

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
ROCK HILL DIVISION**

**AMERIGLOBE, LLC; and BULK  
LIFT INTERNATIONAL, LLC  
Plaintiffs**

**CA No.: 0:24-cv-03903-CMC**

**VERSUS**

**DEMAND FOR JURY TRIAL**

**INDEPENDENT PACKAGING  
ASSOCIATES LLC; JEFF  
WILEY; SUNBELT PACKAGING  
LLC; and IPA GLOBAL  
PRIVATE LIMITED  
Defendants**

**AMENDED COMPLAINT**

Now comes, through undersigned counsel, Plaintiffs, **AMERIGLOBE, LLC and BULK LIFT INTERNATIONAL, LLC** who hereby bring this Amended Complaint for patent infringement against Defendants, **INDEPENDENT PACKAGING ASSOCIATES LLC, JEFF WILEY, SUNBELT PACKAGING LLC, and IPA GLOBAL PRIVATE LIMITED**, and assert the following:

**NATURE OF ACTION**

1. This is an action for patent infringement and arises under the Patent Laws of the United States, Title 35, United States Code, §§ 271 et seq.
2. This is also an action for false advertising and arises under the Lanham Act §43(a) (15 USC § 1125(a)).
3. This is also an action for unfair and deceptive trade practices and arises under the South Carolina Unfair Trade Practices Act (SC CODE ANN. §§ 39-5-10, ET SEQ).

**THE PARTIES**

4. Plaintiff AMERIGLOBE, LLC (“AMERIGLOBE”) is an Oklahoma limited liability company having its principal place of business at 153 South Long St., Lafayette, Louisiana 70506.

5. Plaintiff BULK LIFT INTERNATIONAL, LLC (“BULK LIFT”) is a Delaware limited liability company having its principal place of business at 440 S. 3<sup>RD</sup> Street, Suite 205, Saint Charles, Illinois 60174.

6. Upon information and belief, Defendant INDEPENDENT PACKAGING ASSOCIATES LLC is an Ohio limited liability company also doing business as IPA Solutions, with a principal place of business at 2764 Pleasant Road, Suite A PMB 747, Fort Mill, South Carolina 29708.

7. Upon information and belief, Defendant JEFF WILEY (also known as Jeffrey Wiley) is a South Carolina resident domiciled in the county of York who maintains a residence at 122 White Branch Ct, Fort Mill, South Carolina 29715.

8. Upon information and belief, Defendant SUNBELT PACKAGING LLC is a South Carolina limited liability company with a principal place of business at 7826 Park Place Road, York, South Carolina 29745.

9. Upon information and belief, Defendant IPA GLOBAL PRIVATE LIMITED is a foreign company with a principal place of business at 201, Mark Building

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Shree Mangal Nagar, Bicholi Road, Indore, Madhya Pradesh, India, 452016 and also with a place of business at 2764 Pleasant Road, Suite A PMB 747, Fort Mill, South Carolina 29708.

### **JURISDICTION AND VENUE**

10. This Court has subject matter jurisdiction in this action under 28 U.S.C. §§ 1331 and 1338.

11. This Court has personal jurisdiction over Defendants because they reside and/or conduct business in the State of South Carolina and have committed substantial acts of infringement, false advertising, and/or unfair or deceptive trade practices giving rise to this action and regularly conduct business within this division and district and/or are a foreign entity.

12. Venue is proper as to Defendant INDEPENDENT PACKAGING ASSOCIATES LLC pursuant to 28 U.S.C. § 1400(b), because Defendant INDEPENDENT PACKAGING ASSOCIATES LLC has committed acts of infringement, false advertising, and/or unfair or deceptive trade practices and has a regular and established place of business in this division and district.

13. Venue is proper as to Defendant JEFF WILEY pursuant to 28 U.S.C. § 1400(b), because Defendant JEFF WILEY resides in this judicial district and has committed acts of infringement, false advertising, and/or unfair or deceptive trade practices and has a regular and established place of business in this division and district.

14. Venue is proper as to Defendant SUNBELT PACKAGING LLC pursuant to 28 U.S.C. § 1400(b), because Defendant SUNBELT PACKAGING LLC resides in this judicial district and has committed acts of infringement and has a regular and established place of business in this division and district.

15. Venue is proper as to Defendant IPA GLOBAL PRIVATE LIMITED pursuant to 28 U.S.C. §§ 1391(c)(3) and 1400(b), because Defendant IPA GLOBAL PRIVATE LIMITED is not a resident of the United States and may be sued in any judicial district and because Defendant IPA GLOBAL PRIVATE LIMITED also has a regular and established place of business and has committed acts of infringement, false advertising, and/or unfair or deceptive trade practices in this district.

16. Venue is also proper as to the Defendants pursuant to 28 U.S.C. § 1391(b)(2) because a substantial part of the events or omissions giving rise to the claims occurred in this judicial district.

### **FACTUAL BACKGROUND.**

17. Plaintiff AMERIGLOBE is the owner of U.S. Patent No. 8,646,973 (hereinafter sometimes referred to as “the ‘973 Patent”), U.S. Patent No. 10,577,155 (hereinafter sometimes referred to as “the ‘155 Patent”), U.S. Patent No. 11,192,693 (hereinafter sometimes referred to as “the ‘693 Patent”), U.S. Patent No. 11,760,540 (hereinafter sometimes referred to as “the ‘540 Patent”), and U.S. Patent No. 11,964,798 (hereinafter sometimes referred to as “the ‘798 Patent”) (collectively referred to as “the Asserted Patents”), each relating to bulk bags. Copies of each of the aforementioned patents are attached hereto at Exhibit 1.

18. Notice of the ‘973 Patent, the ‘155 Patent, the ‘693 Patent, and the ‘540 Patent was previously provided to the Defendants as set forth further herein. Notice of the ‘798 Patent was provided to Defendants in the original Complaint filed on July 10, 2024. Notice is hereby provided to Defendants of U.S. Patent Application serial no. 18/610,109, published as US2024/0308731A1 on September 19, 2024.

19. Claim charts setting forth Defendants’ infringement of claims in the aforementioned patents are attached hereto at Exhibit 2.

20. Plaintiff BULK LIFT is Plaintiff AMERIGLOBE’s licensee of the Asserted Patents, and Plaintiff BULK LIFT’s licensed rights include rights to make, use, offer for sale, and sell invention(s) under the asserted Patent Rights in the United States, and the right to sub-license third party contractors to produce, manufacture and/or distribute invention(s) of the Asserted Patents in the United States.

21. Upon information and belief, Defendants have and are continuing to make, use, offer for sale, and/or sell in the United States and/or import into the United States bulk bags covered by one or more claims of the Asserted Patents (“the Infringing Bags”), at least some of which are offered for sale and sold under the names IPAQ and/or SunPack, respectively.

22. The Infringing Bags under this Complaint include all past, current, and future bulk bags of the Defendants, even if having one or more different features than the past and current Infringing Bags if they meet every limitation, and therefore, infringe one or more claims of the Asserted Patents.

23. Defendant JEFF WILEY was an employee of Plaintiff AMERIGLOBE as a sales representative from January 1, 2012 to February 15, 2014 and sold bulk bags that Plaintiff AMERIGLOBE markets under the trademark MegaBase®, which are covered by one or more claims of the Asserted Patents.

24. At the time of Defendant JEFF WILEY's employment with Plaintiff AMERIGLOBE, the MegaBase® bags were patent pending under U.S. Patent Application Serial No. 12/842,601, which issued as U.S. Patent No. 8,646,973 on February 11, 2014, towards the end of his employment.

25. During Defendant JEFF WILEY's employment at Ameriglobe, LLC, sales representatives distributed brochures and materials for the MegaBase® bulk bags that noted that the bags were patent pending, and upon information and belief, Defendant JEFF WILEY knew Ameriglobe, LLC was patent pending for an invention relating to the MegaBase® bags.

26. At all material times prior to, during, and after Defendant JEFF WILEY's employment with Plaintiff AMERIGLOBE, Plaintiff AMERIGLOBE's sales representatives knew that Plaintiff AMERIGLOBE's client lists and client information were considered confidential information and property of Plaintiff AMERIGLOBE and were not to be published or disclosed.

27. At all material times, each sales representative of Plaintiff AMERIGLOBE was placed with the responsibility of maintaining accounts with specific clients.

28. Defendant JEFF WILEY used Plaintiff AMERIGLOBE's client lists and client information, which are confidential information and know-how of Plaintiff AMERIGLOBE, in the scope of his employment of selling MegaBase® bulk bags.

29. Upon information and belief, Defendant JEFF WILEY continued to use Plaintiff AMERIGLOBE's confidential information and know-how, including client lists, following termination of his employment.

30. Upon information and belief, after his employment with Plaintiff AMERIGLOBE ended in 2014, Defendant JEFF WILEY approached at least two of Plaintiff AMERIGLOBE's existing clients and attempted to sell bulk bags to said existing clients.

31. The two existing clients thought that the bulk bags possibly infringed Plaintiff AMERIGLOBE's patent and did not purchase the bulk bags from Defendant JEFF WILEY.

32. Defendant JEFF WILEY is the named inventor of design patent application no. 29/536,245, filed on August 14, 2015 that issued as US Design Patent No. D862,245 on October 8, 2019, including drawings illustrating a bulk bag bottom (see U.S. Design Patent No. D862,245 attached hereto at Exhibit 3).

33. Upon information and belief, US Design Patent No. D862,245 is invalid at least in view of U.S. Patent No. 5,897,211 and U.S. Patent No. 8,646,973.

34. Alternatively, or in addition, US Design Patent No. D862,245 is invalid due to functionality.

35. Defendant JEFF WILEY assigned 50% of his rights in design patent application no. 29/536,245, issued as US Design Patent No. D862,245, to Timothy Storey on November 21, 2019.

36. Timothy Storey worked for Plaintiff AMERIGLOBE, LLC at the same time Defendant JEFF WILEY worked for Plaintiff AMERIGLOBE, LLC. Timothy Storey stopped working for Plaintiff AMERIGLOBE, LLC at around the same time as Defendant JEFF WILEY. Upon information and belief, Timothy Storey worked with Defendant JEFF WILEY at the same company after they left Plaintiff AMERIGLOBE, LLC. Upon information and belief Defendant JEFF WILEY asked or encouraged Timothy Storey to leave Plaintiff AMERIGLOBE, LLC with him.

37. Upon information and belief, Timothy Storey is now deceased, and the estate of Timothy Storey and Timothy Storey's children assigned all their interest in US Design Patent No. D862,245 to INDEPENDENT PACKAGING ASSOCIATES LLC on April 21, 2023, April 24, 2023, or April 28, 2023, respectively.

38. Upon information and belief, Defendant JEFF WILEY retained 50% ownership of design patent no. US D862,245 from November 21, 2019 until assigning his 50% ownership rights to Defendant INDEPENDENT PACKAGING ASSOCIATES LLC on May 4, 2023.

39. Upon information and belief, Defendant INDEPENDENT PACKAGING ASSOCIATES LLC currently owns 100% of US D862,245.



40. Upon information and belief, Defendant JEFF WILEY encouraged and/or facilitated Defendants INDEPENDENT PACKAGING ASSOCIATES LLC, SUNBELT PACKAGING LLC, and IPA GLOBAL PRIVATE LIMITED to make, use, sell, offer for sale and/or import the Infringing Bags and encouraged and/or facilitated Defendants INDEPENDENT PACKAGING ASSOCIATES LLC, SUNBELT PACKAGING LLC, and IPA GLOBAL PRIVATE LIMITED to directly infringe the Asserted Patents by making, using, selling, offering for sale and/or importing the Infringing Bags in or into the United States.

41. Upon information and belief, JEFF WILEY's encouragement and facilitation of infringement included marketing of the utility and functional advantages of the design set forth in design patent no. US D862,245.

42. US Design patent no. D862,245 claims “the ornamental design for a bulk bag, as shown and described.”

43. The only part of the bulk bag design claimed in US Design Patent No. D862,245 is the bottom of the bag.

44. The structure of the bulk bag shown in broken lines in US Design Patent No. D862,245 forms no part of the claimed design.

45. During prosecution of design patent application no. 29/536,245, filed on August 14, 2015 that issued as US Design Patent No. D862,245 on October 8, 2019, Defendant JEFF WILEY's patent attorney, on Defendant JEFF WILEY's behalf,

distinguished the ornamental design claimed from prior art by alleging that the prior art was “not identical to the claimed design in all material respects....”

46. US Design Patent No. D862,245 does not claim a baffle free design.

47. US Design Patent No. US D862,245 does not claim a bag that holds 10% more than a traditional bag of the same footprint.

48. US Design Patent No. US D862,245 does not claim a bottom design that reduces bridging issues and empties more complete than traditional bottom designs.

49. Upon information and belief, the IPAQ and other Infringing Bags are not protected by US Design Patent No. D862,245.

50. Defendant INDEPENDENT PACKAGING ASSOCIATES LLC has advertised and marketed the IPAQ in a misleading and/or false manner suggesting functional features of the IPAQ and other Infringing Bags are covered by a utility patent.

51. Defendant IPA GLOBAL PRIVATE LIMITED has advertised and marketed the IPAQ in a misleading and/or false manner suggesting functional features of the IPAQ and other Infringing Bags are covered by a utility patent.

52. Defendant JEFF WILEY has advertised and marketed the IPAQ in a misleading and/or false manner suggesting the functional features of the IPAQ and other Infringing Bags are covered by a utility patent.

53. In advertising, Defendants JEFF WILEY, IPA GLOBAL PRIVATE LIMITED, INDEPENDENT PACKAGING ASSOCIATES LLC, and SUNBELT

PACKAGING LLC have failed to state that US Design Patent No. D862,245 claims only the ornamental design of the bottom of a bulk bag.

54. In advertising, Defendants JEFF WILEY, IPA GLOBAL PRIVATE LIMITED, INDEPENDENT PACKAGING ASSOCIATES LLC, and SUNBELT PACKAGING LLC have failed to state that the scope of US Design Patent No. D862,245 extends only to the “ornamental” design of the bottom of a bulk bag.

55. Defendants JEFF WILEY and/or INDEPENDENT PACKAGING ASSOCIATES LLC and/or IPA GLOBAL PRIVATE LIMITED have advertised alleged functional benefits of the IPAQ and other Infringing Bags, which are not seen or shown or claimed in US Design Patent No. D862,245.

56. In advertising, Defendants JEFF WILEY, IPA GLOBAL PRIVATE LIMITED, and INDEPENDENT PACKAGING ASSOCIATES LLC offer for sale a “patented baffle free ipaQ design”, which upon information and belief is a false or misleading statement in advertising because US Design Patent No. D862,245 does not claim or extend in scope of protection or coverage to a baffle free design.

57. In advertising, Defendants JEFF WILEY, IPA GLOBAL PRIVATE LIMITED and INDEPENDENT PACKAGING ASSOCIATES LLC have stated or misleadingly implied that the patented design holds 10% more than a traditional bag of the same footprint, which is a false or misleading statement because US Design Patent No. D862,245 does not claim or extend in scope of protection or coverage to this function, and

because upon information and belief the bottom of the IPAQ by itself does not increase load capacity by 10%.

58. In advertising, Defendants JEFF WILEY, IPA GLOBAL PRIVATE LIMITED and INDEPENDENT PACKAGING ASSOCIATES LLC have stated or misleadingly implied that the patented bottom design reduces bridging issues and empties more complete than traditional or baffled or standard bottom designs, which is a false and/or misleading statement because U.S. Design Patent No. D862,245 does not claim or extend in scope of protection or coverage to a bottom design that reduces bridging issues and empties more complete than baffled or standard or traditional bottom.

59. In advertising, Defendants JEFF WILEY, IPA GLOBAL PRIVATE LIMITED and INDEPENDENT PACKAGING ASSOCIATES LLC have stated or misleading implied that alleged vertical reinforcements on the sidewalls of some IPAQ bags help reduce the rounding effect of the bags, which upon information and belief is a false and/or misleading statement because what the Defendants allege to be vertical reinforcements do not reduce rounding effect of the bags.

60. Upon information and belief, in advertising, Defendants JEFF WILEY, IPA GLOBAL PRIVATE LIMITED and INDEPENDENT PACKAGING ASSOCIATES LLC are willfully and in bad faith misleading consumers into thinking that Defendants JEFF WILEY, IPA GLOBAL PRIVATE LIMITED and INDEPENDENT PACKAGING ASSOCIATES LLC have a valid utility patent covering the IPAQ bags and other Infringing Bags with many of the same benefits and advantages and functions of the invention(s) of

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the Asserted Patents and causing consumers to believe that the IPAQ bags and other Infringing Bags do not infringe Plaintiff AMERIGLOBE, LLC's patents.

61. Upon information and belief, Defendants JEFF WILEY, IPA GLOBAL PRIVATE LIMITED and INDEPENDENT PACKAGING ASSOCIATES LLC are relying on such false advertising as a mechanism to alleviate or otherwise address consumer concerns that the IPAQ bags and other Infringing Bags infringe upon one or more of Plaintiff AMERIGLOBE, LLC's Patents.

62. Upon information and belief, Defendants JEFF WILEY, IPA GLOBAL PRIVATE LIMITED and INDEPENDENT PACKAGING ASSOCIATES LLC have indicated that the patented nature of the IPAQ bags is evidence that such bags do not and/or could not infringe upon any of Plaintiff AMERIGLOBE, LLC's patents.

63. During 2022, at least one of Plaintiff BULK LIFT's clients for MegaBase® bulk bags, that Plaintiff BULK LIFT sold pursuant to its license of the Asserted Patents, terminated its relationship with Plaintiff BULK LIFT.

64. Upon information and belief, said client of BULK LIFT thereafter began purchasing SunPack bags from Defendant SUNBELT PACKAGING LLC.

65. Upon information and belief, Defendants JEFF WILEY, INDEPENDENT PACKAGING ASSOCIATES LLC, IPA GLOBAL PRIVATE LIMITED and SUNBELT PACKAGING LLC each have been, and are currently, offering for sale and marketing the Infringing Bags by touting the same or similar advantages of the Infringing Bags and utility

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of the Infringing Bags that Defendant JEFF WILEY used when marketing, offering for sale, and selling the MegaBase® bags on behalf of Plaintiff AMERIGLOBE, LLC.

66. Upon information and belief, Defendant JEFF WILEY is and has referred to himself as a “Flexible Packaging Specialist” and representative of Defendants INDEPENDENT PACKAGING ASSOCIATES LLC and IPA GLOBAL PRIVATE LIMITED.

67. Upon information and belief, the Defendants each offer for sale the Infringing Bags in the United States, including through web pages, which are viewable and accessible online in this district.

68. Upon information and belief, Defendants JEFF WILEY, INDEPENDENT PACKAGING ASSOCIATES LLC and IPA GLOBAL PRIVATE LIMITED import the infringing bags into the United States from India.

69. Upon information and belief, Defendants JEFF WILEY and INDEPENDENT PACKAGING ASSOCIATES LLC each also manufacture, use, sell and/or distribute the Infringing Bags in the United States.

70. Upon information and belief, Defendants JEFF WILEY and INDEPENDENT PACKAGING ASSOCIATES LLC use SUNBELT PACKAGING LLC as a distributor of Infringing Bags and/or sell Infringing Bags to SUNBELT PACKAGING LLC in the United States.

71. Upon information and belief, Defendant SUNBELT PACKAGING LLC has also used, offered for sale, and sold Infringing Bags in the United States.

72. Upon information and belief, Defendants JEFF WILEY and INDEPENDENT PACKAGING ASSOCIATES LLC each have engaged Defendant SUNBELT PACKAGING LLC as a distributor of the Infringing Bags, and/or are selling the Infringing Bags to Defendant SUNBELT PACKAGING LLC, and are encouraging and facilitating Defendant SUNBELT PACKAGING LLC to directly infringe the Asserted Patents by SUNBELT PACKAGING LLC at least offering for sale, using, and selling the infringing bags in the United States.

73. As a result of Defendants' infringing acts, and/or false advertising, and/or unfair and deceptive trade practices, Plaintiff AMERIGLOBE has lost sales, profits and/or royalties, and lost customers and a reduction in market share.

74. As a result of Defendants' infringing acts, and/or false advertising, and/or unfair and deceptive trade practices, Plaintiff BULK LIFT has lost sales, profits and/or royalties, and lost customers and a reduction in market share.

75. Plaintiff BULK LIFT has lost, sales and profits under its license agreement with Plaintiff AMERIGLOBE as a direct result of Defendants JEFF WILEY's, INDEPENDENT PACKAGING ASSOCIATES LLC's, and SUNBELT PACKAGING LLC's infringing acts, and/or false advertising, and/or unfair and deceptive trade practices.

76. Plaintiff AMERIGLOBE has lost royalties under its license agreement with Plaintiff BULK LIFT as a direct result of Defendants JEFF WILEY's, INDEPENDENT PACKAGING ASSOCIATES LLC's, and SUNBELT PACKAGING LLC's infringing acts, and/or false advertising, and/or unfair and deceptive trade practices.

77. Upon information and belief, Plaintiffs AMERIGLOBE and BULK LIFT have lost sales, profits and/or royalties that would have been available under the patent license agreement between the Plaintiffs by Defendants' infringing acts, and/or false advertising, and/or unfair and deceptive trade practices.

78. On June 1, 2022 and June 27, 2022, Plaintiff AMERIGLOBE sent Defendants JEFF WILEY and INDEPENDENT PACKAGING ASSOCIATES LLC Cease and Desist Letters including claim charts, outlining said Defendants' infringement, including infringement of independent claim 7 of Patent No. US 8,646,973; independent claims 10, 22, 23, 25 of Patent No. US 10,577,155; and independent claims 1, 7 and 14 of Patent No. US 11,192,693 and requesting, *inter alia*, that Defendants JEFF WILEY and INDEPENDENT PACKAGING ASSOCIATES LLC immediately cease and desist from constructing, manufacturing, offering for sale, providing samples of, and selling the Infringing Bags.

79. On September 20, 2023, Plaintiff AMERIGLOBE sent Defendants JEFF WILEY and INDEPENDENT PACKAGING ASSOCIATES LLC another Cease and Desist Letter including claim charts, outlining Defendants' infringement, including infringement with the modified bag discussed hereafter, of independent claim 7 of Patent No. US 8,646,973; independent claims 10, 22, 23, 25 of Patent No. US 10,577,155; independent claims 1, 7 and 14 of Patent No. US 11,192,693; and claims 1-2, 4-5, 7-20 of Patent No. US 11,760,540, and requesting, *inter alia*, that Defendants JEFF WILEY and



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INDEPENDENT PACKAGING ASSOCIATES LLC immediately cease and desist from producing, manufacturing, offering for sale, and selling the Infringing Bags.

80. On February 9, 2023, Plaintiff AMERIGLOBE sent Defendant SUNBELT PACKAGING LLC a Cease and Desist Letter providing notice of infringement of one or more claims in U.S. Patent Numbers US 8,646,973; US 10,577,155; and US 11,192,693, and providing notice of U.S. Patent Publication No. US2022/0297890A1 (which later issued as US 11,760,540) and requesting, *inter alia*, that Defendant SUNBELT PACKAGING LLC cease and desist making, using, offering for sale, providing samples of, and selling the Infringing Bags. On April 18, 2023, Plaintiff AMERIGLOBE sent Defendant SUNBELT PACKAGING LLC further notice of infringement and claim charts setting forth details on SUNBELT PACKAGING LLC's infringement, including of at least independent claim 7 of US 8,646,973; independent claims 10, 22, 23 and 25 of US 10,577,155; and independent claims 1, 7, 14 of US 11,192,693.

81. On September 20, 2023, Plaintiff AMERIGLOBE sent Defendant SUNBELT PACKAGING LLC another Cease and Desist Letter providing notice of infringement of, and claim charts setting forth details of, SUNBELT PACKAGING LLC's further infringement of at least claims 1-2, 4-5, 7-20 of US 11,760,540 and requesting, *inter alia*, that Defendant SUNBELT PACKAGING LLC cease and desist from producing, selling, distributing, manufacturing and offering for sale the Infringing Bags.

82. Upon information and belief, Defendant JEFF WILEY is and has been a "Flexible Packaging Specialist" and representative of Defendant IPA GLOBAL PRIVATE

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LIMITED, and Defendant IPA GLOBAL PRIVATE LIMITED had actual or constructive knowledge of the Asserted Patents and of Plaintiff AMERIGLOBE's notices of infringement and cease and desist letters received by Defendant JEFF WILEY.

83. Upon information and belief, after Defendants JEFF WILEY and INDEPENDENT PACKAGING ASSOCIATES LLC received Plaintiff AMERIGLOBE's notices of infringement and cease and desist letters, Defendants JEFF WILEY and INDEPENDENT PACKAGING ASSOCIATES LLC added a feature to the bulk bag that Defendants JEFF WILEY and INDEPENDENT PACKAGING ASSOCIATES LLC sold under the name IPAQ. Upon information and belief, the modified bag with the added feature is also an Infringing Bag and Plaintiff AMERIGLOBE notified Defendants JEFF WILEY and INDEPENDENT PACKAGING ASSOCIATES LLC of its belief that the modified bag still infringed one or more claims of the Asserted Patents on September 20, 2023.

84. Despite the Cease and Desist Letters and notices of infringement, Defendants have continued to infringe the Asserted Patents.

85. Defendants' infringement of the Asserted Patents is willful and deliberate.

86. As a result of Defendants' actions, Plaintiffs have been, and will continue to be, irreparably harmed by Defendants' infringement of the Asserted Patents.

87. As a direct and proximate result of Defendants' infringement of the Asserted Patents, Plaintiffs have been and will continue to be damaged in an amount yet to be determined, including but not limited to Plaintiffs lost sales and profits and lost royalties

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but in no event less than a reasonable royalty, together with interest and costs, as mandated by 35 U.S.C. § 284.

88. Defendants' infringing actions, respectively, of direct infringement and/or induced infringement were undertaken without the authority of the owner of the Asserted Patents, Plaintiff AMERIGLOBE, and undertaken without the authority of the licensee of the Asserted Patents, Plaintiff BULK LIFT.

89. Plaintiffs may request leave to amend this complaint and add new details on infringement following discovery.

**COUNT I**  
**DIRECT PATENT INFRINGEMENT OF PATENT NUMBERS**  
**8,646,973; 10,577,155; 11,192,693; 11,760,540; and 11,964,798 BY**  
**DEFENDANTS UNDER 35 U.S.C. § 271 et seq.**

90. Paragraphs 1 to 89 of this complaint are incorporated herein as if fully restated under this Count I.

91. Defendants each have directly infringed at least claim 7 of the '973 patent under 35 U.S.C. § 271(a), literally or at least under the doctrine of equivalents. Please see pages 1 to 4 of the Claims Chart attached as Exhibit 2.

92. Defendants each have directly infringed at least claims 10-14, 22-23, and 25-27 of the '155 Patent, under 35 U.S.C. § 271(a), literally or at least under the doctrine of equivalents. Please see pages 5 to 30 of the Claims Charts attached as Exhibit 2.

93. Defendants each have directly infringed at least claims 1, 3-12, and 14-19 of the '693 Patent under 35 U.S.C. § 271(a), literally or at least under the doctrine of equivalents. Please see pages 31 to 58 of the Claims Charts attached as Exhibit 2.

94. Defendants each have directly infringed at least claims 1-2, 4-5, and 7-20 of the '540 Patent under 35 U.S.C. § 271(a), literally or at least under the doctrine of equivalents. Please see pages 59 to 88 of the Claims Charts attached as Exhibit 2.

95. Defendants each have directly infringed at least claims 1-2 and 4-20 of the '798 Patent under 35 U.S.C. § 271(a), literally or at least under the doctrine of equivalents. Please see pages 89 to 117 of the Claims Charts attached as Exhibit 2.

96. Upon information and belief, the Defendants each offer for sale the Infringing Bags online in the United States, including which are viewable online in this district, and thus have directly infringed the Asserted Patents under 35 U.S.C. 271(a). Please see Claims Charts attached as Exhibit 2.

97. Upon information and belief, Defendants JEFF WILEY, INDEPENDENT PACKAGING ASSOCIATES LLC, and IPA GLOBAL PRIVATE LIMITED import the infringing bags into the United States, and thus have directly infringed the Asserted Patents under 35 U.S.C. § 271(a).

98. Upon information and belief, Defendants JEFF WILEY and INDEPENDENT PACKAGING ASSOCIATES LLC also each manufacture, use, sell and/or distribute the Infringing Bags in the United States, and thus have directly infringed the Asserted Patents under 35 U.S.C. § 271(a).

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99. Upon information and belief, Defendants JEFF WILEY and INDEPENDENT PACKAGING ASSOCIATES LLC have engaged SUNBELT PACKAGING LLC as a distributor of Infringing Bags and/or sell Infringing Bags to SUNBELT PACKAGING LLC in the United States, and thus have directly infringed the Asserted Patents under 35 U.S.C. § 271(a).

100. Upon information and belief, Defendant SUNBELT PACKAGING LLC has used, offered for sale and sold Infringing Bags in the United States, and thus has directly infringed the Asserted Patents under 35 U.S.C. § 271(a).

101. Despite notice of infringement of the ‘973 Patent, the ‘155 Patent, the ‘693 Patent, and the ‘540 Patent of the Asserted Patents on June 1, 2022; June 27, 2022; February 9, 2023; April 18, 2023; and/or on September 20, 2023, respectively, Defendants have continued to willfully and deliberately infringe the Asserted Patents.

**COUNT II**  
**INDUCED PATENT INFRINGEMENT OF US PATENT NUMBERS**  
**8,646,973; 10,577,155; 11,192,693; 11,760,540; and 11,964,798 BY**  
**DEFENDANT JEFF WILEY UNDER 35 U.S.C. § 271 et seq.**

102. Paragraphs 1 to 101 of this complaint are incorporated herein as if fully restated under this Count II.

103. Defendant JEFF WILEY has actively induced infringement of the Asserted Patents under 35 U.S.C. § 271(b) by, with active knowledge of infringement, encouraging and/or facilitating Defendant INDEPENDENT PACKAGING ASSOCIATES LLC and Defendant IPA GLOBAL PRIVATE LIMITED to directly infringe the Asserted Patents,

and thereby causing direct infringement by Defendant INDEPENDENT PACKAGING ASSOCIATES LLC and Defendant IPA GLOBAL PRIVATE LIMITED at least as set forth in COUNT I via the companies' manufacturing, selling, offering for sale, and/or using the infringing bags in the United States, and/or importing into the United States the Infringing Bags.

104. Defendant JEFF WILEY has actively induced infringement of the Asserted Patents under 35 U.S.C. § 271(b) by, with active knowledge of infringement, encouraging and/or facilitating Defendant SUNBELT PACKAGING LLC to directly infringe the Asserted Patents by engaging Defendant SUNBELT PACKAGING LLC as a distributor of the Infringing Bags, and/or selling the Infringing Bags to Defendant SUNBELT PACKAGING LLC and thereby causing direct infringement by Defendant SUNBELT PACKAGING LLC at least as set forth in COUNT I via the company selling, offering for sale, and using the Infringing Bags in the United States.

105. Upon information and belief, Defendant JEFF WILEY had knowledge that Plaintiff AMERIGLOBE was patent pending for one or more inventions of the Asserted Patents during his employment with Plaintiff AMERIGLOBE.

106. Upon information and belief, Defendant JEFF WILEY had knowledge of U.S. Patent no. 8,646,973 at least as early as November 16, 2015.

107. Defendant JEFF WILEY continued to induce infringement of Defendant INDEPENDENT PACKAGING ASSOCIATES LLC, Defendant IPA GLOBAL PRIVATE LIMITED, and Defendant SUNBELT PACKAGING LLC following receiving

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notice of infringement of Plaintiff AMERIGLOBE's patent numbers US 8,646,973; US 10,577,155; US 11,192,693; and US 11,760,540.

108. Despite notice of infringement of the '973 Patent, the '155 Patent, the '693 Patent, and the '540 Patent of the Asserted Patents on June 1, 2022; June 27, 2022; and September 20, 2023 Defendant JEFF WILEY has continued to willfully and deliberately induce infringement by and/or through Defendant INDEPENDENT PACKAGING ASSOCIATES LLC, Defendant IPA GLOBAL PRIVATE LIMITED, and Defendant SUNBELT PACKAGING LLC.

**COUNT III**  
**INDUCED PATENT INFRINGEMENT OF US PATENT NUMBERS**  
**8,646,973; 10,577,155; 11,192,693; 11,760,540; and 11,964,798 BY**  
**DEFENDANT INDEPENDENT PACKAGING ASSOCIATES LLC UNDER**  
**35 U.S.C. § 271 et seq.**

109. Paragraphs 1 to 108 of this complaint are incorporated herein as if fully restated under this Count III.

110. Defendant INDEPENDENT PACKAGING ASSOCIATES LLC has actively induced infringement of the Asserted Patents under 35 U.S.C. § 271(b) by, with active knowledge of infringement, encouraging and/or facilitating Defendant SUNBELT PACKAGING LLC to directly infringe the Asserted Patents by engaging Defendant SUNBELT PACKAGING LLC as a distributor of the Infringing Bags, and/or selling the Infringing Bags to Defendant SUNBELT PACKAGING LLC, and thereby causing direct infringement by Defendant SUNBELT PACKAGING LLC at least as set forth in COUNT

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I via SUNBELT PACKAGING LLC selling, offering for sale, and using the Infringing Bags in the United States.

111. Defendant INDEPENDENT PACKAGING ASSOCIATES LLC received notice of infringement of Plaintiff AMERIGLOBE's patent numbers US 8,646,973; US 10,577,155; US 11,192,693; and US 11,760,540 through Plaintiff AMERIGLOBE's cease and desist letters and continued to induce infringement of Defendant SUNBELT PACKAGING LLC.

112. Defendant INDEPENDENT PACKAGING ASSOCIATES LLC also had or at least should have had earlier constructive knowledge of the Asserted Patents through Defendant JEFF WILEY, its "Flexible Packaging Specialist" and representative.

113. Despite notice of infringement of the '973 Patent, the '155 Patent, the '693 Patent, and the '540 Patent of the Asserted Patents on June 1, 2022; June 27, 2022; and September 20, 2023, Defendant INDEPENDENT PACKAGING ASSOCIATES LLC continued to willfully and deliberately induce infringement by SUNBELT PACKAGING LLC.

**COUNT IV**  
**DECLARATORY JUDGMENT ACTION FOR PATENT INVALIDITY AND**  
**UNENFORCEABILITY**

114. Paragraphs 1 to 113 of this complaint are incorporated herein as if fully restated under this Count IV.

115. The Court has jurisdiction to hear this cause of action pursuant to 28 U.S.C. §§ 1331, 1338, 1367 and 2201.



116. Plaintiffs seek declaratory judgment relief of invalidity because Defendants have improperly utilized US Design Patent No. D862,245 in an anticompetitive manner, which is causing the Plaintiffs harm. Defendants have used US Design Patent No. D862,245 to place a cloud over Plaintiffs' businesses, attempt and take away Plaintiffs' customers, and injure and continue injuring Plaintiffs' businesses and business relationships, thereby creating a concrete, actual, and immediate justiciable controversy between Plaintiffs and Defendants.

117. Defendants have taken affirmative acts to create an actual controversy as to the scope and validity of US Design Patent No. D862,245 by the way in which Defendants have used and continue to reference US Design Patent No. D862,245 in marketing, advertising, and upon information and belief, sales techniques.

118. Defendants have taken the affirmative act of misrepresenting product features covered by US Design Patent No. D862,245 in marketing, and upon information and belief, sales pitches and presentations, to customers and prospective customers.

119. Defendant INDEPENDENT PACKAGING ASSOCIATES LLC has taken the affirmative step of using invalid US Design Patent No. D862,245 to enter into a license agreement with Defendant SUNBELT PACKAGING LLC, and therefore has and is currently inducing SUNBELT PACKAGING LLC to infringe Plaintiff AMERIGLOBE, LLC's patents.

120. Plaintiffs brings this declaratory judgment action to clarify the patent rights of Plaintiff AMERIGLOBE, LLC and Defendant INDEPENDENT PACKAGING

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ASSOCIATES LLC, to protect consumers and prospective consumers against false and improper claims in the marketplace, and to protect and prohibit actual and prospective sellers, manufacturers, and consumers of the Infringing Bags from violating Plaintiff Ameriglobe, LLC's patent rights and harming and causes damage to Plaintiff AMERIGLOBE, LLC and its licensee BULK LIFT INTERNATIONAL, LLC.

121. US Design Patent No. D862,245 is invalid and unenforceable under 35 U.S.C. §§ 102 and/or 103 because the design depicted therein is not novel and/or is obvious when viewed in light of US Patent Nos. 5,897,211; 8,646,973; 10,577,155; 11,192,693; 11,760,540; and/or 11,964,798.

122. Design Patent No. US D862,245 is invalid and unenforceable because the design depicted therein is primarily functional and/or the design is dictated by the utilitarian purpose of the article.

123. Defendant INDEPENDENT PACKAGING ASSOCIATES LLC is the current owner by assignments of US Design Patent No. D862,245.

124. One or more substantial controversies implicating adverse legal interests in a manner that are sufficiently immediate, definite and concrete to be capable of judicial resolution are present in this lawsuit between Plaintiffs and Defendant INDEPENDENT PACKAGING ASSOCIATES LLC relating to Defendant INDEPENDENT PACKAGING ASSOCIATES LLC's affirmative use of, and statements regarding, invalid US Design Patent No. D862,245 in commerce, which are causing harm and damages to the Plaintiffs, and/or which create a substantial risk of harm and damages to the Plaintiffs.

125. Defendant INDEPENDENT PACKAGING ASSOCIATES LLC, along with Defendants Jeff Wiley, and Defendant IPA GLOBAL PRIVATE LIMITED, is affirmatively using the invalid US Design Patent No. D862,245 in a false or misleading manner in commerce to give credence to the notion that it has the right to sell the Infringing Bags.

126. Defendant INDEPENDENT PACKAGING ASSOCIATES LLC, along with Defendants Jeff Wiley and Defendant IPA GLOBAL PRIVATE LIMITED, is affirmatively using US Design Patent No. D862,245 in a false or misleading manner in commerce by mispresenting and/or making misleading statements and/or making false statements in connection with the scope of protection of Design Patent No. US D862,245 in its advertising and sales of the IPAQ bags, to falsely support in commerce that the Infringing Bags have utility patent protection, and said misrepresentations, misleading statements and false statements have actually caused, or are likely to cause consumers to believe that the Infringing Bags do not infringe Plaintiff AMERIGLOBE'S patents, inducing consumers to buy the Infringing Bags, inducing manufacturers to make the infringing bags, and inducing at least Defendant SUBELT PACKAGING ASSOCIATES LLC to sell the infringing bags, and said misrepresentations, misleading statements and false statements have actually caused Plaintiffs damages, including loss of customers, sales and royalties, and creating a substantial risk of future damages and loss.

127. Defendant INDEPENDENT PACKAGING ASSOCIATES LLC, along with Defendants Jeff Wiley and Defendant IPA GLOBAL PRIVATE LIMITED, has and

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is false advertising in commerce under 15 U.S.C. § 1125 with false and/or misleading statements that functional features of its products are covered and protected by US Design Patent No. D862,245 and with other false and misleading statements regarding its products, causing Plaintiffs damages, including loss of customers, sales and/or royalties, and creating a substantial risk of future damages and loss.

128. Defendant INDEPENDENT PACKAGING ASSOCIATES LLC, along with Defendants Jeff Wiley and Defendant IPA GLOBAL PRIVATE LIMITED, has committed and is committing unfair trade practices under SC CODE ANN. §§ 39-5-10, ET SEQ with false and/or misleading and/or bad faith and/or deceptive statements regarding US Design Patent No. D862,245 and that functional features of its products sold under US Design Patent No. D862,245 are covered by US Design Patent No. D862,245, and causing Plaintiffs to lose customers, sales and/or royalties.

129. Defendants' actions negatively affect the public interest as they are likely to induce consumers to infringe upon one or more of Plaintiff AMERIGLOBE'S patents.

130. Defendants' actions have caused Plaintiffs actual damages, including without limitation, lost sales, profits and/or royalties, lost customers, and a reduction in market share.

131. Invalidation of US Design Patent No. D862,245 will prevent Defendant INDEPENDENT PACKAGING ASSOCIATES LLC, along with Defendants Jeff Wiley, Defendant IPA GLOBAL PRIVATE LIMITED, and SUNBELT PACKAGING LLC, from using US Design Patent No. D862,245 in a false or misleading or deceptive way to

falsely add credence to Defendants' infringing acts and/or induced infringement in commerce.

**COUNT V**  
**FALSE ADVERTISING UNDER 15 U.S.C. § 1125**

132. Paragraphs 1 to 131 of this complaint are incorporated herein as if fully restated under this Count V.

133. The Court has jurisdiction to hear this cause of action pursuant to 28 U.S.C. §§ 1331 and 1338.

134. Defendants JEFF WILEY, IPA GLOBAL PRIVATE LIMITED, and INDEPENDENT PACKAGING ASSOCIATES LLC have, on or in connection with their goods, used in commerce false or misleading descriptions of fact, or false or misleading representations of fact, in commercial advertising or promotion, which misrepresents the nature, characteristics, and/or qualities, of their goods.

135. Defendants JEFF WILEY, IPA GLOBAL PRIVATE LIMITED, and INDEPENDENT PACKAGING ASSOCIATES LLC have violated the Lanham Act § 43(a) in misrepresenting, by making misleading and/or making false statements, the scope of US Design Patent No. D862,245 as it relates to the features, functionality and/or quality of their products in interstate commerce.

136. Defendants JEFF WILEY, IPA GLOBAL PRIVATE LIMITED, and INDEPENDENT PACKAGING ASSOCIATES LLC have violated the Lanham Act § 43(a) in misrepresenting, by making misleading and/or false statements, that functional

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features of the Infringing Bags are covered by US Design Patent No. D862,245, and by making false and misleading statements regarding the scope of patent protection allegedly covering the IPAQ bulk bag and other Infringing Bags in interstate commerce.

137. Defendants JEFF WILEY, IPA GLOBAL PRIVATE LIMITED, and INDEPENDENT PACKAGING ASSOCIATES LLC have violated the Lanham Act § 43(a) in making false and/or misleading statements about the IPAQ bags and other Infringing Bags.

138. Defendants JEFF WILEY's, IPA GLOBAL PRIVATE LIMITED's, and INDEPENDENT PACKAGING ASSOCIATES LLC's misrepresentations, misleading statements, and/or false statements concerning the scope of US Design Patent No. D862,245 as it relates to the features, functionality and/or quality of their products and regarding the IPAQ bulk bags and other Infringing Bags were and are being made intentionally and in bad faith.

139. Defendant JEFF WILEY's, IPA GLOBAL PRIVATE LIMITED's, and INDEPENDENT PACKAGING ASSOCIATES LLC's misrepresentations, and misleading and/or false statements regarding the Infringing Bags and concerning the scope of US Design Patent No. D862,245 as it relates to the Infringing Bags, have actually deceived customers, or were substantially likely to deceive customers, and are still substantially likely to deceive a substantial segment of the potential customers exposed to such misrepresentations and/or false statements.

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140. Defendant JEFF WILEY's, IPA GLOBAL PRIVATE LIMITED's, and INDEPENDENT PACKAGING ASSOCIATES LLC's misrepresentations, misleading statements, and/or false statements concerning the scope of US Design Patent No. D862,245 regarding the Infringing Bags have, or were substantially likely to, and are substantially likely to continue influencing purchasing decisions of potential customers.

141. The misrepresentations, misleading statements, and/or false statements of the said Defendants are currently ongoing. At the time of filing this Amended Complaint, websites of IPA GLOBAL PRIVATE LIMITED's and INDEPENDENT PACKAGING ASSOCIATES LLC continue to advertise their allegedly "patented baffle free iPAQ design".

142. As a result of Defendants false and/or misleading statements and misrepresentations concerning the Infringing Bags and the scope of protection of US Design Patent No. D862,245 with regard to the Infringing bags, AMERIGLOBE and BULK LIFT have suffered damages, including lost sales, lost profits, and/or lost royalties.

**COUNT VI**  
**UNFAIR TRADE PRACTICES UNDER SC CODE ANN. §§ 39-5-10, ET SEQ.**

143. Paragraphs 1 to 141 of this complaint are incorporated herein as if fully restated under this Count VI.

144. Defendants JEFF WILEY, IPA GLOBAL PRIVATE LIMITED, and INDEPENDENT PACKAGING ASSOCIATES LLC have engaged in unfair and deceptive acts in the conduct of trade or commerce by making misrepresentations in

advertising and/or by making misleading or false statements in advertising regarding the scope of US Design Patent No. D862,245 and the patent protection allegedly covering the Infringing Bags, and by making misrepresentations and/or false or misleading statements regarding the Infringing Bags, which have caused actual and ascertainable damages to the Plaintiffs, and which have affected the public interest.

145. The unfair and deceptive acts of Defendants JEFF WILEY, IPA GLOBAL PRIVATE LIMITED, and INDEPENDENT PACKAGING ASSOCIATES LLC have been ongoing and have the potential for repetition and are substantially likely to continue to be repeated by said Defendants absent deterrence. At the time of filing this Amended Complaint, websites of IPA GLOBAL PRIVATE LIMITED's and INDEPENDENT PACKAGING ASSOCIATES LLC continue to advertise their allegedly "patented baffle free ipaQ design", for example.

146. As discussed previously herein, claims of US Design Patent No. D862,245 are limited to the ornamental design of the bottom of a bulk bag.

147. As discussed previously herein, US Design Patent No. D862,245 makes no claim as to being a baffle free bulk bag and does not cover or protect a baffle free bulk bag.

148. As discussed previously herein, upon information and belief there is no patent covering the IPAQ bag design or other Infringing Bags. At most, US design Patent No. D862,245 covers the *ornamental* design of the bottom of a bulk bag, alleged to be embodied in the IPAQ and other Infringing Bags.



149. Potential customers have been and continue to be exposed to the aforementioned unfair and deceptive advertising by Defendants JEFF WILEY, IPA GLOBAL PRIVATE LIMITED, and INDEPENDENT PACKAGING ASSOCIATES LLC.

150. DEFENDANT JEFF WILEY's, IPA GLOBAL PRIVATE LIMITED's, and INDEPENDENT PACKAGING ASSOCIATES LLC's actions negatively affect the public interest as they are likely to deceive consumers regarding the features, functionality and/or quality of Defendants' Infringing Bags.

151. DEFENDANT JEFF WILEY's, IPA GLOBAL PRIVATE LIMITED's, and INDEPENDENT PACKAGING ASSOCIATES LLC's actions negatively affect the public interest as they are likely to induce consumers to infringe upon one or more of Plaintiff's patents.

152. DEFENDANT JEFF WILEY's, IPA GLOBAL PRIVATE LIMITED's, and INDEPENDENT PACKAGING ASSOCIATES LLC's actions negatively affect the public interest as they have been and are likely to continue to be repeated.

153. DEFENDANT JEFF WILEY's, IPA GLOBAL PRIVATE LIMITED's, and INDEPENDENT PACKAGING ASSOCIATES LLC's actions have caused Plaintiffs actual damages, including without limitation, lost sales, profits and/or royalties, lost customers, and a reduction in market share.

154. Plaintiffs AMERIGLOBE and BULK LIFT have suffered damages, including lost sales, lost profits and/or lost royalties as a result of DEFENDANT JEFF

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WILEY's, IPA GLOBAL PRIVATE LIMITED's, and INDEPENDENT PACKAGING ASSOCIATES LLC's unfair and deceptive acts and have substantial risk to continue incurring damages.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiffs respectfully request the following relief:

1. That judgment be entered in favor of Plaintiffs AMERIGLOBE and BULK LIFT and against Defendants INDEPENDENT PACKAGING ASSOCIATES LLC, JEFF WILEY, SUNBELT PACKAGING LLC, and IPA GLOBAL PRIVATE LIMITED, for infringement of one or more claims of the Asserted Patents;
2. That judgment be entered in favor of Plaintiffs AMERIGLOBE and BULK LIFT and against Defendants INDEPENDENT PACKAGING ASSOCIATES LLC and JEFF WILEY for induced infringement of one or more claims of the Asserted Patents;
3. That judgment be entered in favor of Plaintiffs AMERIGLOBE and BULK LIFT and against Defendants INDEPENDENT PACKAGING ASSOCIATES LLC, IPA GLOBAL PRIVATE LIMITED, and JEFF WILEY for violation of 15 U.S.C. § 1125;
4. That judgment be entered in favor of Plaintiffs AMERIGLOBE and BULK LIFT and against Defendants INDEPENDENT PACKAGING ASSOCIATES LLC, IPA GLOBAL PRIVATE LIMITED, and JEFF WILEY for violation of South Carolina's Unfair Trade Practices Act (SC CODE ANN. §§ 39-5-10, ET SEQ);
5. An award of damages to Plaintiff AMERIGLOBE adequate to compensate

it for the infringement and induced infringement, as provided for by 35 U.S.C. § 284;

6. An award of damages to Plaintiff BULK LIFT adequate to compensate it for the infringement and induced infringement, as provided for by 35 U.S.C. § 284;

7. An award of damages to Plaintiff AMERIGLOBE pursuant to 15 U.S.C. § 1125;

8. An award of damages to Plaintiff BULK LIFT pursuant to 15 U.S.C. § 1125;

9. An award of actual damages and reasonable attorney fees and costs to Plaintiff AMERIGLOBE pursuant to S.C. Code § 39-5-140;

10. An award of actual damages and reasonable attorney fees and costs to Plaintiff BULK LIFT pursuant to S.C. Code § 39-5-140;

11. An order pursuant to 35 U.S.C. § 283 enjoining Defendants from making, using, selling, or offering for sale the claimed subject matter of the Asserted Patents;

12. A judgment and order requiring Defendants to pay Plaintiffs their damages, costs, expenses, and prejudgment and post-judgment interest for Defendants' infringement and/or induced infringement of the Asserted Patents to the full extent possible as provided under 35 U.S.C. §§ 154 and 284, including damages three times the amount found or assessed, and an accounting of ongoing post-judgment infringement;

13. An award of reasonable attorneys' fees under 35 U.S.C. § 285 and litigation expenses, together with costs and such other relief as the Court deems proper and just;

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14. Any and all other relief, whether based in law or equity, to which Plaintiffs AMERIGLOBE and BULK LIFT are entitled and for which this Court deems just and proper; and

15. Invalidation of Design Patent No. US D862,245.

**JURY DEMAND**

Pursuant to Rule 38 of the Federal Rules of Civil Procedure, Plaintiffs request a trial by jury.

AND FOR ALL OTHER GENERAL AND EQUITABLE RELIEF.

Respectfully submitted,

KIM AND LAHEY LAW FIRM, LLC

/s/ Hunter S. Freeman

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CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing AMENDED COMPLAINT on October 8, 2024 with the Clerk of the Court using the CM/ECF system, which will send notice to: INDEPENDENT PACKAGING ASSOCIATES LLC; JEFF WILEY; SUNBELT PACKAGING LLC; and IPA GLOBAL PRIVATE LIMITED.

KIM AND LAHEY LAW FIRM, LLC

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