

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

dlhBOWLES, Inc.,)	Case No. 5:21-cv-170
)	
Plaintiff,)	Judge Sara Lioi
)	
v.)	
)	Jury Trial Demanded
Jiangsu Riying Electronics Co., Ltd.)	
)	
Defendant.)	

Proposed First Amended Complaint

For its complaint against Jiangsu Riying Electronics Co., Ltd., dlhBOWLES, Inc. (“dlhBOWLES”) states as follows:

Summary Of Case

1. dlhBOWLES is a Canton, Ohio company that is the recognized leader in the design, development, manufacture, and sales of automotive washer nozzles and fluidic nozzles. dlhBOWLES has extensively researched, developed, and patented unique and valuable technology related to washer nozzle devices for use by the automotive and consumer products industries.

2. dlhBOWLES has developed and owns a large number of patents related to its extensive research and development work related to automotive washer nozzle and fluidic nozzle inventions, two such patents it asserts here: U.S. Patent No. 8,662,421 (the “421 patent”), attached as Exhibit A, and U.S. Patent No. 7,014,131 (the “131 patent”), attached as Exhibit B.

3. dlhBOWLES manufactures, sells, and supplies various embodiments of spray nozzle and fluidic nozzle devices that are protected by the '421 patent and '131 patent.

4. Defendant is working to manufacture in China and then import and sell in the U.S. spray nozzle devices that infringe both the '421 patent and '131 patent, and appear to be direct knock-offs of dlhBOWLES' spray nozzle and fluidic nozzle devices. Because the spray nozzle and fluidic nozzle devices are patented by dlhBOWLES, Riying's activities constitute patent infringement.

5. The '421 patent is directed to an adjustable fluidic sprayer used on vehicles to apply wash liquid on windshields by utilizing a reduced size configuration of the nozzle housing while maintaining desired fluid spray characteristics.

6. The '131 patent is directed to a fluidic nozzle for multiple spray devices for automotive and other applications.

7. dlhBOWLES sues to enjoin Defendant's infringement and to obtain monetary relief.

The Parties

8. dlhBOWLES is an Ohio corporation with a principal place of business in Canton, Ohio.

9. Jiangsu Riying Electronics Co., Ltd. ("Riying") is a Chinese company that does business in the U.S. and imports and sells products, including the infringing spray nozzle device, in the U.S. According to Riying's website (www.riyingcorp.com/eng), its

principal place of business is Fangmao Village, Hengshanqiao Town, Economic Development Zone, Changzhou City, Jiangsu Province, China.

Jurisdiction and Venue

10. This Court has subject matter jurisdiction over dlhBOWLES' patent infringement claims under 28 U.S.C. § 1331 and § 1338 because it arises under federal law and, more specifically, under the U.S. Patent Act, 35 U.S.C. § 1 *et seq.*

11. This Court has personal jurisdiction over Riying at least because, among other things, upon information and belief, they do business in Ohio; have willfully infringed at least the '421 patent and '131 patent on various grounds, including (without limitation) because it has offered to sell and, upon information and belief, has actually sold and shipped products infringing the '421 patent and '131 patent in Ohio; it has caused tortious harm to dlhBOWLES in Ohio resulting from its infringing activities; and, upon information and belief, it has regularly solicited business in Ohio, engaged in a persistent course of conducting business in Ohio, and derived substantial revenue from goods sold in Ohio. Personal jurisdiction is otherwise proper because Riying has the requisite minimum contacts with Ohio under Ohio's long-arm statute to warrant this Court's exercise of personal jurisdiction.

12. Venue is proper under 28 U.S.C. § 1391 at least because Riying is subject to personal jurisdiction in this district under Ohio law and, therefore, reside in the Northern District of Ohio according to federal law.

Relevant Facts

I. dlhBOWLES' Rights

13. Since around 1958, dlhBOWLES and its predecessors and affiliates have continually designed, produced, manufactured, and marketed a wide array of engineered products related to fluidic amplifiers, injection moldings, and related goods and accessories supplied to automotive businesses, wholesaler-distributors, and retail markets.

14. dlhBOWLES is the recognized leader in the design, development, manufacture, and sales of automotive washer nozzles and owns proprietary fluidic nozzle technology that provides superior performance over its competitor's products.

15. Some of dlhBOWLES' most important inventions are directed to nozzles that incorporate "fluidic oscillation" technology that provides advantages over prior nozzles by including: a more efficient distribution of liquid while the vehicle is moving; liquid spray distribution in a defined shape that covers the windshield or surface in a superior manner while efficiently applying liquid to that surface; a reduced size nozzle housing; and a prolonged life of the vehicle fluid system.

16. Recognizing dlhBOWLES' unique and useful inventions, the United States Patent and Trademark Office has issued numerous patents to dlhBOWLES, including the '421 patent and '131 patent.

17. The '421 patent issued on March 4, 2014, is owned exclusively by dlhBOWLES, and is directed to a manually adjustable fluidic sprayer device and a method for assembling the manually adjustable fluidic spray device.

18. The '131 patent issued on March 21, 2006, is owned exclusively by dlhBOWLES, and is directed to fluidic nozzles for multiple spray devices for automotive and other applications.

II. Riying's Wrongful Acts

19. Riying is making, importing, using, selling, and/or offering to sell nozzle products in the United States that are covered by one or more claims of the '421 patent and the '131 patent, including, without limitation, a ball mount spray nozzle device (including at least as including Part No. E2UB) and a fluidic nozzle device (the "Accused Products").

20. Upon information and belief, Riying is a Chinese business that manufactures nozzles in China then imports, sells, and offers to sell those products into the U.S. either directly or through the use of intermediary partners.

21. Among its various methods of sale, Riying has been selling and intends to continue to sell the Accused Products to a long-time customer of dlhBOWLES for use in that customer's automobiles.

22. Riying has knowledge of the '421 patent and '131 patent because both patents and all other patents owned by dlhBOWLES are listed on its virtual patent marking website at dlhbowles.com/patent in accordance with federal law under 35 U.S.C. § 287(a). Additionally, dlhBOWLES informed Riying of its ownership of the '421 patent and '131 patent when it became aware of the infringing actions by Riying. Therefore, Riying has actual knowledge of the '421 patent and '131 patent, and Riying is willfully infringing both the '421 patent and '131 patent.

23. Riying's willful infringement has caused financial harm to dlhBOWLES and irreparable harm, which will continue unless an injunction issues.

Count One
Patent Infringement

24. dlhBOWLES incorporates by reference all preceding allegations in this complaint as if fully rewritten herein.

25. The Accused Products are covered by one or more claims of the '421 patent, under any reasonable construction of its claim terms. The Accused Products directly infringe at least claim 1 of the '421 patent as illustrated by the claim chart attached as Exhibit C.

26. Riying has directly infringed, and continues to directly infringe, the '421 patent at least by importing, selling, offering to sell, using, and/or making the Accused Products in the United States.

27. The Accused Products' only commercial use are as nozzles for spraying applications.

28. Any use of the Accused Products as nozzles for spraying applications is an act of direct infringement of the '421 patent.

29. Because the sole intended use of the Accused Products are an infringing use, the Accused Products have no substantial non-infringing uses.

30. Riying has induced infringement of the '421 patent because, with knowledge of the '421 patent, it intentionally and actively induced end users of the Accused Products to use them in a manner that infringes the '421 patent with specific intent that they do so.

31. Riying has further induced infringement of the '421 patent by selling the Accused Products to General Motors Company and/or its subsidiaries, affiliates, partners, joint-ventures, owners, including SAIC General Motors Corporation Limited with specific intent that they infringe the '421 patent by reselling the Accused Products to others.

32. Riying has contributed to infringement of the '421 patent by selling the Accused Products, which have no substantial use other than an infringing use as nozzles for spray applications.

33. Riying's infringements of the '421 patent were, and continue to be, willful and deliberate.

34. dlhBOWLES has been damaged by Riying's infringing activities, and it will continue to be irreparably injured unless the infringing activities are enjoined by this Court.

Count Two
Patent Infringement

35. dlhBOWLES incorporates by reference all preceding allegations in this complaint as if fully rewritten herein.

36. The Accused Products are covered by one or more claims of the '131 patent, under any reasonable construction of its claim terms. The Accused Products directly infringe at least claim 1 of the '131 patent as illustrated by the claim chart attached as Exhibit D.

37. Riying has directly infringed, and continues to directly infringe, the '131 patent at least by importing, selling, offering to sell, using, and/or making the Accused Products in the United States.

38. The Accused Products' only commercial use is as a fluidic insert for multiple spray devices for automotive and other applications.

39. Any use of the Accused Products as a fluidic insert for spraying applications is an act of direct infringement of the '131 patent.

40. Because the sole intended use of the Accused Products is an infringing use, the Accused Products have no substantial non-infringing uses.

41. Riying has induced infringement of the '131 patent because, with knowledge of the '131 patent, it intentionally and actively induced end users of the Accused Products to use them in a manner that infringes the '131 patent with specific intent that they do so.

42. Riying has further induced infringement of the '131 patent by selling the Accused Products to General Motors Company and/or its subsidiaries, affiliates, partners, joint-ventures, owners, including SAIC General Motors Corporation Limited with specific intent that they infringe the '131 patent by reselling the Accused Products to others.

43. Riying has contributed to infringement of the '131 patent by selling the Accused Products, which have no substantial use other than an infringing use as nozzles for spray applications.

44. Riying's infringements of the '131 patent were, and continue to be, willful and deliberate.

45. dlhBOWLES has been damaged by Riying's infringing activities, and it will continue to be irreparably injured unless the infringing activities are enjoined by this Court.

Prayer for Relief

WHEREFORE, dlhBOWLES prays for judgment against Riying as follows:

- (i) A finding that Riying has directly infringed one or more claims of the '421 patent under 35 U.S.C. § 271(a).
- (ii) A finding that Riying has induced infringement of one or more claims of the '421 patent under 35 U.S.C. § 271(b).
- (iii) A finding that Riying has contributed to the infringement of one or more claims of the '421 patent under 35 U.S.C. § 271(c).
- (iv) A finding that Riying has directly infringed one or more claims of the '131 patent under 35 U.S.C. § 271(a).
- (v) A finding that Riying has induced infringement of one or more claims of the '131 patent under 35 U.S.C. § 271(b).
- (vi) A finding that Riying has contributed to the infringement of one or more claims of the '131 patent under 35 U.S.C. § 271(c).
- (vii) Preliminary and permanent injunctive relief enjoining Riying and its officers, directors, managers, employees, affiliates, agents, representatives, parents, subsidiaries, successors, assigns, those in privity with them, and all others aiding, abetting, or acting in concert or active participation therewith, from: (1) making, using, selling, offering to sell, or importing into the U.S. any device covered by the '421 patent or '131 patent; or (2) otherwise directly or indirectly infringing the '421 patent or '131 patent.
- (viii) Compensatory damages under 35 U.S.C. § 284.
- (ix) Enhanced damages under 35 U.S.C. § 284.

(x) An order that Riying accounts to dlhBOWLES for all sales, revenues, and profits derived from their infringing activities and that three times those profits be disgorged and paid to dlhBOWLES under 35 U.S.C. § 284.

(xi) Attorneys' fees under 35 U.S.C. § 285.

(xii) Pre-judgment and post-judgment interest.

(xiii) Costs of the action.

(xiv) Such other and further relief as allowed at law or in equity that the Court deems to be appropriate.

Dated: August 20, 2021

s/ David B. Cupar
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Counsel for dlhBOWLES, Inc.

Jury Demand

Plaintiff dlhBOWLES, Inc. hereby demands a jury trial for all issues so triable.

s/ David B. Cupar
Counsel for dlhBOWLES, Inc.