1 2	HANSON BRIDGETT LLP GARNER K. WENG, SBN 191462 gweng@hansonbridgett.com				
3	JANIE LIN THOMPSON, SBN 291622 jthompson@hansonbridgett.com				
4	425 Market Street, 26th Floor San Francisco, California 94105				
5	Telephone: (415) 777-3200 Facsimile: (415) 541-9366				
6	Attorneys for Plaintiff				
7	YU, HSU-SHENG				
8	UNITED STATES DISTRICT COURT				
9	NORTHERN DISTRICT OF CALIFORNIA				
10					
11	YU, HSU-SHENG, a Taiwanese citizen,	Case No.			
12	Plaintiff,	COMPLAINT FOR UTILITY AND DESIGN PATENT INFRINGEMENT			
13	V.	DEMAND FOR JURY TRIAL			
14	JOHN DOES (1-19),	DEMAND FOR SORT TRIAL			
15	Defendants.				
16					
17	Plaintiff Mr. Yu, Hsu-Sheng, ("Plaintiff") complains and alleges as follows against				
18	Defendants John Does (1-19) ("Defendants"	').			
19	THE P	<u>ARTIES</u>			
20	Plaintiff is the owner of Huans	on Enterprise Co., Ltd. a company having its			
21	business located at No. 107, Da-Mioa 5 th Street, Guiren District, Tainan City, Taiwan				
22	71145. Plaintiff, through his company, has manufactured, markets, offers for sale, and				
23	sells foam headphones.				
24	2. The name of John Doe 1 is unknown at present, but sells products through				
25	www.ebay.com under the name top10ratedseller.				
26	3. The name of John Doe 2 is unknown at present, but sells products through				
27	www.ebay.com under the name urban4ever9.				
28	4. The name of John Doe 3 is unknown at present, but sells products through				

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www.ebay.com under the name royal1015.

- 5. The name of John Doe 4 is unknown at present, but sells products through www.ebay.com under the name dealsalert.
- 6. The name of John Doe 5 is unknown at present, but sells products through www.ebay.com under the name outofit2810.
- 7. The name of John Doe 6 is unknown at present, but sells products through www.ebay.com under the name alexikolpa_0.
- 8. The name of John Doe 7 is unknown at present, but sells products through www.ebay.com under the name mayaron.
- 9. The name of John Doe 8 is unknown at present, but sells products through www.ebay.com under the name 37percentoff.
- 10. The name of John Doe 9 is unknown at present, but sells products through www.ebay.com under the name elite-online-products.
- 11. The name of John Doe 10 is unknown at present, but sells products through www.ebay.com under the name jlmarkercomp.
- 12. The name of John Doe 11 is unknown at present, but sells products through www.ebay.com under the name daniset.
- 13. The name of John Doe 12 is unknown at present, but sells products through www.ebay.com under the name sunboy311.
- 14. The name of John Doe 13 is unknown at present, but sells products through www.ebay.com under the name unbeatablesales.
- 15. The name of John Doe 14 is unknown at present, but sells products through www.ebay.com under the name paulsaccount2.
- 16. The name of John Doe 15 is unknown at present, but sells products through www.ebay.com under the name lemonzinnia.
- 17. The name of John Doe 16 is unknown at present, but sells products through www.ebay.com under the name apc_sales.
 - 18. The name of John Doe 17 is unknown at present, but sells products

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through <u>www.ebay.com</u> under the name mygoods.

- 19. The name of John Doe 18 is unknown at present, but sells products through www.ebay.com under the name virventures.
- 20. The name of John Doe 19 is unknown at present, but sells products through www.ebay.com under the name toytownoutlet.

JURISDICTION AND VENUE

- 21. This is an action for patent infringement arising under the patent laws of the United States, 35 U.S.C. § 271 et seq.
- 22. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338.
- 23. This Court has personal jurisdiction over each Defendant because, upon information and belief, it has committed and continues to commit acts of infringement in violation of 35 U.S.C. § 271, and places infringing products into the stream of commerce in the District, with the knowledge or understanding that such products are sold in the State of California, including in this District. The acts by each Defendant cause injury to Plaintiff within this District. Upon information and belief, Defendant derives substantial revenue from the sale of infringing products within this District, expects its actions to have consequences within this District, and derives substantial revenue from interstate commerce.
- 24. Venue is proper within this District under 28 U.S.C. §§ 1391(b) and (c) and 1400(b).

INTRADISTRICT ASSIGNMENT

25. As this action is an Intellectual Property Action, intradistrict assignment on a district-wide basis is appropriate under Civil L.R. 3-2(c).

BACKGROUND FACTS

26. Mr. Yu is the owner by way of assignment of U.S. Patent No. 9,185,483 and U.S. Design Patent D727,278, copies of which are attached hereto as Exhibits A and B, respectively. The assignment document is attached as Exhibit C.

1	27.	U.S. Patent No. 9,185,483 was issued on November 10, 2015, is directed	
2	to Headphones with Removable Headband Pad.		
3	28.	U.S. Design Patent D727,278 was issued on April 21, 2015 and claims a	
4	design for Headphones with a Removable Headband Pad.		
5	29.	John Doe 1 sells headphones with a removable pad via www.ebay.com .	
6	See Ex. D.		
7	30.	John Doe 2 sells headphones with a removable pad via www.ebay.com.	
8	See Ex. E.		
9	31.	John Doe 3 sells headphones with a removable pad via www.ebay.com.	
10	See Ex. F.		
11	32.	John Doe 4 sells headphones with a removable pad via www.ebay.com.	
12	See Ex. G.		
13	33.	John Doe 5 sells headphones with a removable pad via www.ebay.com.	
14	See Ex. H.		
15	34.	John Doe 6 sells headphones with a removable pad via www.ebay.com.	
16	See Ex. I.		
17	35.	John Doe 7 sells headphones with a removable pad via www.ebay.com .	
18	See Ex. J.		
19	36.	John Doe 8 sells headphones with a removable pad via www.ebay.com.	
20	See Ex. K.		
21	37.	John Doe 9 sells headphones with a removable pad via www.ebay.com.	
22	See Ex. L.		
23	38.	John Doe 10 sells headphones with a removable pad via www.ebay.com .	
24	See Ex. M.		
25	39.	John Doe 11 sells headphones with a removable pad via www.ebay.com .	
26	See Ex. N.		
27	40.	John Doe 12 sells headphones with a removable pad via www.ebay.com .	
28	See Ex. O.		

1	41.	John Doe 13 sells headphones with a removable pad via www.ebay.com.		
2	See Ex. P.			
3	42.	John Doe 14 sells headphones with a removable pad via www.ebay.com .		
4	See Ex. Q.			
5	43.	John Doe 15 sells headphones with a removable pad via www.ebay.com .		
6	See Ex. R.			
7	44.	John Doe 16 sells headphones with a removable pad via www.ebay.com .		
8	See Ex. S.			
9	45.	John Doe 17 sells headphones with a removable pad via www.ebay.com .		
10	See Ex. T.			
11	46.	John Doe 18 sells headphones with a removable pad via www.ebay.com .		
12	See Ex. U.			
13	47.	John Doe 19 sells headphones with a removable pad via www.ebay.com .		
14	See Ex. V.			
15	48.	None of the sales of any of the defendants of headphones with a		
16	removable pad is with authorization of Plaintiff.			
17		FIRST CLAIM FOR RELIEF		
18		(Infringement of U.S. Patent No. 9,185,483)		
19	49.	Plaintiff incorporates and realleges paragraphs 1 through 48 of this		
20	Complaint.			
21	50.	Each of the defendants has infringed and continues to infringe each of the		
22	claims of U.S. Patent No. 9,185,483 by using, selling and/or offering to sell in the United			
23	States, and/or importing into the United States headphones with a removable pad that			
24	reads on the apparatus described in each of the claims of U.S. Patent No. 9,185,483.			
25	SECOND CLAIM FOR RELIEF			
26		(Infringement of U.S. Design Patent D727,278)		
27	51.	Plaintiff incorporates and realleges paragraphs 1 through 50 of this		
28	Complaint.			

52. Each of the defendants has infringed and continues to infringe U.S. Design Patent D727,278 by using, selling and/or offering to sell in the United States, and/or importing into the United States headphones with a removable pad that has the same design as that depicted in U.S. Design Patent D727,278.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for relief as follows:

- 1. A judgment that each defendant has infringed the asserted design patent;
- 2. A judgment that each defendant has infringed the asserted utility patent;
- 3. An order and judgment permanently enjoining each defendant and its officers, directors, agents, servants, employees, affiliates, attorneys, and all others acting in privity or in concert with them, and their parents, subsidiaries, divisions, successors and assigns, from further acts of infringement of the asserted design patent and utility patent.
- 4. A judgment awarding Plaintiff all damages adequate to compensate for each defendant's infringement of the asserted patents, and particularly each defendant's total profits pursuant to 35 U.S.C. § 289.
- 5. A judgment awarding Plaintiff all damages, costs, and interest, including treble damages, based on any infringement found to be willful, pursuant to 35 U.S.C. § 284, together with prejudgment interest.
 - 6. An accounting of each Defendant's profits.
- 7. A judgment declaring this case to be exceptional and awarding Plaintiff its reasonable attorneys' fees pursuant to 35 U.S.C. § 285; and
- 8. Awarding Plaintiff such other and further relief as this Court deems just and proper.

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1	1 DATED: August 10, 2016 HANSO	ON BRIDGETT LLP		
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3		<u>/s/ Garner K. Weng</u> ER K. WENG		
4	4 JANIE	LIN THOMPSON		
5	5 YU, HS	ys for Plaintiff SU-SHENG		
6	6			
7	7			
8	8 DEMAND FOR JUR	DEMAND FOR JURY TRIAL		
9	9 Plaintiff Yu, Hsu-Sheng hereby demands tri	al by jury of all claims so triable.		
10	10			
11	I1 DATED: August 10, 2016 HANSC	ON BRIDGETT LLP		
12				
13	GARNE	<u>/s/ Garner K. Weng</u> ER K. WENG		
14		LIN THOMPSON ys for Plaintiff SU-SHENG		
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COMPLAINT FOR UTILITY AND DESIGN PATENT INFRINGEMENT

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