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TELEBRANDS CORP.

12 **UNITED STATES DISTRICT COURT**
13 **CENTRAL DISTRICT OF CALIFORNIA**

14
15 TELEBRANDS CORP., a New Jersey
Corporation

16 Plaintiff,

17 v.

18 GMC WARE, INC., a California
19 Corporation; CHENG KAI CHEN, an
individual; XIAO JUAN LI, an individual;
20 and ZOE WANG MORRIS, an individual,

21 Defendants.
22
23
24

) Case No. 2:15-cv-3121 SJO (JCx)

) **FIRST AMENDED COMPLAINT**

) **Hon. S. James Otero**

1 Plaintiff Telebrands Corp. (“Telebrands”), for its First Amended Complaint against
2 Defendants GMC Ware, Inc. (“GMC”), Chen Kai Chen, Xiao Juan Li, and Zoe Wang
3 Morris (collectively, “Defendants”), alleges as follows:

4 **THE PARTIES**

5 1. Plaintiff Telebrands is a corporation organized and existing under the laws
6 of the State of New Jersey, having a place of business at 79 Two Bridges Road, Fairfield,
7 New Jersey 07004.

8 2. On information and belief, defendant GMC is a corporation organized and
9 existing under the laws of the State of California and had a principal place of business at
10 1313 John Reed Court, City of Industry, California 91754, within this Judicial District.
11 On information and belief, GMC’s principal place of business is currently at 13860
12 Benson Ave, #B, Chino, California 91710, within this Judicial District.

13 3. On information and belief, defendant Chen Kai Chen (“Chen”) is an
14 individual and is the CEO of GMC and resides at 19223 Colima Road, Apartment 688,
15 Rowland Heights, California 91748, within this Judicial District.

16 4. On information and belief, defendant Xiao Juan Li (“Li”) is an individual
17 and is the President of GMC and had a place of business at 1313 John Reed Court, City
18 of Industry, California 91754, within this Judicial District. On information and belief,
19 Li’s current place of business is at 13860 Benson Ave, #B, Chino, California 91710,
20 within this Judicial District.

21 5. On information and belief, defendant Zoe Wang Morris (“Morris”) is an
22 individual and is an Executive Director of Sales at GMC and resides at 7163 Cottage
23 Grove Drive, Corona, California 92880.

24 **NATURE OF THE CLAIMS, JURISDICTION AND VENUE**

25 6. This action arises under the Patent Laws of the United States (35 U.S.C. §1
26 et seq.).

27 7. Jurisdiction of this Court is founded upon 28 U.S.C. §§ 1331, 1332(a)(1) and
28 1338(a) and (b). The amount in controversy exceeds the sum or value of \$75,000,
exclusive of interest and costs, and there is complete diversity of citizenship between the
parties.

1 8. Venue is proper within this Judicial District under 28 U.S.C. Sections
2 1391(b) and (c).

3 **FACTS COMMON TO ALL CLAIMS FOR RELIEF**

4 9. Telebrands is a direct marketing company, and since 1985, has been engaged
5 in the business of marketing and selling a wide variety of consumer products, principally
6 through direct response advertising and through national retail stores. Telebrands is one
7 of the recognized leaders in the direct response television marketing industry.

8 10. Telebrands markets and sells mop products under the trademarks
9 HURRICANE®, 360 SPIN MOP® and/or TWIN SPIN™ (collectively, “the
10 HURRICANE Products”).

11 11. Telebrands’ HURRICANE Products have been successful. Telebrands sells
12 the HURRICANE Products through direct response channels to the general consuming
13 public throughout the United States and within this Judicial District. Telebrands also
14 sells the HURRICANE Products to consumers through major retailers throughout the
15 United States and within this Judicial District.

16 12. Telebrands has exclusive rights to U.S. Patent No. 8,132,287, entitled
17 “Cleaning Device with Cleaning Means and a Frame Body,” which issued March 13,
18 2012 (“the ’287 patent”). Telebrands’ exclusive rights include, *inter alia*, the exclusive
19 right to exclude the defendants in the United States. A copy of the ’287 patent is attached
20 as Exhibit A.

21 13. Telebrands has exclusive rights to U.S. Patent No. 8,220,101, entitled
22 “Telescopically Rotatable Mop,” which issued July 17, 2012 (“the ’101 patent”).
23 Telebrands’ exclusive rights include, *inter alia*, the exclusive right to exclude the
24 defendants in the United States. A copy of the ’101 patent is attached as Exhibit B.

25 14. Telebrands has exclusive rights to U.S. Patent No. 8,291,544, entitled “Mop
26 with the Function of Dewatering the Yarns by Twisting in a Single Direction via an Up-
27 and-Down Linear Motion,” which issued October 23, 2012 (“the ’544 patent”).
28 Telebrands’ exclusive rights include, *inter alia*, the exclusive right to exclude the
defendants in the United States. A copy of the ’544 patent is attached as Exhibit C.

1 15. Telebrands has exclusive rights to U.S. Patent No. 8,365,341, entitled “Mop
2 Assembly,” which issued February 5, 2013 (“the ’341 patent”). Telebrands’ exclusive
3 rights include, *inter alia*, the exclusive right to exclude the defendants in the United
4 States. A copy of the ’341 patent is attached as Exhibit D.

5 16. Telebrands has exclusive rights to U.S. Patent No. 8,522,387, entitled
6 “Swiveling Locking Mechanism of a Telescopic Rod of a Mop,” which issued September
7 3, 2013 (“the ’387 patent”). Telebrands’ exclusive rights include, *inter alia*, the
8 exclusive right to exclude the defendants in the United States. A copy of the ’387 patent
9 is attached as Exhibit E.

10 **Defendants’ Acts of Infringement**

11 17. On information and belief, Defendants market and sell mop products under
12 the names MAGIC SPIN MOP, MAXPIN ALL-IN-ONE MOP, MAXPIN DELUXE
13 MOP, MAXPIN MOP, DELUXE MAXPIN MOP, DREAM SPIN MOP, MAXPIN
14 SUPER MOP, and/or SPIN YOUR HOUSE CLEAN MAXPIN MOP (collectively, the
15 MAXPIN mops”) throughout the United States and within this Judicial District.

16 18. On information and belief, the MAXPIN mops have also been and/or are
17 currently sold by KGM Global, Inc. (“KGM”).

18 19. The MAXPIN mops are competitive with Telebrands’ HURRICANE
19 Products and, on information and belief, are sold to wholesalers and to consumers
20 through the Internet and through retail channels of trade. GMC is a direct competitor of
21 Telebrands in the market for mops.

22 20. Each of the MAXPIN mops include a mop bucket having a basket, a handle,
23 and a mop head. The handle connects to the mop head. The handle and mop head
24 cooperate with the mop bucket. When the mop head is in the basket of the basket in the
25 mop bucket, the handle causes the mop head and basket to rotate.

26 21. The ’101 patent, the ’544 patent, the ’341 patent, and the ’387 patent are
27 each directed to systems that include a mop bucket having a basket, a handle and a mop
28 head. The systems in each of these patents are configured so that when the mop head is
in the basket of the mop bucket, the handle causes the mop head and basket to rotate.

1 22. The '287 patent is directed to a mop head.

2 23. The MAXPIN mops infringe at least one claim of each of the '287 patent,
3 the '101 patent, the '544 patent, the '341 patent and the '387 patent (“the Asserted
4 Patents”). On information and belief, the Defendants have had notice of the patents.

5 24. The components of the MAXPIN mops have no non-infringing uses with
6 respect to the Asserted Patents.

7 25. Telebrands filed a Complaint against KGM on October 22, 2014 in the
8 District of New Jersey, *Telebrands v. KGM Global, Inc.*, Civil Action No. 2:14-cv-
9 06566-JLL-JAD (“the New Jersey Action”), alleging that the MAXPIN mops infringe the
10 '287 patent.

11 26. Telebrands filed a First Amended Complaint against KGM in the New
12 Jersey Action on October 31, 2014, alleging that the MAXPIN mops infringe the '287
13 patent, the '101 patent, the '544 patent, and the '387 patent.

14 27. Telebrands filed a Second Amended Complaint against KGM in the New
15 Jersey Action on December 3, 2014, alleging that the MAXPIN mops infringe each of the
16 Asserted Patents.

17 28. On information and belief, Chen was the president of KGM at the time that
18 the New Jersey Action was filed.

19 29. On information and belief, Li was the CEO of KGM at the time the New
20 Jersey Action was filed.

21 30. On information and belief, Morris was the Executive Director of Sales at
22 KGM at the time the New Jersey Action was filed.

23 31. As a result, at least as early as October 22, 2014, Chen, Li and Morris had
24 notice of the Asserted Patents and Telebrands' assertion that the MAXPIN mops infringe
25 the Asserted Patents, and yet continued to sell the MAXPIN mops.

26 32. On information and belief, Chen, Li and Morris transferred or purported to
27 transfer at least some of KGM's assets to GMC, including without limitation, U.S.
28 Trademark Registration No. 4,718,191, for the mark MAXPIN, after the New Jersey
Action was filed.

1 33. KGM filed for Chapter 7 Bankruptcy in the United States Bankruptcy Court
2 for the Central District of California, Case No. 2:15-bk-15976 on April 16, 2015.

3 34. On information and belief, Chen, Li and Morris conduct business throughout
4 the United States and within this Judicial District through GMC and have actively and
5 consciously directed GMC's actions described above.

6 35. On information and belief, each of GMC and Chen was, relative to the acts
7 alleged herein, the agent of the other, and each was acting within the scope, purpose,
8 and authority of that agency and with the knowledge, permission, and consent of the
9 other.

10 36. On information and belief, each of GMC and Li was, relative to the acts
11 alleged herein, the agent of the other, and each was acting within the scope, purpose,
12 and authority of that agency and with the knowledge, permission, and consent of the
13 other.

14 37. On information and belief, each of GMC and Morris, was relative to the acts
15 alleged herein, the agent of the other, and each was acting within the scope, purpose,
16 and authority of that agency and with the knowledge, permission, and consent of the
17 other.

18 38. On information and belief, there has existed such a unity of interest between
19 GMC and Chen that any individuality and separateness of GMC and Chen has ceased,
20 such that each is the agent and alter-ego of the other in the acts alleged herein.

21 39. On information and belief, there has existed such a unity of interest between
22 GMC and Li that any individuality and separateness of GMC and Li has ceased, such that
23 each is the agent and alter-ego of the other in the acts alleged herein.

24 40. On information and believe, there has existed such a unity of interest
25 between GMC and Morris that any individuality and separateness of GMC and Morris
26 has ceased, such that each is the agent and alter-ego of the other in the acts alleged
27 herein.

28 41. On information and belief, GMC's and Chen's actions described in this
Complaint were made at each other's direction and/or in concert or participation with

1 each other.

2 42. GMC’s and Li’s actions described in this Complaint were made at each
3 other’s direction and/or in concert or participation with each other.

4 43. GMC’s and Morris’ actions described in this Complaint were made at each
5 other’s direction and/or in concert or participation with each other.

6 44. On information and belief, GMC’s and Chen’s actions described in this
7 Complaint were made as agent of other another, and for each other’s benefit.

8 45. On information and belief, GMC’s and Li’s actions described in this
9 Complaint were made as agent of one another, and for each other’s benefit.

10 46. GMC’s and Morris’ actions described in this Complaint were made as agent
11 of one another, and for each other’s benefit.

12
13 **COUNT ONE**
14 **INFRINGEMENT OF U.S. PATENT NO. 8,132,287**

15 47. Telebrands repeats and realleges the allegations set forth in paragraphs 1-46
16 above, as though fully set forth herein.

17 48. This cause of action arises under Section 35 of the Patent Laws of the United
18 States, 35 U.S.C. § 271.

19 49. The ‘287 patent is valid and enforceable.

20 50. By the acts alleged above, GMC directly infringed and/or infringes the ‘287
21 patent. On information and belief, GMC has made, used, offered to sell, sold and/or
22 imported into the United States, and on information and belief, is still making, using,
23 offering to sell, selling, and/or importing into the United States, products, including
24 without limitation the MAXPIN mops, that infringe directly or indirectly through
25 contributory and/or induced infringement, at least one claim of the ‘287 patent, without
26 Telebrands’ authorization or consent.

27 51. By the acts alleged above, Chen, Li and Morris indirectly infringe the ‘287
28 patent through contributory and/or induced infringement by actively aiding and abetting
infringement of the ‘287 patent.

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1 52. GMC's customers directly infringed and/or infringe the '287 patent through
2 their use and/or sale of the MAXPIN mops in the United States without Telebrands'
3 authorization or consent.

4 53. The MAXPIN mops cannot be used for any purpose other than infringement
5 of the '287 patent.

6 54. On information and belief, GMC knew that the MAXPIN mops infringe the
7 '287 patent and had the specific intent to encourage its customers to infringe the '287
8 patent.

9 55. On information and belief, Chen, Li, and Morris knew that the MAXPIN
10 mops infringe the '287 patent had the specific intent to encourage GMC to infringe the
11 '287 patent.

12 56. Telebrands sued KGM on October 22, 2014, for infringement of the '287
13 patent. Rather than asserting any defense to the claim of infringement, KGM filed for
14 bankruptcy, and Chen, Li, and Morris, KGM's principals, continued to make, use, offer
15 for sale, sell, and/or import in the United States the MAXPIN mops under another
16 business name, GMC. There is no reasonable justification of these actions by Defendants
17 other than to knowingly induce infringement of the '287 patent with the specific intent to
18 encourage such infringement.

19 57. On information and belief, the Defendants' infringement is and has been
20 willful, making this an exceptional case.

21 58. On information and belief, Defendants knew that the MAXPIN mops
22 infringed the '287 patent at least as early as October 22, 2014, when Telebrands sued
23 KGM for infringement of the '287 patent. With this knowledge, Defendants have made,
24 used, offered to sell, sold and/or imported into the United States, and on information and
25 belief, are still making, using, offering to sell, selling, and/or importing into the United
26 States, the MAXPIN mop products despite an objectively high likelihood that these
27 actions constituted infringement of the '287 patent.

28 59. The Defendants will, on information and belief, continue to infringe upon
Telebrands' rights under § 271 of the Patent Act, unless and until they are enjoined by

1 this Court. Telebrands has been and is likely to continue to be irreparably injured unless
2 the Defendants are enjoined. Telebrands has no adequate remedy at law.

3
4 **COUNT TWO**
5 **INFRINGEMENT OF U.S. PATENT NO. 8,220,101**

6 60. Telebrands repeats and realleges the allegations set forth in paragraphs 1-59
7 above, as though fully set forth herein.

8 61. This cause of action arises under Section 35 of the Patent Laws of the United
9 States, 35 U.S.C. § 271.

10 62. The '101 patent is valid and enforceable.

11 63. By the acts alleged above, GMC directly infringed and/or infringes the '101
12 patent. On information and belief, GMC has made, used, offered to sell, sold and/or
13 imported into the United States, and on information and belief, still is making, using,
14 offering to sell, selling, and/or importing into the United States, products, including
15 without limitation the MAXPIN mops, that infringe directly or indirectly through
16 contributory and/or induced infringement, at least one claim of the '101 patent, without
17 Telebrands' authorization or consent.

18 64. By the acts alleged above, Chen, Li and Morris indirectly infringe the '101
19 patent through contributory and/or induced infringement by actively aiding and abetting
20 infringement of the '101 patent.

21 65. GMC's customers directly infringed and/or infringe the '101 patent through
22 their use and/or sale of the MAXPIN mops in the United States without Telebrands'
23 authorization or consent.

24 66. The MAXPIN mops cannot be used for any purpose other than infringement
25 of the '101 patent.

26 67. On information and belief, GMC knew that the MAXPIN mops infringe the
27 '101 patent and had the specific intent to encourage its customers to infringe the '101
28 patent.

68. On information and belief, Chen, Li, and Morris knew that the MAXPIN
mops infringe the '101 patent and had the specific intent to encourage GMC to infringe

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1 the '101 patent.

2 69. Telebrands sued KGM on October 31, 2014, for infringement of the '101
3 patent. Rather than asserting any defense to the claim of infringement, KGM filed for
4 bankruptcy, and Chen, Li, and Morris, KGM's principals, continued to make, use, offer
5 for sale, sell, and/or import in the United States the MAXPIN mops under another
6 business name, GMC. There is no reasonable justification of these actions by Defendants
7 other than to knowingly induce infringement of the '101 patent with the specific intent to
8 encourage such infringement.

9 70. On information and belief, the Defendants' infringement is and has been
10 willful, making this an exceptional case.

11 71. On information and belief, Defendants knew that the MAXPIN mops
12 infringed the '101 patent at least as early as October 31, 2014, when Telebrands sued
13 KGM for infringement of the '101 patent. With this knowledge, Defendants have made,
14 used, offered to sell, sold and/or imported into the United States, and on information and
15 belief, are still making, using, offering to sell, selling, and/or importing into the United
16 States, the MAXPIN mop products despite an objectively high likelihood that these
17 actions constituted infringement of the '101 patent.

18 72. The Defendants will, on information and belief, continue to infringe upon
19 Telebrands' rights under § 271 of the Patent Act, unless and until they are enjoined by
20 this Court. Telebrands has been and is likely to continue to be irreparably injured unless
21 the Defendants are enjoined. Telebrands has no adequate remedy at law.

22 **COUNT THREE**
23 **INFRINGEMENT OF U.S. PATENT NO. 8,291,544**

24 73. Telebrands repeats and realleges the allegations set forth in paragraphs 1-72
25 above, as though fully set forth herein.

26 74. This cause of action arises under Section 35 of the Patent Laws of the United
27 States, 35 U.S.C. § 271.

28 75. The '544 patent is valid and enforceable.

76. By the acts alleged above, GMC directly infringed and/or infringes the '544

1 patent. On information and belief, GMC has made, used, offered to sell, sold and/or
2 imported into the United States, and on information and belief, still is making, using,
3 offering to sell, selling, and/or importing into the United States, products, including
4 without limitation the MAXPIN mops, that infringe directly or indirectly through
5 contributory and/or induced infringement, at least one claim of the '544 patent, without
6 Telebrands' authorization or consent.

7 77. By the acts alleged above, Chen, Li and Morris indirectly infringe the '544
8 patent through contributory and/or induced infringement by actively aiding and abetting
9 infringement of the '544 patent.

10 78. GMC's customers directly infringed and/or infringe the '544 patent through
11 their use and/or sale of the MAXPIN mops in the United States without Telebrands'
12 authorization or consent.

13 79. The MAXPIN mops cannot be used for any purpose other than infringement
14 of the '544 patent.

15 80. On information and belief, GMC knew that the MAXPIN mops infringe the
16 '544 patent and had the specific intent to encourage its customers to infringe the '544
17 patent.

18 81. On information and belief, Chen, Li, and Morris knew that the MAXPIN
19 mops infringe the '544 patent and had the specific intent to encourage GMC to infringe
20 the '544 patent.

21 82. Telebrands sued KGM on October 31, 2014, for infringement of the '544
22 patent. Rather than asserting any defense to the claim of infringement, KGM filed for
23 bankruptcy, and Chen, Li, and Morris, KGM's principals, continued to make, use, offer
24 for sale, sell, and/or import in the United States the MAXPIN mops under another
25 business name, GMC. There is no reasonable justification of these actions by Defendants
26 other than to knowingly induce infringement of the '544 patent with the specific intent to
27 encourage such infringement.

28 83. On information and belief, the Defendants' infringement is and has been
willful, making this an exceptional case.

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1 84. On information and belief, Defendants knew that the MAXPIN mops
2 infringed the '544 patent at least as early as October 31, 2014, when Telebrands sued
3 KGM for infringement of the '544 patent. With this knowledge, Defendants have made,
4 used, offered to sell, sold and/or imported into the United States, and on information and
5 belief, are still making, using, offering to sell, selling, and/or importing into the United
6 States, the MAXPIN mop products despite an objectively high likelihood that these
7 actions constituted infringement of the '544 patent.

8 85. The Defendants will, on information and belief, continue to infringe upon
9 Telebrands' rights under § 271 of the Patent Act, unless and until they are enjoined by
10 this Court. Telebrands has been and is likely to continue to be irreparably injured unless
11 the Defendants are enjoined. Telebrands has no adequate remedy at law.

12
13 **COUNT FOUR**
14 **INFRINGEMENT OF U.S. PATENT NO. 8,365,341**

15 86. Telebrands repeats and realleges the allegations set forth in paragraphs 1-85
16 above, as though fully set forth herein.

17 87. This cause of action arises under Section 35 of the Patent Laws of the United
18 States, 35 U.S.C. § 271.

19 88. The '341 patent is valid and enforceable.

20 89. By the acts alleged above, GMC directly infringed and/or infringes the '341
21 patent. On information and belief, GMC has made, used, offered to sell, sold and/or
22 imported into the United States, and on information and belief, still is making, using,
23 offering to sell, selling, and/or importing into the United States, products, including
24 without limitation the MAXPIN mops, that infringe directly or indirectly through
25 contributory and/or induced infringement, at least one claim of the '341 patent, without
26 Telebrands' authorization or consent.

27 90. By the acts alleged above, Chen, Li and Morris indirectly infringe the '341
28 patent through contributory and/or induced infringement by actively aiding and abetting
infringement of the '341 patent.

1 91. GMC’s customers directly infringed and/or infringe the ’341 patent through
2 their use and/or sale of the MAXPIN mops in the United States without Telebrands’
3 authorization or consent.

4 92. The MAXPIN mops cannot be used for any purpose other than infringement
5 of the ’341 patent.

6 93. On information and belief, GMC knew that the MAXPIN mops infringe the
7 ’341 patent and had the specific intent to encourage its customers to infringe the ’341
8 patent.

9 94. On information and belief, Chen, Li, and Morris knew that the MAXPIN
10 mops infringe the ’341 patent and had the specific intent to encourage GMC to infringe
11 the ’341 patent.

12 95. Telebrands sued KGM on December 3, 2014, for infringement of the ’341
13 patent. Rather than asserting any defense to the claim of infringement, KGM filed for
14 bankruptcy, and Chen, Li, and Morris, KGM’s principals, continued to make, use, offer
15 for sale, sell, and/or import in the United States the MAXPIN mops under another
16 business name, GMC. There is no reasonable justification of these actions by Defendants
17 other than to knowingly induce infringement of the ’341 patent with the specific intent to
18 encourage such infringement.

19 96. On information and belief, the Defendants’ infringement is and has been
20 willful, making this an exceptional case.

21 97. On information and belief, Defendants knew that the MAXPIN mops
22 infringed the ’341 patent at least as early as December 3, 2014, when Telebrands sued
23 KGM for infringement of the ’341 patent. With this knowledge, Defendants have made,
24 used, offered to sell, sold and/or imported into the United States, and on information and
25 belief, are still making, using, offering to sell, selling, and/or importing into the United
26 States, the MAXPIN mop products despite an objectively high likelihood that these
27 actions constituted infringement of the ’341 patent.

28 98. The Defendants will, on information and belief, continue to infringe upon
Telebrands’ rights under § 271 of the Patent Act, unless and until they are enjoined by

1 this Court. Telebrands has been and is likely to continue to be irreparably injured unless
2 the Defendants are enjoined. Telebrands has no adequate remedy at law.

3
4 **COUNT FIVE**
5 **INFRINGEMENT OF U.S. PATENT NO. 8,522,387**

6 99. Telebrands repeats and realleges the allegations set forth in paragraphs 1-98
7 above, as though fully set forth herein.

8 100. This cause of action arises under Section 35 of the Patent Laws of the United
9 States, 35 U.S.C. § 271.

10 101. The '387 patent is valid and enforceable.

11 102. By the acts alleged above, GMC directly infringed and/or infringes the '387
12 patent. On information and belief, GMC has made, used, offered to sell, sold and/or
13 imported into the United States, and on information and belief, still is making, using,
14 offering to sell, selling, and/or importing into the United States, products, including
15 without limitation the MAXPIN mops, that infringe directly at least one claim of the '387
16 patent, without Telebrands' authorization or consent.

17 103. By the acts alleged above, Chen, Li and Morris indirectly infringe the '341
18 patent through contributory and/or induced infringement by actively aiding and abetting
19 infringement of the '387 patent.

20 104. GMC's customers directly infringed and/or infringe the '387 patent through
21 their use and/or sale of the MAXPIN mops in the United States without Telebrands'
22 authorization or consent.

23 105. The MAXPIN mops cannot be used for any purpose other than infringement
24 of the '387 patent.

25 106. On information and belief, GMC knew that the MAXPIN mops infringe the
26 '387 patent and had the specific intent to encourage its customers to infringe the '387
27 patent.

28 107. On information and belief, Chen, Li, and Morris knew that the MAXPIN
mops infringe the '387 patent and had the specific intent to encourage GMC to infringe

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1 the '387 patent.

2 108. Telebrands sued KGM on October 31, 2014, for infringement of the '387
3 patent. Rather than asserting any defense to the claim of infringement, KGM filed for
4 bankruptcy, and Chen, Li, and Morris, KGM's principals, continued to make, use, offer
5 for sale, sell, and/or import in the United States the MAXPIN mops under another
6 business name, GMC. There is no reasonable justification of these actions by Defendants
7 other than to knowingly induce infringement of the '387 patent with the specific intent to
8 encourage such infringement.

9 109. On information and belief, the Defendants' infringement is and has been
10 willful, making this an exceptional case.

11 110. On information and belief, Defendants knew that the MAXPIN mops
12 infringed the '387 patent at least as early as October 31, 2014, when Telebrands sued
13 KGM for infringement of the '387 patent. With this knowledge, Defendants have made,
14 used, offered to sell, sold and/or imported into the United States, and on information and
15 belief, are still making, using, offering to sell, selling, and/or importing into the United
16 States, the MAXPIN mop products despite an objectively high likelihood that these
17 actions constituted infringement of the '387 patent. The Defendants will, on information
18 and belief, continue to infringe upon Telebrands' rights under § 271 of the Patent Act,
19 unless and until they are enjoined by this Court. Telebrands has been and is likely to
20 continue to be irreparably injured unless the Defendants are enjoined. Telebrands has no
21 adequate remedy at law.

22 **PLAINTIFF'S PRAYER FOR RELIEF**

23 **WHEREFORE**, Plaintiff demands judgment as follows:

- 24 a. Entering judgement in Telebrands' favor and against the Defendants on all
25 claims;
- 26 b. Adjudging and decreeing that the Defendants have unlawfully infringed,
27 contributorily infringed and/or induced infringement of the '287 patent, the '101 patent,
28 the '544 patent, the '341 patent and the '387 patent;
- c. Preliminarily and permanently enjoining the Defendants, their agents,

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1 factories, servants, employees and attorneys and all those acting in concert or
2 participation with them from:

- 3 1. importing, distributing, advertising, promoting, selling, or offering for
- 4 sale the MAXPIN mops and any other rotating mop product that falls within
- 5 the scope of any of the patents; and
- 6 2. infringing '287 patent, the '101 patent, the '544 patent, the '341 patent
- 7 and the '387 patent.

8 d. Requiring the Defendants to pay Telebrands any damages Telebrands has
9 suffered arising out of and/or as a result of Defendants' patent infringement, including
10 Telebrands' lost profits, Defendants' profits and/or reasonable royalties for Defendants'
11 patent infringement, and any other relief provided for in 35 U.S.C. § 284;

12 e. Awarding Telebrands its reasonable attorneys' fees because of the
13 exceptional nature of this case, pursuant to 35 U.S.C. § 285;

14 f. Requiring the Defendants to pay to Telebrands enhanced damages due to the
15 exceptional nature of this case; and

16 g. Granting such other and further relief as this Court deems just and proper.

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18 **DEMAND FOR JURY TRIAL**

19 Plaintiff demands a jury trial on all issues and claims so triable.

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22 DATED: April 19, 2016

Respectfully submitted,

Tucker Ellis LLP

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26 By: /s/Brian K. Brookey

27 Brian K. Brookey
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28 TELEBRANDS CORP.