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10 **UNITED STATES DISTRICT COURT**
11 **CENTRAL DISTRICT OF CALIFORNIA**
12 **WESTERN DIVISION**

13 ZHEJIANG ZHENGTE CO. LTD., a
Chinese limited company,

14 Plaintiff,

15 v.

16 NINGBO YOUREN INTERNATIONAL
17 TRADE CO., LTD., a Chinese limited
company; and YIWU YOUCHANG E
18 COMMERCE CO., LTD., a Chinese
limited company,

19
20 Defendants.
21

Case No. 2:24-cv-00535

**COMPLAINT FOR PATENT
INFRINGEMENT**

DEMAND FOR JURY TRIAL

1 For its Complaint against Ningbo Youren International Trade Co., Ltd. (“Ningbo”)
2 and Yiwu Youchang E Commerce Co., Ltd. (“Yiwu”) (collectively, “Defendants”),
3 Plaintiff Zhengte Industrial Co. Ltd., (“Zhengte” or “Plaintiff”) hereby allege as follows:

4 **I. NATURE OF THE ACTION**

5 1. This is an action for patent infringement of United States Patent No.
6 US11624187B2 (“the ’187 Patent” or “the Asserted Patent”), arising under the Patent
7 Laws of the United States, 35 U.S.C. §1, *et seq.*, seeking damages and other relief under
8 35 U.S.C. § 281, *et seq.*

9 **II. THE PARTIES**

10 2. Plaintiff Zhengte is a limited company organized and existing under the laws
11 of China with a principal place of business located at No. 811, Oriental Avenue, Linhai,
12 Zhejiang, China, 317004. Plaintiff makes products covered by the Asserted Patent and
13 which compete directly with the Accused Products described below.

14 3. Upon information and belief, Defendant Ningbo is a limited company
15 organized under the laws of China with principal places of business located at Unit 2,
16 Building 46, Fangchen Liyang North Park, Ningbo Zhenhai, Zhejiang, 315000 CN and
17 Qijiashan Street, Beilun District Ningbo, Room 1004A, Block A, Yongchen Building,
18 Union Area, Ningbo, ZJ 315800, CN, (+86) 18266927449. On information and belief,
19 Defendant Ningbo manufactures, offers for sale, sells, and/or imports into the United
20 States the Accused Products described below.

21 4. Upon information and belief, Defendant Yiwu is a limited company
22 organized under the laws of China with principal places of business located at Room 401,
23 Unit 6, Building 18, Xiaowuxi Village, Fotang Town, Yiwu City, Zhejiang Province,
24 China 322000. On information and belief, Defendant Yiwu manufactures, offers for sale,
25 sells, and/or imports into the United States the Accused Products described below.

26 5. On information and belief, Defendants Ningbo and Yiwu together
27 manufacture, offer for sale, sell, and/or import into the United States the Accused
28

1 Products described below through online retailers such as Amazon, Wayfair, and
2 Pinterest.

3 6. Upon information and belief, Defendants sell and offer to sell products and
4 services throughout the United States, including in this District, and introduce products
5 and services into the stream of commerce, which include the Accused Products described
6 below. Defendants perform these acts knowing that the Accused Products will be sold in
7 this District and elsewhere in the United States, resulting in infringement of Plaintiffs'
8 Asserted Patent identified below.

9 7. Upon information and belief, Defendants conduct significant, persistent and
10 regular amount of business in this District through product sales by its distributors,
11 customers, and resellers and through online marketing, and Defendants derive substantial
12 revenue from such business.

13 **III. JURISDICTION AND VENUE**

14 8. This is an action for patent infringement arising under the Patent Laws of the
15 United States, Title 35 of the United States Code.

16 9. This Court has subject matter jurisdiction under 28 U.S.C. §§ 1331 and
17 1338(a).

18 10. Venue is proper in this District because Defendants are foreign companies
19 and venue against them is therefore governed by the general venue statute, which
20 provides that "a defendant not resident in the United States may be sued in any judicial
21 district." 28 U.S.C. § 1391(c)(3); *see also In re HTC Corp.*, 889 F.3d 1349, 1358 (Fed.
22 Cir. 2018).

23 11. Upon information and belief, this Court has personal jurisdiction over
24 Defendants because both have purposefully availed themselves of the privileges and
25 benefits of the laws of the State of California. Further, Defendants are subject to this
26 Court's general and specific personal jurisdiction because Defendants have sufficient
27 minimum contacts within the State of California, pursuant to due process and/or the
28 California Long Arm Statute, because Defendants purposefully availed themselves of the

1 privileges of conducting business in the State of California, and because Plaintiff's causes
2 of action arise directly from Defendants' business contacts and other activities in the
3 State of California, including Defendants regularly doing or soliciting business and
4 deriving substantial revenue from providing products and services to individuals in this
5 District, including the Accused Product described below, which is accused of infringing
6 the Asserted Patents. The exercise of jurisdiction over Defendants would not offend
7 traditional notions of fair play and substantial justice.

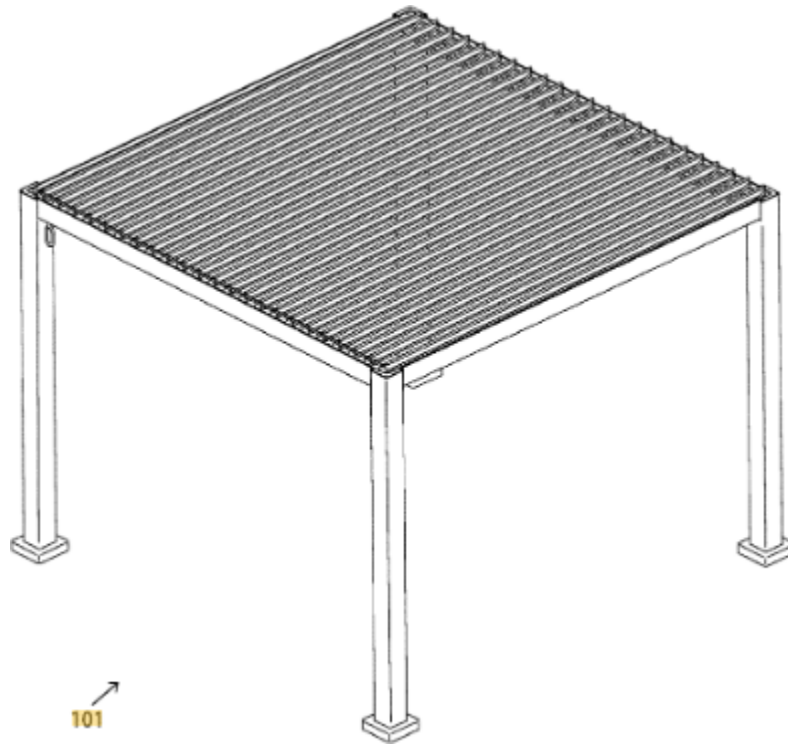
8 **IV. BACKGROUND**

9 12. Plaintiff is a global provider of high-quality outdoor products. Over the past
10 25 plus years, Plaintiff has grown from a small factory into a now major and highly-
11 respected supplier of outdoor leisure furniture and supplies. One of Plaintiff's most
12 successful products is an innovative louvered pergola, which can be easily and quickly
13 assembled by purchasers using only simple tools. This pergola further includes an
14 internal gutter system that allows for easy drainage of rainwater and other moisture from
15 the pergola. Below is a photo of Plaintiff's patented pergola:

16 *See* <https://www.youtube.com/watch?v=mlv3pvE1lh0>



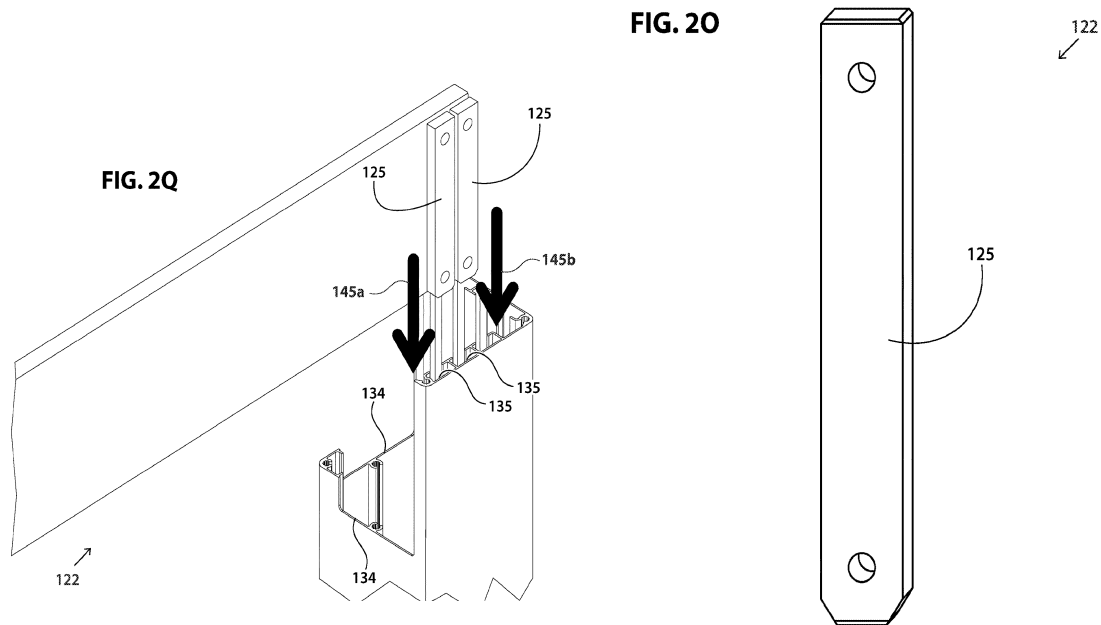
13. Plaintiff sought patent protection from the United States Patent Office (“USPTO”) for its louvered pergola. In response, Plaintiff was granted United States Patent No. US11624187B2 (“the ’187 Patent” or “the Asserted Patent”), which describes and claims various innovative aspects of Plaintiff’s louvered pergola. Below is a representative figure from the ’187 Patent:



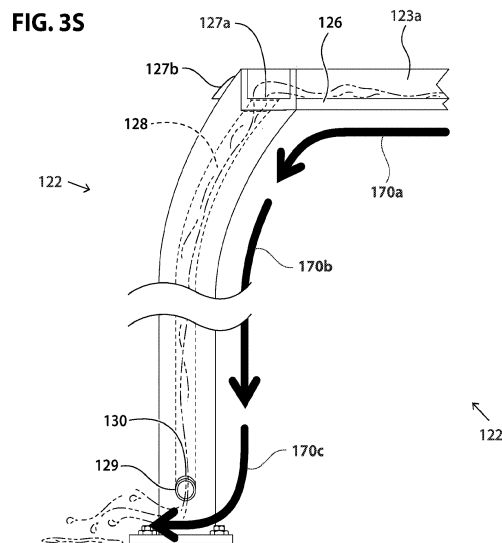
See <https://patents.google.com/patent/US11624187B2/en?q=US11624187B2>

14. Among other innovations, the ’187 Patent describes and claims a unique system for assembling the pergola that utilizes securing bars at the ends of each cross beam, which correspond with internal beam securing slots provided on the upper end of each corner post. To assemble the patented pergola, the cross beams are attached to corner posts by slidably inserting the at least one securing bar of each beam end into the at least one internal beam securing slot provided at the top end of the corner post. When assembled in this manner, the patented pergola includes both a clean and fastener-free outer surface as well as an offset between the outer surface of the cross beam as compared to the outer surface of the corner posts. Examples of one embodiment of this

attachment system and the resultant cross beam/post offset can be seen in the '187 Patent figures reproduced below:



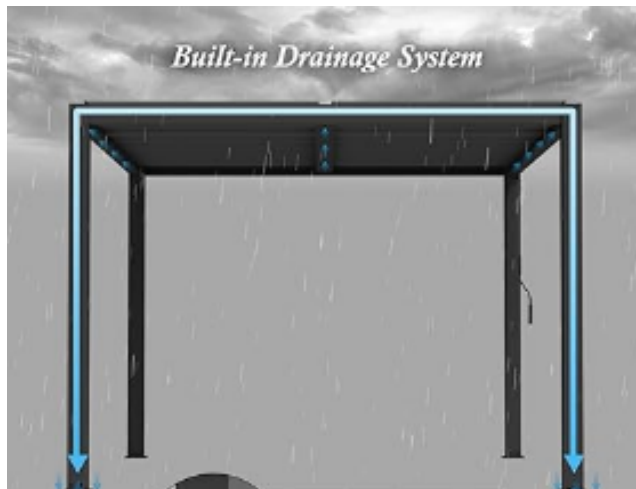
15. Plaintiff's patented pergola further includes an internal gutter system that allows for rainwater to drain from the louvered pergola roof into internal gutters provided along the length each cross beam. Rainwater runs in these internal gutters and thereafter



1 drains into an internal conduit provided in each corner post. After draining into this
 2 internal conduit, rainwater thereafter passes through an aperture provided in a lower
 3 portion of the respective corner post. One embodiment of this gutter system can be seen
 4 in the '187 Patent figure reproduced below:

5 16. Defendants manufacture and export into the United States pergolas and other
 6 outdoor leisure furniture and supplies. As shown in the attached claim chart (**Exhibit A**),
 7 at least Defendant's "ONLYCTR Outdoor Louvered Pergola" infringes one or more
 8 claims of the '187 Patent, as well as any other louvered pergola made, used, sold, offered
 9 for sale, and/or imported by Defendants having substantially the same construction as the
 10 exemplary pergola shown in Exhibit A (collectively, "Accused Product" or "Accused
 11 Products").

12 17. Indeed, Defendants' Accused Product appears to be no more than an obvious
 13 knock-off of Plaintiff's patented pergola. Pictured below is one version of the Accused
 14 Product (left photo), compared against Plaintiff's pergola (right photo).



24 See [https://www.amazon.com/ONLYCTR-Louvered-Aluminum-Rainproof-](https://www.amazon.com/ONLYCTR-Louvered-Aluminum-Rainproof-Adjustable/dp/B0BPWPGK7B?th=1)
 25 [Adjustable/dp/B0BPWPGK7B?th=1](https://www.amazon.com/ONLYCTR-Louvered-Aluminum-Rainproof-Adjustable/dp/B0BPWPGK7B?th=1)

18. Defendants' Accused Product is plainly no more than a blatant knock-off of Plaintiff's patented pergola and – more importantly – infringes the patented features described and claimed in the '187 Patent.

COUNT I

INFRINGEMENT OF THE '187 PATENT

19. Plaintiff hereby restates the allegations contained in the preceding paragraphs above as if fully set forth herein.

20. The '187 Patent was duly and legally issued to Plaintiff by the United States Patent and Trademark Office.

21. Dee Volin and Zhou Jian are the listed inventors and Plaintiff owns all right, title, and interest in and to the '187 Patent, including the right to assert all causes of action arising under the '187 Patent, the right to pursue all remedies for infringement of the '187 Patent, and the right to recover any and all available damages for infringement of the '187 Patent.

22. Defendants have infringed and continue to infringe the '187 Patent under 35 U.S.C. § 271, literally or under the doctrine of equivalents, by making, using, selling, and/or offering for sale in the United States, and/or importing into the United States without authorization, at least the Accused Product. For example, as shown in the attached claim chart (**Exhibit A**), the Accused Products infringe at least Claim 1 of '187 Patent.

23. Moreover, Defendants have infringed the '187 Patent with full knowledge that their making, using, selling, offering for sale, and/or importing of the Accused Product constitutes infringement of the '187 Patent. In particular, Plaintiff has properly marked all commercial embodiments of Plaintiff's patented pergola with the '187 Patent number in accordance with the requirements of 35 U.S.C. Sec. 287. On information and belief, Defendants nonetheless secured a commercial copy of Plaintiff's patented pergola and thereafter directly copied this pergola. Defendants were thus well aware of the '187 Patent and the fact that Defendants were copying a patent-protected product. But despite

1 having full knowledge of the '187 Patent and their infringement thereof, Defendants
2 copied the Plaintiff's patented pergola and since then have continued to manufacture, use,
3 sell, offer for sale, and/or import into the United States the Accused Product.
4 Defendants' infringement thus has been willful, subjecting it to treble damages in
5 accordance with 35 U.S.C. § 284 as well as an award to Plaintiff of its attorneys' fees in
6 accordance with 35 U.S.C. § 285.

7 **PRAYER FOR RELIEF**

8 WHEREFORE, Plaintiff prays for judgment as follows:

- 9 a. Declaring that Defendants have infringed the '187 Patent and that such
10 infringement was willful.
- 11 b. Awarding to Plaintiff damages arising out of Defendants' infringement of
12 the '187 Patent, together with prejudgment and post-judgment interest, in an amount
13 according to proof.
- 14 c. As a consequence of Defendants' willful infringement, trebling the
15 foregoing damages award in accordance with 35 U.S.C. § 284.
- 16 d. Awarding attorneys' fees to Plaintiff pursuant to 35 U.S.C. § 285 or as
17 otherwise permitted by law.
- 18 e. Awarding such other costs and further relief as the Court may deem just and
19 proper.

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21 Dated: January 19, 2024

ONE LLP

22
23 By: /s/ Nathaniel L. Dilger

Nathaniel L. Dilger

Peter R. Afrasiabi

Joseph K. Liu

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26 *Attorneys for Plaintiff,*

Zhejiang Zhengte Co. Ltd.
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DEMAND FOR JURY TRIAL

Plaintiffs hereby demand trial by jury of all issues so triable under the law.

Dated: January 19, 2024

ONE LLP

By: /s/ Nathaniel L. Dilger

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Joseph K. Liu

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