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8 **UNITED STATES DISTRICT COURT**
9 **NORTHERN DISTRICT OF CALIFORNIA**

10
11 YU, HSU-SHENG, a Taiwanese citizen,
12 Plaintiff,
13 v.
14 JOHN DOES (1-19),
15 Defendants.

Case No.

**COMPLAINT FOR UTILITY AND DESIGN
PATENT INFRINGEMENT**
DEMAND FOR JURY TRIAL

16
17 Plaintiff Mr. Yu, Hsu-Sheng, ("Plaintiff") complains and alleges as follows against
18 Defendants John Does (1-19) ("Defendants").

19 **THE PARTIES**

20 1. Plaintiff is the owner of Huanson Enterprise Co., Ltd. a company having its
21 business located at No. 107, Da-Mioa 5th 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

- 1 www.ebay.com under the name royal1015.
- 2 5. The name of John Doe 4 is unknown at present, but sells products through
- 3 www.ebay.com under the name dealsalert.
- 4 6. The name of John Doe 5 is unknown at present, but sells products through
- 5 www.ebay.com under the name outofit2810.
- 6 7. The name of John Doe 6 is unknown at present, but sells products through
- 7 www.ebay.com under the name alexikolpa_0.
- 8 8. The name of John Doe 7 is unknown at present, but sells products through
- 9 www.ebay.com under the name mayaron.
- 10 9. The name of John Doe 8 is unknown at present, but sells products through
- 11 www.ebay.com under the name 37percentoff.
- 12 10. The name of John Doe 9 is unknown at present, but sells products through
- 13 www.ebay.com under the name elite-online-products.
- 14 11. The name of John Doe 10 is unknown at present, but sells products
- 15 through www.ebay.com under the name jlmarkercomp.
- 16 12. The name of John Doe 11 is unknown at present, but sells products
- 17 through www.ebay.com under the name daniset.
- 18 13. The name of John Doe 12 is unknown at present, but sells products
- 19 through www.ebay.com under the name sunboy311.
- 20 14. The name of John Doe 13 is unknown at present, but sells products
- 21 through www.ebay.com under the name unbeatableales.
- 22 15. The name of John Doe 14 is unknown at present, but sells products
- 23 through www.ebay.com under the name paulsaccount2.
- 24 16. The name of John Doe 15 is unknown at present, but sells products
- 25 through www.ebay.com under the name lemonzinnia.
- 26 17. The name of John Doe 16 is unknown at present, but sells products
- 27 through www.ebay.com under the name apc_sales.
- 28 18. The name of John Doe 17 is unknown at present, but sells products

1 through www.ebay.com under the name mygoods.

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

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

6 **JURISDICTION AND VENUE**

7 21. This is an action for patent infringement arising under the patent laws of the
8 United States, 35 U.S.C. § 271 et seq.

9 22. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331
10 and 1338.

11 23. This Court has personal jurisdiction over each Defendant because, upon
12 information and belief, it has committed and continues to commit acts of infringement in
13 violation of 35 U.S.C. § 271, and places infringing products into the stream of commerce
14 in the District, with the knowledge or understanding that such products are sold in the
15 State of California, including in this District. The acts by each Defendant cause injury to
16 Plaintiff within this District. Upon information and belief, Defendant derives substantial
17 revenue from the sale of infringing products within this District, expects its actions to
18 have consequences within this District, and derives substantial revenue from interstate
19 commerce.

20 24. Venue is proper within this District under 28 U.S.C. §§ 1391(b) and (c) and
21 1400(b).

22 **INTRADISTRICT ASSIGNMENT**

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

25 **BACKGROUND FACTS**

26 26. Mr. Yu is the owner by way of assignment of U.S. Patent No. 9,185,483
27 and U.S. Design Patent D727,278, copies of which are attached hereto as Exhibits A
28 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.

