

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

E-LINK TECHNOLOGY CO., LTD.,)	
)	
Plaintiff,)	
)	
v.)	Case No.:
)	
SHENZHEN CHITADO TECHNOLOGY CO., LTD. and)	JURY TRIAL DEMANDED
Unknown Persons and/or Entities doing business under)	
Amazon Seller IDs “MAGIC HOVER” and “GYROOR”,)	
)	
Defendants.)	

PLAINTIFF’S COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff E-Link Technology Co., Ltd. (“E-Link”), by its attorneys, for its Complaint against Defendants Shenzhen Chitado Technology Co., Ltd. (“Chitado”) and the Unknown Persons and/or Entities doing business under Amazon Seller IDs “Magic Hover” and “Gyroor” (collectively, the “Amazon Defendants” and with Chitado, collectively, “Defendants”), states as follows:

NATURE OF THE CASE

1. This is an action for patent infringement arising under the patent laws of the United States, 35 U.S.C. § 1 *et seq.*, including 35 U.S.C. §§ 271, 281, 283, 284, and 285.

PARTIES

2. E-Link is a company organized and existing under the laws of China, with its principal place of business at A1 Block, Shi’ao 2nd Industrial Park, Langjing Road, Dalang, Longhua, Shenzhen, China, 518109.

3. On information and belief, Chitado is a company organized and existing under the laws of the People’s Republic of China, with its principal place of business at Floor 3, Building D, Fuqian Road, Guanlan town, Longhua district, Shenzhen, Guangdong, China.

4. Chitado is the owner of the Gyroor Trademark. A true and correct copy of the U.S. Gyroor Trademark Registration is attached as Exhibit 1 to this Complaint.

5. The specimen submitted to the USPTO for the Gyroor Trademark registration application is shown below (the specimen and partially enlarged thereof):



6. The specimen of use filed with the USPTO is likely fraudulent and has been digitally altered in an attempt to show use of the Gyroor trademark, as shown below:

<p>Gyroor trademark drawing that was submitted together with the federal trademark application.</p>	
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<p>Partial image of Gyroor mark used as specimen of use.</p>	
<p>Partial image of Gyroor mark actually used on one of its products.</p>	
<p>Image of Gyroor mark used in its website (gyroor.com).</p>	

7. On information and belief, Chitado manufactures and/or induces a third party to manufacture hoverboard products under its Gyroor trademark (the “Gyroor hoverboards”).

8. On information and belief, Chitado, itself, or through its subsidiaries and/or affiliates, imports the Gyroor hoverboards into the United States.

9. Chitado offered to sell, sold, and/or distributed the Gyroor hoverboards in the United States. Ex. 2 (Web page printouts of www.gyroor.com).

10. The Amazon Defendants are the Unknown Persons and/or Entities that promoted, offered for sale, sold, and distributed products infringing E-Link’s patent rights, within this District and elsewhere, through the Internet-based e-commerce store Amazon.com (“Amazon”) and using Amazon seller identities (“Seller ID”).

11. Amazon Seller ID “Magic Hover” (“Amazon Defendant 1”) is a person or entity of unknown identity, citizenship and residence.

12. On information and belief, Amazon Defendant 1 is an Amazon seller known by its Amazon Seller ID, and is a foreign person or entity selling Gyroor hoverboards, a product that is manufactured in China and sold or offered for sale in the United States through the Amazon website.

13. Amazon Defendant 1 offered to sell, sold, and/or distributed the Gyroor hoverboards in the United States. Ex. 3 (Amazon Defendant 1 offering to sell the Gyroor hoverboards on its Amazon seller page); Ex. 4 (Amazon order confirming purchase of the Gyroor hoverboards from Amazon Defendant 1 by a resident located in this District).

14. Amazon Seller ID “Gyroor” (“Amazon Defendant 2”) is a person or entity of unknown identity, citizenship and residence.

15. On information and belief, Amazon Defendant 2 is an Amazon seller known by its Amazon Seller ID, and is a foreign person or entity selling Gyroor hoverboards, a product that is manufactured in China and sold or offered for sale in the United States through the Amazon website.

16. Amazon Defendant 2 offered to sell, sold, and/or distributed the Gyroor hoverboards in the United States. Ex.5 (Amazon Defendant 2 offering to sell the Gyroor hoverboards on its Amazon seller page).

JURISDICTION AND VENUE

17. The Court has jurisdiction under 28 U.S.C. §§ 1331 and 1338(a) because the claims arise under 35 U.S.C. § 271 for patent infringement.

18. The Court has personal jurisdiction over Defendants because, as described further below, Defendants have committed and continue to commit acts of patent infringement within

the State of Illinois and has thus established minimum contacts such that the exercise of personal jurisdiction over Defendants does not offend traditional notions of fair play and substantial justice. Specifically, Defendants directly target consumers in the United States, including in Illinois, through both the fully interactive website at <https://www.Gyroor.com> (last visited December 15, 2019) and through their Amazon stores. Exs. 2, 3, and 5.

19. Venue is proper in this judicial district under 28 U.S.C. §1400(b) and 28 U.S.C. § 1391(c)(3) because Chitado is a foreign corporation with no regular and established place of business in the United States and the Amazon Defendants are, on information and belief, foreign persons or entities that have committed acts of infringement and have an established place of business in this district by selling infringing products into this district via Amazon, which is readily available and accessible to residents of this District.

THE PATENTS-IN-SUIT

The '081 Patent

20. The U.S. Patent Number US 10,358,081 (“the '081 Patent”), entitled “WHEELED VEHICLE AND WHEEL OF THE SAME,” was duly and legally issued by the United States Patent and Trademark Office on July 23, 2019. The named inventors of the '081 Patent are Pingzhi Li, Minyi Chen, and Xihui Jiang. E-link is the assignee of the '081 Patent. A true and correct copy of the '081 Patent is attached as Exhibit 6 to this Complaint.

21. E-link is the lawful owner of the patent in suit and has all right, title and interest in and to the Defendants.

22. The inventions claimed in the '081 Patent relate generally to a novel wheel design of vehicles, including but not limited to: wheels on hoverboards.

23. More specifically, an invention disclosed in the '081 Patent is a wheeled vehicle and a wheel of the wheeled vehicle with a light emitting module, which includes a Light

Emitting Diode (LED) light bar, a flat mirror and a two-way mirror, the LED light bar is arranged between the flat mirror and the two-way mirror; and both a mirror surface of the flat mirror and a reflective surface of the two-way mirror face the LED light bar. Ex. 6, at 1:41-48.

24. With the patented structure, the wheel appears to have LED lights extending indefinitely into the interior of the wheel (*Id.* at 2:19-36), which may be referred as the “endless lights” effect.

25. The wheel described hereinabove may be attached to, without limitations, a scooter, a balanced scooter, an electric scooter. *Id.* at 5:15-17.

THE E-LINK PRODUCT

26. E-Link sells its patented hoverboard products under the brand name “Hyper GoGo” and other OEM brands (collectively, the “E-Link’s Patented Products”), through its authorized online retailers such as those on Amazon.com (last visited December 23, 2019). Pictures of the E-Link’s Patented Products under the WORMHOLE brand, with wheels having the “endless lights” effect, is provided below:



27. As of the filing of this Complaint, the E-Link's Patented Products are offered for sale on Amazon between \$150 and \$200. For example, it is offered for sale at \$189.00 with free shipping, before tax.

28. The E-Link's Patented Products embodies at least claims 1 - 3, 7 - 13, and 18 - 20 of the '081 Patent.

THE GYROOR HOVERBOARDS

29. In or around November 2019, E-Link first noticed that Chitado made, used, sold, offered to sell, and/or imported the Gyroor hoverboards having a model number T581 (the Accused Products") in the United States.

30. E-Link immediately communicated with Chitado, and requested the later to cease and desist from its infringing activities.

31. Despite the written request, Defendants including Chitado continuously and willfully made, used, sold, offered to sell, and/or imported the Accused Products in the United States.

32. The Accused Products are advertised at least on the Gyroor website. Ex. 7 (<https://gyroor.com/collections/6-5inch-hoverboard/products/gyroor-t581-hoverboard-6-5-off-road-all-terrain-hoverboards-with-bluetooth-speaker-and-led-lights-two-flashing-wheels-self-balancing-hoverboard-with-app-and-ul2272-certified-for-kids-adultsblack> (last visited December 23, 2019)).

33. The Accused Products are available for purchase throughout the United States at least on the Amazon website. Exs. 3 and 5.

34. Amazon Defendant 1 sold, sells, and/or offers to sell the Accused Products in this District. Exs. 3-4.

35. Amazon Defendant 2 sold, sells, and/or offers to sell the Accused Products in this District. Ex. 5.

36. The wheels of Accused Products copy patented elements of that of the E-Link Patented Products, as shown in the pictures below and in the claim charts attached hereto as Exhibit 8:



37. Amazon Defendant 1 and Amazon Defendant 2 describe the Accused Products with “Flashing Wheels & Equipped with the most fashionable flashing colorful lights on the wheels, . . . will be so bright thanks to their lights”, and “will bring you a fanatic experience.” Ex. 4 at 1; Ex. 6 at 1.

38. At all relevant times, each of the Accused Products has included at least a wheel with a light emitting module, which includes a Light Emitting Diode (LED) light bar, a flat mirror and a two-way mirror. The LED light bar is arranged between the flat mirror and the two-way mirror; and both a mirror surface of the flat mirror and a reflective surface of the two-way mirror face the LED light bar.

39. At all relevant times, each of the Accused Products has included at least a wheel that appears to have LED lights extending indefinitely into the interior of the wheel, or the endless lights effect.

COUNT I – DIRECT INFRINGEMENT OF THE '081 Patent

40. E-Link realleges paragraphs 1 through 39 above as though fully set forth herein.

41. In violation of 35 U.S.C. §§ 271(a) Defendants have directly infringed, and continue to directly infringe, at least Claims 1 - 3, 7 - 13, and 18 - 20 of the '081 Patent, either literally and/or under the doctrine of equivalents, by making, using, offering to sell, selling, and/or importing infringing hoverboard products, including the Accused Products. See Exs. 2-8.

42. Defendants, directly and/or through their subsidiaries, affiliates, agents, and/or business partners, have committed and continue to commit acts of indirect infringement, including at least claims 1 - 3, 7 - 13, and 18 - 20 of the '081 Patent, pursuant to 35 U.S.C. §§ 271(b) by actively inducing the acts of direct infringement performed by others.

43. Defendants have induced and continue to induce, through affirmative acts, third-parties, such as their manufacturers, suppliers, and distributors, to directly infringe the '081 Patent by making, using, selling, and/or importing the Accused Products.

44. The affirmative acts of inducement by Defendants include, but are not limited to, any one or a combination of: (i) soliciting and sourcing the manufacture of the Accused Products; (ii) licensing and transferring technology and know-how to enable the manufacture of

the Accused Products; (iii) enabling and encouraging the use, sale, or importation of the Accused Products; (iv) enabling and encouraging the use, sale, or importation of the Accused Products by at least the Amazon Defendants; and (v) advertising the infringing processors and/or technology.

45. Defendants knew that the induced conduct would constitute infringement, and intended that infringement at the time of committing the aforementioned acts, such that the acts and conduct have been and continue to be committed with the specific intent to induce infringement, or deliberately avoiding learning of the infringing circumstances at the time of committing these acts so as to be willfully blind to the infringement that was induced.

46. E-Link provided Defendants with actual notice of its infringement of the '081 Patent.

47. Defendants knew or should have known that their actions of making, using, offering to sell, or selling, and/or importing the Accused Products constituted infringement of the '081 Patent.

48. E-Link is entitled to damages in accordance with 35 U.S.C. §§ 271, 281, 284, and 287.

49. Defendants' infringement of the '081 Patent has injured and/or will continue to injure E-Link and E-Link is entitled to recover damages adequate to compensate it for Defendants' infringement, which in no event can be less than a reasonable royalty.

50. Defendants' infringement of the '081 Patent has caused and continues to cause irreparable harm to E-Link through lost sales and price erosion and E-Link is thus entitled to preliminary and permanent injunctive relief to prevent Defendants' continued infringement.

JURY DEMAND

51. E-Link demands a trial by jury on any and all issues triable of right before a jury pursuant to Rule 38 of the Federal Rules of Civil Procedure.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff E-Link requests that judgment be entered in favor of E-Link and against the Defendants, and that E-Link be granted the following relief:

- (i) A declaration that Defendants have directly infringed one or more claims of the '081 Patent, either literally and/or under the doctrine of equivalents;
- (ii) A declaration that the '081 Patent is valid and enforceable;
- (iii) Preliminary and permanent injunctive relief barring Defendants from continuing to make, sell, offer for sale, or import the Gyroor hoverboards into the United States;
- (iv) An award of damages sufficient to compensate E-Link for Defendants' infringement of the '081 Patent pursuant to 35 U.S.C. § 284;
- (v) An award of prejudgment and post-judgment interest pursuant to 35 U.S.C. § 284;
- (vi) Treble damages for willful infringement as permitted under 35 U.S.C. § 284;
- (vii) An award of attorneys' fees incurred in prosecuting this action, on the basis that this is an exceptional case provided by 35 U.S.C. § 285; and
- (viii) Such other and further relief as this Court shall deem appropriate.

Dated: December 27, 2019

Respectfully submitted,

/s/ William J. Leonard
One of the Attorneys for Plaintiff

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