

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

IP POWER HOLDINGS LIMITED,

Plaintiff,

-vs-

NINGBO HITORHIKE OUTDOOR CO.,  
LTD.

Defendant.

Civil Action No. \_\_\_\_\_

**JURY TRIAL DEMANDED**

**COMPLAINT FOR PATENT INFRINGEMENT**

Plaintiff IP Power Holdings Limited (“Plaintiff” or “IP Power”), for its Complaint against Defendant Ningbo Hitorhike Outdoor Co., Ltd. (“Defendant”) for infringement of one or more claims of U.S. Patent No. 6,637,811 (the “‘811 Patent”), hereby alleges, on personal knowledge as to its own activities and on information and belief as to all other matters, as follows:

**NATURE OF THE ACTION**

1. This is an action for patent infringement arising under the Patent Laws of the United States, 35 U.S.C. § 1 et seq.

**PARTIES**

2. Plaintiff IP Power Holdings Limited is a British Virgin Islands corporation, with a principal place of business at P.O. Box 438, Road Town, Tortola, British Virgin Islands.

3. On information and belief, Defendant Ningbo Hitorhike Outdoor Co., Ltd. is an entity organized and existing under the laws of China, with a place of business at Rm101,

Bldg.B, Meishan Petrochemical Trading Bldg., Beilun Dist., Ningbo, Zhejiang, China 315800.

4. On information and belief, Defendant manufactures, imports into, distributes, sells and/or offers to sell products and services throughout the United States, including in this judicial district; and introduces products and services into the stream of commerce including those which incorporate infringing technology, knowing that they would be sold in this judicial district and elsewhere in the United States.

5. Defendant's products and services include those sold under its Hitorhike brand name which are sold throughout the country and in this judicial district via online platforms and/or traditional brick and mortar retail stores.

6. On information and belief, Defendant has applied for and obtained trademark registration with the United States Patent and Trademark Office ("USPTO") relating to purported marks involving its Hitorhike brand, including marks used in connection with its infringing goods.

7. According to USPTO public records, Defendant is represented by U.S. counsel in said matters and in connection with their U.S. trademarks. Attempts to reach counsel by email result in the following form electronic response: "Please be aware that this office is not authorized to accept any correspondence, letter, or legal document for the applicant, except those from the USPTO."

### **JURISDICTION AND VENUE**

8. This action arises under the the Patent Laws of the United States, 35 U.S.C. § 1 et seq. This Court has jurisdiction over the subject matter of this action under 28 U.S.C. §§ 1331 and 1338(a).

9. This Court has jurisdiction over Defendant because, *inter alia*, Defendant has

significant contacts with the State of New York; Defendant has purposefully availed themselves of the privileges of conducting business in New York; Defendant regularly conducts business within New York, and Plaintiff's cause of action arises directly from Defendant's business contacts and other activities in New York, including Defendant's distribution, import, sales and/or offers to sell infringing product in New York.

10. Venue is proper in this judicial district pursuant to 28 U.S.C. § 1391(c)(3) and controlling law (*see e.g., In re HTC Corp.*, 889 F.3d 1349 (Fed. Cir. 2018); *Brunette Machine Works, Ltd. v. Kockum Industries, Inc.*, 406 U.S. 706 (1972)) for the foregoing reasons and because Defendant has committed acts of infringement in this judicial district specifically.

### **FACTUAL BACKGROUND**

11. IP Power is the sole assignee and owner of the '811 Patent, and holds all rights, title and interest in and to the '811 Patent including the sole right to enforce the '811 Patent.

12. A true and correct copy of the '811 Patent is attached hereto as **Exhibit 1**.

13. The '811 Patent is directed to, *inter alia*, a collapsible chair with tensioned seat.

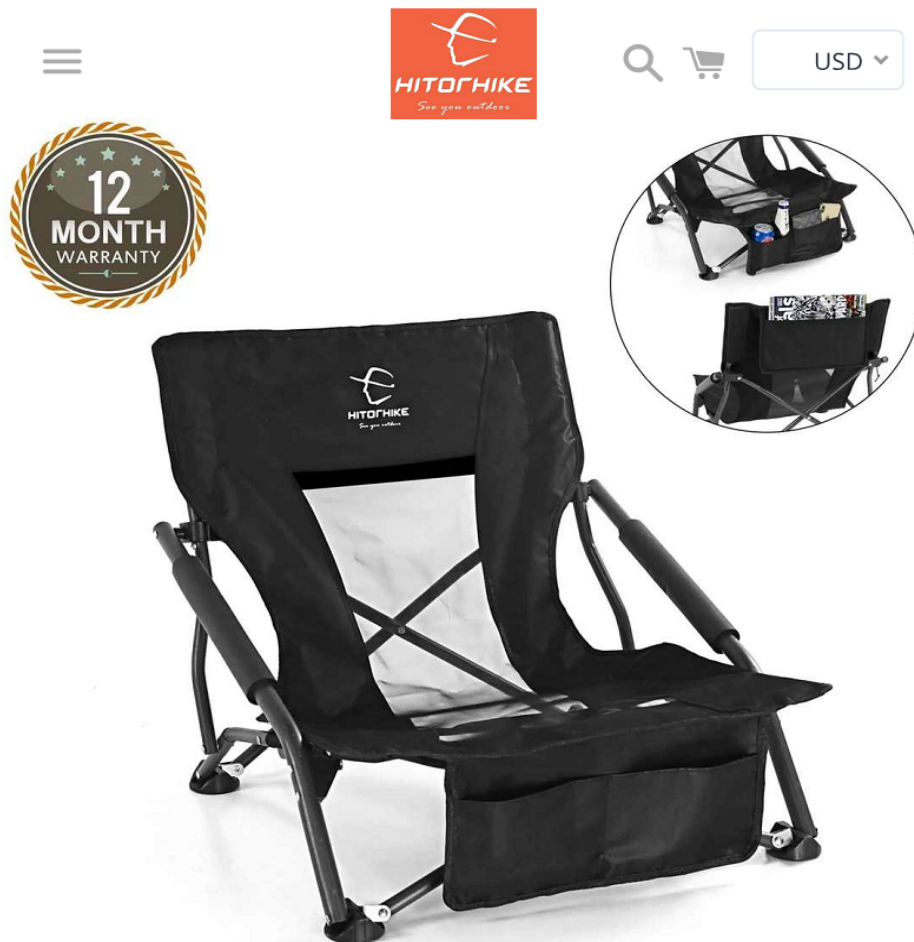
14. IP Power is in compliance with 35 U.S.C. § 287 with respect to the '811 Patent.

15. Since its issuance, the '811 Patent has been widely infringed by companies throughout the country operating in the outdoors and furniture industries, including the past and present infringement by Defendant as alleged herein.

16. By way of example, Claim 1 of the '811 Patent is directed to: A collapsible chair, comprising: a pair of front legs, a pair of rear legs, a pair of back support rods, a seat having a first side and a second side, and a cross brace with a first and second end, the first end coupled to one of the rear legs, and the second end slidably coupled to one of the back support rods via a coupling element; wherein the coupling element further slidably couples one of the front legs to

the one of the back support rods; wherein the first and second sides of the seat are coupled along at least part of their length to the pair of rear legs, respectively, such that the seat is supported between the rear legs; and wherein the front legs, the rear legs, the cross brace, and the back support rods are coupled in a manner such that the chair collapses in a single movement in which the front legs approximate each other when the seat pivots towards the back support rods.

17. On information and belief, Defendant manufactures, imports into, distributes, offers to sell and sells, *inter alia*, outdoor products throughout the United States on various online platforms including its own website hitorhike.com (as demonstrated in the image *infra*), and other platforms such as Amazon.com, and/or in traditional brick and mortar retailers stores throughout this country.







18. Defendant manufactures, imports into, distributes, offers to sell and sells at least their “Hitorhike Low Sling beach camping concert folding chair,” (hereinafter “the Accused Product,”) on at least the following sites:

- <https://www.amazon.com/HITORHIKE-Camping-Concert-Armrests-Breathable/dp/B08FBGWNVH>;
- <https://www.hitorhike.com/products/hitorhike-low-sling-beach-camping-concert-folding-chair-with-armrests-and-breathable-nylon-mesh-back-compact-and-sturdy-chair>
- [https://jacobsowelloutfitters.com/products/hitorhike-low-sling-beach-chair?currency=USD&variant=35015313784990&utm\\_medium=cpc&utm\\_source=google&utm\\_campaign=Google%20Shopping&gclid=CjwKCAjw\\_o-HBhAsEiwANqYhp41xWWyYfRv61eF2JuPvMbcYXRlyhYFfZyYWHR03ZzxMJUQC4OK5-xoCmDcQAvD\\_BwE](https://jacobsowelloutfitters.com/products/hitorhike-low-sling-beach-chair?currency=USD&variant=35015313784990&utm_medium=cpc&utm_source=google&utm_campaign=Google%20Shopping&gclid=CjwKCAjw_o-HBhAsEiwANqYhp41xWWyYfRv61eF2JuPvMbcYXRlyhYFfZyYWHR03ZzxMJUQC4OK5-xoCmDcQAvD_BwE)

19. The Accused Product infringes one or more claims of the ‘811 Patent including ‘811 Patent Claim 1 as described in detail *infra*.

20. By way of example, the Accused Product infringes at least Claim 1 of the ‘811 Patent as evidenced by the following claim chart.

## U.S. Patent No. 6,637,811 Claim Chart

<i>Plaintiff's Patent No. 6,637,811 Claim 1</i>	<i>Defendant's Hitorhike Low Sling Beach Chair</i>
A collapsible chair, comprising:	The accused product case contains the folded chair: 
a pair of front legs, a pair of rear legs, a pair of back support rods, a seat having a first side and a second side, and a cross brace with a first and second end, the first end coupled to one of the rear legs, and the second end slidably coupled to one of the back support rods via a coupling element;	These elements are all seen in this photograph of the accused product: 
wherein the coupling element further slidably couples one of the front legs to the one of the back support rods;	The sliding coupling element of the accused product is depicted here: 
wherein the first and second sides of the seat are coupled along at least part of their length to the pair of rear legs, respectively, such that the seat is supported between the rear legs; and	The seat of the accused product is supported between the rear legs: 
wherein the front legs, the rear legs, the cross brace, and the back support rods are coupled in a manner such that the chair collapses in a single movement in which the front legs approximate each other when the seat pivots towards the back support rods.	As noted, the accused product case contains the folded chair, also known as a collapsible chair.  Thus, all limitations of Claim 1 are satisfied.

21. Defendant has had constructive knowledge of the ‘811 Patent since the ‘811 Patent’s issuance on October 28, 2003.

22. Defendant has had at least actual knowledge of the ‘811 Patent since no later than May 20, 2021, when IP Power wrote to Defendant by letter and advised it of its infringement of the ‘811 Patent, attaching a copy of the patent thereto.

23. Because of its infringing acts, Defendant has caused damages to IP Holdings in an amount to be determined by the Court, but no less than a reasonable royalty.

**COUNT 1**  
**(Direct Infringement of the ‘811 Patent)**

24. On October 28, 2003, the ‘811 Patent entitled, “COLLAPSIBLE BEACH CHAIR WITH TENSIONED SEAT” was duly and legally issued by the United States Patent and Trademark Office (“USPTO”).

25. Plaintiff IP Power is the sole assignee and owner of all rights, title and interest in and to the ‘811 Patent and possesses all rights of recovery under the ‘811 Patent, including the sole right to sue for infringement and recover past and current damages.

26. The ‘811 Patent claims, *inter alia*, a collapsible chair that has a pair of front legs, a pair of rear legs, a pair of back support rods, a seat, and a cross brace that slidably couples one of the back support rods to one end of the cross brace and one of the front legs. The legs, support rods and cross brace are coupled such that the chair collapses in a single movement in which the front legs approximate each other when the seat pivots towards the back support rods.

27. On information and belief, and in violation of 35 U.S.C. § 271(a), Defendant has literally and under the doctrine of equivalents, infringed at least claim 1 of the ‘811 Patent by, making, using, importing, distributing, offering for sale, and/or selling infringing collapsible chairs that meet each limitation of the ‘811 Patent claims, including the Accused Product.

28. Defendant has manufactured, imported, distributed, offered to sell and/or sold the Accused Product in the United States as described *supra*.

29. The Accused Product infringes at least Claim 1 of the '811 Patent as it contains all of the limitations of that claim. Specifically, Claim 1 of the '811 Patent requires that an accused product be comprised of: A collapsible chair, comprising: a pair of front legs, a pair of rear legs, a pair of back support rods, a seat having a first side and a second side, and a cross brace with a first and second end, the first end coupled to one of the rear legs, and the second end slidably coupled to one of the back support rods via a coupling element; wherein the coupling element further slidably couples one of the front legs to the one of the back support rods; wherein the first and second sides of the seat are coupled along at least part of their length to the pair of rear legs, respectively, such that the seat is supported between the rear legs; and wherein the front legs, the rear legs, the cross brace, and the back support rods are coupled in a manner such that the chair collapses in a single movement in which the front legs approximate each other when the seat pivots towards the back support rods.

30. As seen in the claim chart *supra*, the Accused Product meets each limitation of Claim 1 of the '811 Patent and therefore infringes the same.

31. Prior to the filing of this action, Defendant had knowledge of the '811 Patent by at least IP Power's Letter dated May 20, 2021.

32. Defendant's infringement of the '811 Patent has been and continues to be, willful, deliberate and intentional. Indeed, Defendant has continued its infringing conduct despite being placed on notice of the '811 Patent and its infringement which supports treble damages in this action.

33. This is an exceptional case and IP Power is entitled to an award of its reasonable



attorney fees under 35 U.S.C. § 285.

**PRAYER FOR RELIEF**

WHEREFORE, IP Power respectfully requests from this Court the following relief:

- A. Judgment that Defendant has infringed one or more claims of the '811 Patent;
- B. Grant of a permanent injunction that Defendant, its officers, agents, employees, and those acting in privity or concert with them, including distributors, retailers and customers, be enjoined from further infringement of the '811 Patent;
- C. A finding that this is an exceptional case with an award of attorneys' fees in favor of Plaintiff pursuant to 35 U.S.C. § 285;
- D. A finding that Defendant's infringement has been willful under 35 U.S.C. § 284 and awarding treble damages;
- E. Award of damages in an amount adequate to compensate IP Power for Defendant's infringement of the '811 Patent but no less than a reasonable royalty;
- F. Award of pre-judgment and post-judgment interest; and
- G. Such other further relief as this Court may deem just and proper.

**REQUEST FOR JURY TRIAL**

Plaintiff request a trial by jury pursuant to Rule 38 of the Federal Rules of Civil Procedure of all issues raised that are triable by jury.

Dated: August 5, 2021

Respectfully submitted,

/s/ Lucian C. Chen

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