-cv-1640;
 - c. JJ Wholesale Group, Inc. d/b/a Bob’s Filters – Case No. 2:15-cv-1565;
- and

- d. Global Parts Supply, LLC d/b/a Pandora's OEM Appliance Parts, - Case No. 2:15-cv-1563.

34. Venue is proper in this district pursuant to Title 28 U.S.C. §§ 1391(b), 1391(c) and 1400(b) because Defendants have committed acts of infringement in this judicial district and, further, under 28 U.S. Code § 1391(c)(3) as each defendant is not a resident of the United States and, therefore, may be sued in any judicial district.

COUNT I
Infringement of U.S. Patent No. 7,000,894

35. Whirlpool restates and incorporates by reference paragraphs 1 through 34 as if fully stated herein.

36. On February 21, 2006, the United States Patent and Trademark Office ("USPTO") duly and legally issued United States Patent No. 7,000,894 ("the '894 Patent") entitled "Fluidic Cartridges and End Pieces Thereof." On March 3, 2014, the USPTO issued an ex parte reexamination certificate for the '894 Patent. Appended as Exhibit B is a true and correct copy of the '894 Patent, inclusive of the ex parte reexamination certificate.

37. Whirlpool is the owner by assignment of the entire right, title and interest in and to the '894 Patent, including the right to sue and recover past, present, and future damages for infringement.

38. Whirlpool manufactures products that practice the '894 Patent, including Whirlpool "Filter 1" and "Filter 3" refrigerator water filters, and marks such products with the '894 Patent.

39. The validity and enforceability of the '894 Patent has been recognized and acknowledged in Consent Judgments entered by this Court in the patent infringement cases

captioned *Whirlpool Corporation v. Air 1 Supply, Inc.*, Civil Action No. 2:15-cv-1640-JRG (Document 6), *Whirlpool Corporation v. Global Parts Supply, LLC d/b/a Pandora's OEM Appliance Parts*, Civil Action No. 2:15-cv-1563-JRG (Document 7), and *Whirlpool Corporation v. JJ Wholesale Group Inc. d/b/a Bob's Filters and Joseph Spira*, Civil Action No. 2:15-cv-1565-JRG (Document 11), and *Whirlpool corporation v. Zipras, Inc.*, Civil Action No. 2:15-cv-1636 (Document 7).

40. Yunda, and Wayne Wei and Rose Lu, have been directly infringing the '894 Patent by importing, offering for sale and/or selling water filters covered by at least claims 1 and 4 of the '894 Patent.

41. Air 1 Supply offered for sale water filters Model No. RFC0800A (Filter 3) and Model No. RFC1700A (Filter 1) which filters were manufactured by Yunda and supplied to Air 1 Supply. Screen prints from the Air 1 Supply website dated August 15, 2015 showing the offer of both the RFC0800A and RFC1700A are appended as Exhibit D. The water filters, RFC0800A and RFC1700A, directly infringe claims 1 and 4 of the '894 Patent.

42. In the minimum pricing strategy communication, Exhibit C referred to above, Yunda acknowledged its awareness that Model Nos. RFC0800A, RFC1700A, and RFC2100A were in conflict with Whirlpool's Patents-at-Issue telling its authorized dealers within the United States which included the following reference to: "To 800A, 1700A, 2100A, there are patent issues. We are selling with neutral labels. Please be aware of the risks. To these 3 models, Cheap prices are not necessary."

43. Defendants had actual and specific notice of the Patents-at-issue.

44. Further, Yunda, and Wayne Wei and Rose Lu, have indirectly infringed one or more claims of the '894 Patent, including but not limited to claims 1, 2, 3 and 28, through induced and/or contributory infringement.

45. Despite Defendants' awareness of infringement, they have continued to make, import, sell, and/or offer to sell, and provide installation instructions for infringing filters, including with the knowledge or willful blindness that their customers and end users in the United States directly infringe the '894 Patent. In the importation, sale, distribution and offer for sale of accused filters, Defendants have intended its customers and the end users to directly infringe the '894 Patent.

46. Defendants are contributorily infringing one or more claims of the '894 Patent, including but not limited to at least claims 2, 3 and 28, and will continue to contributorily infringe the '894 Patent for the following reasons: Defendants have had actual notice of the '894 Patent; Defendants provide to their customers with the intent and understanding that their customers will sell to the end users, the accused filters, such as Model Nos. RFC0800A and RFC1700A, which lack substantial non-infringing uses and that lead to infringement by the end users within the United States when installed into the refrigerators' water filter assemblies. These infringing components are a material part of the installation of a replacement filter into the refrigerator's water filter assembly, whose water filtering system would not function properly without them.

47. Defendants' infringing actions were without permission, authority, or license from Whirlpool, and constitute willful and intentional infringement of the '894 Patent.

48. On information and belief, Yunda has gained, and will continue to gain, profits by virtue of its infringement of the '894 Patent. By reason of such infringing acts, Whirlpool has been damaged and is entitled to monetary relief in an amount to be determined at trial.

49. Due to Defendants' infringing acts, Whirlpool has suffered and continues to suffer great and irreparable injury, for which Whirlpool has no adequate remedy at law.

COUNT II
Infringement of U.S. Patent No. 8,356,716

50. Whirlpool restates and incorporates by reference paragraphs 1 through 49 as if fully stated herein.

51. On January 22, 2013, the United States Patent and Trademark Office ("USPTO") duly and legally issued United States Patent No. 8,356,716 ("the '716 Patent") entitled "Filter Unit." Appended as Exhibit E is a true and correct copy of the '716 Patent.

52. Whirlpool is the owner by assignment of the entire right, title and interest in and to the '716 Patent, including the right to sue and recover past, present, and future damages for infringement.

53. Whirlpool manufactures products that practice the '716 Patent, including Whirlpool Filter 2 refrigerator filters, and marks such products with the '716 Patent.

54. Yunda, and Wayne Wei and Rose Lu, have been directly infringing the '716 Patent by importing, offering for sale and/or selling water filters covered by at least claims 1 and 15 of the '716 Patent. Yunda, and Wayne Wei and Rose Lu, have also engaged in indirectly infringing one or more claims of the '716 Patent, including but not limited to claims 1 and 15, through inducing its customers to offer for sell and sell filters covered by at least claims 1 and 15 of the '716 Patent.

55. Whirlpool has obtained a water filter identified as Model No. RFC2100A from Air 1 Supply which filter was sold to Air 1 Supply by Yunda. Photographs that are fair and accurate representations of the RFC2100A Filter are appended as Exhibit F. The RFC2100A Filter infringes at least claims 1 and 15 of said patent pursuant to Title 35, U.S.C. § 271(a), *et. seq.*

56. The acts of infringement by Yunda, and Wayne Wei and Rose Lu, were undertaken without permission or license from Whirlpool. Further, Defendants had actual knowledge of the '716 Patent, such as reflected in the minimum pricing strategy listing sent to its United States dealers (Exhibit C), and its actions constitute willful and intentional infringement of the '716 Patent.

57. On information and belief, Yunda has gained, and will continue to gain, profits by virtue of its infringement of the '716 Patent. By reason of such infringing acts, Whirlpool has been damaged and is entitled to monetary relief in an amount to be determined at trial.

58. Due to Defendants' infringing acts, Whirlpool has suffered and continues to suffer great and irreparable injury, for which Whirlpool has no adequate remedy at law.

COUNT III
Infringement of U.S. Patent No. 8,413,818

59. Whirlpool restates and incorporates by reference paragraphs 1 through 58 as if fully stated herein.

60. On April 9, 2013, the USPTO duly and legally issued United States Patent No. 8,413,818 ("the '818 Patent") entitled "Filter Unit." Appended as Exhibit G is a true and correct copy of the '818 Patent.

61. Whirlpool is the owner by assignment of the entire right, title and interest in and to the '818 Patent, including the right to sue and recover past, present, and future damages for infringement.

62. Whirlpool manufactures products that practice the '818 Patent, including Whirlpool Filter 2 refrigerator filters, and marks such products with the '818 Patent.

63. Yunda, and Wayne Wei and Rose Lu, have been directly infringing the '818 Patent by importing, offering for sale and/or selling water filters covered by at least claims 1 and 15 of the '818 Patent. Yunda, and Wayne Wei and Rose Lu, have also engaged in indirectly infringing one or more claims of the '818 Patent, including but not limited to claims 1 and 15, through inducing its customers to offer for sell and sell filters covered by at least claims 1 and 15 of the '818 Patent.

64. Whirlpool has obtained a water filter identified as Model No. RWF3645A from Air 1 Supply which filter was sold to Air 1 Supply by Yunda. Photographs that are fair and accurate representations of the RWF3645A Filter are appended as Exhibit F. The RWF3645A Filter infringes at least claims 1 and 15 of said patent pursuant to Title 35, U.S.C. § 271(a), *et seq.*

65. Defendants' acts of infringement were undertaken without permission or license from Whirlpool. Further, Defendants had actual knowledge of the '818 Patent, such as reflected in the minimum pricing strategy listing sent to its United States dealers (Exhibit C), and its actions constitute willful and intentional infringement of the '818 Patent.

66. On information and belief, Yunda has gained, and will continue to gain, profits by virtue of its infringement of the '818 Patent. By reason of such infringing acts, Whirlpool has been damaged and is entitled to monetary relief in an amount to be determined at trial.

67. Due to Defendants' infringing acts, Whirlpool has suffered and continues to suffer great and irreparable injury, for which Whirlpool has no adequate remedy at law.

COUNT IV
Infringement of U.S. Patent No. 8,591,736

68. Whirlpool restates and incorporates by reference paragraphs 1 through 67 as if fully stated herein.

69. On November 26, 2013, the USPTO duly and legally issued United States Patent No. 8,591,736 ("the '736 Patent") entitled "Water Filter Unit." Appended as Exhibit H is a true and correct copy of the '736 Patent.

70. Whirlpool is the owner by assignment of the entire right, title and interest in and to the '736 Patent, including the right to sue and recover past, present, and future damages for infringement.

71. Whirlpool manufactures products that practice the '736 Patent, including Whirlpool Filter 2 refrigerator filters, and marks such products with the '736 Patent.

72. Yunda, and Wayne Wei and Rose Lu, have been directly infringing the '736 Patent by importing, offering for sale and/or selling water filters covered by at least claim 1 of the '736 Patent. Yunda, and Wayne Wei and Rose Lu, have also engaged in indirectly infringing one or more claims of the '736 Patent, including but not limited to claims 1, through inducing its customers to offer for sell and sell filters covered by at least claims 1 of the '736 Patent.

73. Whirlpool has obtained a water filter identified as Model No. RWF3645A from Air 1 Supply which filter was sold to Air 1 Supply by Yunda. Photographs that are fair and accurate representations of the RWF3645A Filter are appended as Exhibit F. The RWF3645A Filter infringes at least claim 1 of said patent pursuant to Title 35, U.S.C. § 271(a), *et seq.*

74. Defendants' acts of infringement were undertaken without permission or license from Whirlpool. Further, Defendants had actual knowledge of the '736 Patent, such as reflected in the minimum pricing strategy listing sent to its United States dealers (Exhibit C), and its actions constitute willful and intentional infringement of the '736 Patent.

75. On information and belief, Yunda has gained, and will continue to gain, profits by virtue of its infringement of the '736 Patent. By reason of such infringing acts, Whirlpool has been damaged and is entitled to monetary relief in an amount to be determined at trial.

76. Due to Defendants' infringing acts, Whirlpool has suffered and continues to suffer great and irreparable injury, for which Whirlpool has no adequate remedy at law.

COUNT V
Infringement of U.S. Patent No. D654,559

77. Whirlpool restates and incorporates by reference paragraphs 1 through 76 as if fully stated herein.

78. On February 21, 2012, the USPTO duly and legally issued United States Design Patent No. D654,559 ("the D'559 Patent"), entitled "Filter Unit," claiming the design as disclosed therein. Appended as Exhibit I is a true and correct copy of the D'559 Patent.

79. Whirlpool is the owner by assignment of the entire right, title and interest in and to the D'559 Patent, including the right to sue and recover past, present, and future damages for infringement.

80. Defendants have infringed and continue to infringe the D'559 Patent by importing, selling and/or offering to sell in the United States Infringing Filters, which copies and is at least nearly identical to the design covered by the D'559 Patent, as illustrated below:

D'559 Patent

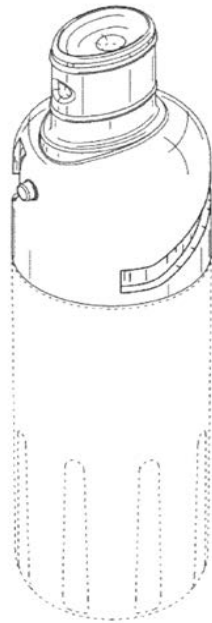


FIG. 1

Infringing Filter



81. Defendants' acts of infringement were undertaken without permission or license from Whirlpool.

82. On information and belief, Yunda has gained, and will continue to gain, profits by virtue of its infringement of the D'559 Patent. By reason of such infringing acts, Whirlpool has been damaged and is entitled to monetary relief in an amount to be determined at trial.

83. Due to Defendants' infringing acts, Whirlpool has suffered and continues to suffer great and irreparable injury, for which Whirlpool has no adequate remedy at law.

COUNT VI
Infringement of U.S. Patent No. D654,560

84. Whirlpool restates and incorporates by reference paragraphs 1 through 83 as if fully stated herein.

85. On February 21, 2012, the USPTO duly and legally issued United States Design Patent No. D654,560 (“the D’560 Patent”), entitled “Filter Unit,” claiming the design as disclosed therein. Appended as Exhibit J is a true and correct copy of the D’560 Patent.

86. Whirlpool is the owner by assignment of the entire right, title and interest in and to the D’560 Patent, including the right to sue and recover past, present, and future damages for infringement.

87. Defendants have infringed and continue to infringe the D’560 Patent by importing, selling, and/or offering to sell in the United States Infringing Filters, which copies and is at least nearly identical to the design covered by the D’560 Patent, as illustrated below:

D’560 Patent

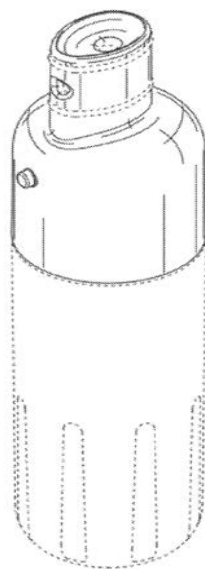


FIG. 1

Infringing Filter



88. Defendants’ acts of infringement were undertaken without permission or license from Whirlpool.

89. On information and belief, Yunda has gained, and will continue to gain, profits by virtue of its infringement of the D’560 Patent. By reason of such infringing acts, Whirlpool has been damaged and is entitled to monetary relief in an amount to be determined at trial.

90. Due to Defendants' infringing acts, Whirlpool has suffered and continues to suffer great and irreparable injury, for which Whirlpool has no adequate remedy at law.

COUNT VII
Infringement of U.S. Patent No. D654,561

91. Whirlpool restates and incorporates by reference paragraphs 1 through 90 as if fully stated herein.

92. On February 21, 2012, the USPTO duly and legally issued United States Design Patent No. D654,561 ("the D'561 Patent"), entitled "Filter Unit," claiming the design as disclosed therein. Appended as Exhibit K is a true and correct copy of the D'561 Patent.

93. Whirlpool is the owner by assignment of the entire right, title and interest in and to the D'561 Patent, including the right to sue and recover past, present, and future damages for infringement.

94. Defendants have infringed and continue to infringe the D'561 Patent by importing, selling and/or offering to sell in the United States Infringing Filters, which copies and is at least nearly identical to the design covered by the D'561 Patent, as illustrated below:

D'561 Patent

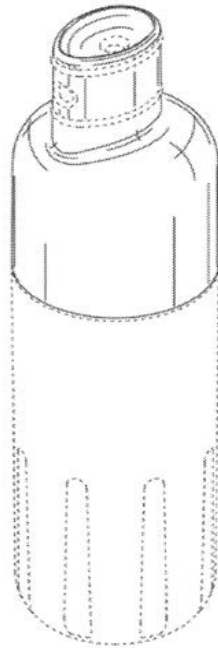


FIG. 1

Infringing Filter



95. Defendants' acts of infringement were undertaken without permission or license from Whirlpool.

96. On information and belief, Yunda has gained, and will continue to gain, profits by virtue of its infringement of the D'561 Patent. By reason of such infringing acts, Whirlpool has been damaged and is entitled to monetary relief in an amount to be determined at trial.

97. Due to Defendants' infringing acts, Whirlpool has suffered and continues to suffer great and irreparable injury, for which Whirlpool has no adequate remedy at law.

COUNT VIII
Infringement of U.S. Patent No. D654,562

98. Whirlpool restates and incorporates by reference paragraphs 1 through 97 as if fully stated herein.

99. On February 21, 2012, the USPTO duly and legally issued United States Design Patent No. D654,562 (“the D’562 Patent”), entitled “Filter Unit,” claiming the design as disclosed therein. Appended as Exhibit L is a true and correct copy of the D’562 Patent.

100. Whirlpool is the owner by assignment of the entire right, title and interest in and to the D’562 Patent, including the right to sue and recover past, present, and future damages for infringement.

101. Defendants have has infringed and continue to infringe the D’562 Patent by importing, selling, and/or offering to sell in the United States Infringing Filters, which copies and is at least nearly identical to the design covered by the D’562 Patent, as illustrated below:

D’562 Patent

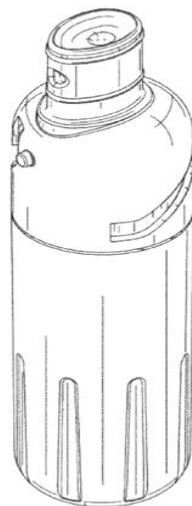


FIG. 1

Infringing Filter



102. Defendants’ acts of infringement were undertaken without permission or license from Whirlpool.

103. On information and belief, Yunda has gained, and will continue to gain, profits by virtue of its infringement of the D’562 Patent. By reason of such infringing acts, Whirlpool has been damaged and is entitled to monetary relief in an amount to be determined at trial.

104. Due to Defendants' infringing acts, Whirlpool has suffered and continues to suffer great and irreparable injury, for which Whirlpool has no adequate remedy at law.

COUNT IX
Infringement of U.S. Patent No. D655,377

105. Whirlpool restates and incorporates by reference paragraphs 1 through 104 as if fully stated herein.

106. On March 6, 2012, the USPTO duly and legally issued United States Design Patent No. D655,377 ("the D'377 Patent"), entitled "Filter Unit," claiming the design as disclosed therein. Appended as Exhibit M is a true and correct copy of the D'377 Patent.

107. Whirlpool is the owner by assignment of the entire right, title and interest in and to the D'377 Patent, including the right to sue and recover for past, present, and future damages for infringement.

108. Defendants have infringed and continue to infringe the D'377 Patent by importing, selling, and/or offering to sell in the United States Infringing Filters, which copies and is at least nearly identical to the design covered by the D'377 Patent, as illustrated below:

D'377 Patent

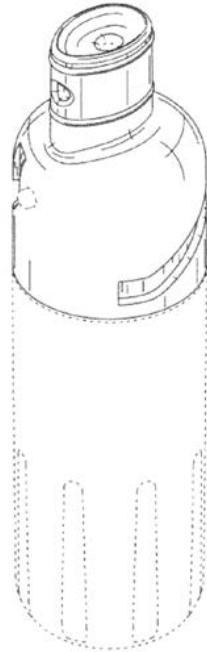


FIG. 1

Infringing Filter



109. Defendants' acts of infringement were undertaken without permission or license from Whirlpool.

110. On information and belief, Yunda has gained, and will continue to gain, profits by virtue of its infringement of the D'377 Patent. By reason of such infringing acts, Whirlpool has been damaged and is entitled to monetary relief in an amount to be determined at trial.

111. Due to Defendants' infringing acts, Whirlpool has suffered and continues to suffer great and irreparable injury, for which Whirlpool has no adequate remedy at law.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff Whirlpool respectfully requests the following relief:

a. That the Court enter a judgment that Yunda and that Wayne Wei and Rose Lu have each infringed the '894 Patent;

- b. That the Court enter a judgment that the '894 Patent is not invalid;
- c. That the Court enter a judgment that the '894 Patent is enforceable;
- d. That the Court enter a judgment that Yunda and that Wayne Wei and Rose Lu have each infringed the '716 Patent, the '818 Patent, the '736 Patent, the 'D559 Patent, the 'D560 Patent, the 'D561 Patent, the 'D562 Patent, and the 'D377 Patent.
- e. That the Court enter a judgment that the '716 Patent, the '818 Patent, the '736 Patent, the 'D559 Patent, the 'D560 Patent, the 'D561 Patent, the 'D562 Patent, and the 'D377 Patent are each not invalid;
- f. That the Court enter a judgment that the '716 Patent, the '818 Patent, the '736 Patent, the 'D559 Patent, the 'D560 Patent, the 'D561 Patent, the 'D562 Patent, and the 'D377 Patent are each enforceable;
- g. That the Court enter preliminary and permanent injunctions preventing Wayne Wei, Rose Lu, and Yunda, and Yunda's respective officers, directors, agents, servants, employees, attorneys, licensees, successors, and assigns, and those in active concert or participation with any of them, from engaging in infringing activities with respect to the '894 Patent, the '716 Patent, the '818 Patent, the '736 Patent, the 'D559 Patent, the 'D560 Patent, the 'D561 Patent, the 'D562 Patent, and/or the 'D377 Patent;
- h. That the Court award damages for the infringement to which Whirlpool is entitled;
- i. That the Court treble the damages for the willful infringement of Wayne Wei, Rose Lu and Yunda;
- j. That the Court award to Whirlpool a disgorgement of Yunda's profits pursuant to 35 U.S.C. § 289;

- k. That the court find this an exceptional case and award Whirlpool its costs and reasonable attorneys' fees pursuant to 35 U.S.C. § 285;
- l. That the Court award interest on the damages; and
- m. For any and all such other relief as this Court may deem appropriate.

Dated: March 15, 2016

Respectfully submitted,

By: /s/ Melissa R. Smith
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Attorneys for Plaintiff
WHIRLPOOL CORPORATION

CERTIFICATE OF SERVICE

I hereby certify that on March 15, 2016, the foregoing was provided to a process server to effectuate personal service on the following in Nashville, Tennessee:

Tianjin Jinghai Yunda Industry and Trade Co., Ltd.
a/k/a Yunda Industry and Trade Co. d/b/a Yunda Filter Co.

Wayne Wei

Rose Lu

By: /s/ Melissa R. Smith
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