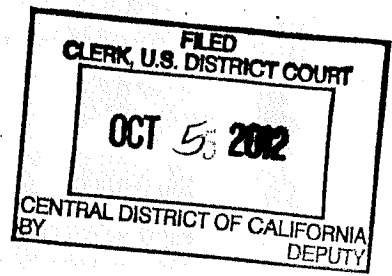


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7 Attorneys for Plaintiff
8 TREASURE GARDEN, INC.

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

15 TREASURE GARDEN, INC., a California
16 Corporation,

17 Plaintiff,

18 v.

19 RED STAR TRADERS, LLC, a Utah Limited
20 Liability Company; COSTCO WHOLESALE
21 INCORPORATION, a Washington
22 corporation; and DOES 1 through 10,
23 inclusive,

24 Defendants.

CV12-08577DDP(JEM)x

COMPLAINT FOR:

- 1. PATENT INFRINGEMENT (7,513,479)
- 2. PATENT INFRINGEMENT (7,641,165)

JURY TRIAL DEMANDED

24 Plaintiff TREASURE GARDEN, INC. ("Treasure Garden" or "Plaintiff"), for its
25 Complaint of patent infringement against RED STAR TRADERS, LLC ("Red Star
26 Traders"), and COSTCO WHOLESALE INCORPORATION ("Costco") alleges as
27 follows:
28

JURISDICTION AND VENUE

1
2 1. This is an action seeking injunctive relief and damages for patent infringement
3 arising from violations of the Patent Act of the United States, more particularly, 35 U.S.C.
4 §§ 271 and 281.
5

6 2. This court has jurisdiction over the subject matter of this action pursuant to 28
7 U.S.C. § 1331 (federal question), 28 U.S.C. § 1338 (patent).
8

9 3. Venue is proper in the Central District of California pursuant to 28 U.S.C. §§
10 1391(b), 1391(c), and 1400.
11

THE PARTIES

12
13 4. Plaintiff Treasure Garden, is, and was at all relevant times, a Corporation with
14 its principal place of business at 13401 Brooks Drive, Baldwin Park, CA 91706.
15

16 5. Wanda Ying Li is the inventor of U.S. Patent No. 7,513,479, the "Adjustable
17 Rotation Base" (the "479 patent"), a copy of which is attached hereto as **Exhibit "A"**
18 and incorporated herein by reference.
19

20 6. Wanda Ying Li is the inventor of U.S. Patent No. 7,641,165, the "Adjustable
21 Rotation Base" (the "165 patent"), a copy of which is attached hereto as **Exhibit "B"**
22 and incorporated herein by reference.
23

24 7. The '479 Patent and '165 Patent are hereinafter collectively referred to as "The
25 Umbrella Patents."
26

27 8. Ms. Li has assigned the Umbrella Patents to Oliver Joen-An Ma. The copies of
28 the Patent Assignment Abstract of Title are attached hereto as **Exhibit "C."** Plaintiff is

1 the exclusive licensee with substantial right to sue under the Umbrella Patents by virtue of
2 the license agreement of the Umbrella Patents from Mr. Ma.

3 9. Upon information and belief, Defendant Red Star Traders is, and was, at all
4 relevant times, a limited liability company with its principal place of business at 1775 W
5 2300 South, Salt Lake City, Utah 84119-2090, and does business within the Central
6 District of California.
7

8 10. Upon information and belief, Defendant Costco is, and was, at all relevant
9 times, a corporation with its principal place of business at 999 Lake Drive, Issaquah,
10 Washington 98027 and does business within the Central District of California.
11

12 11. The true names and capacities of the defendants named as Does 1 through 10
13 are unknown to Plaintiff, who therefore sues such defendants by fictitious names.
14 Plaintiff will amend this Complaint to allege such names and capacities when the same
15 have been ascertained. Plaintiff is informed and believes, and based thereon alleges, that
16 each of the defendants, including Doe defendants, is responsible in some way for the acts
17 alleged herein and the damages caused thereby. Each and every reference to "defendant"
18 or "defendants" or to each named defendant herein shall be considered to state "and
19 Does" after each reference to "defendant" or "defendants" or the named defendant. Red
20 Star Traders, Costco and Does 1 through 10 are hereinafter collectively referred to as
21 "Defendants."
22

23 12. Plaintiff is informed and believe and based thereon alleges, that each of the
24 defendants named herein were and are in some manner responsible for the actions, acts
25
26
27
28

1 and omission herein alleged, and for the damage caused by the other defendants, and are
2 therefore jointly and severally liable to Plaintiff. All Defendants, including but not
3 limited to, officers, directors, and managing agents of the business entities authorized and
4 ratified the action and omission of the other defendants.
5

6 **FACTS COMMON TO ALL COUNTS**

7 13. The Patents are directed for the adjustable rotation base of outdoor umbrellas.
8

9 14. In approximately March 2012, Defendants began selling an outdoor umbrella.
10

11 15. On or about July 5, 2012, Plaintiff purchased a Portofino Cantilever Resort
12 Umbrella through costco.com (the "Red Star Umbrella"). A copy of the receipt for that
13 purchase is attached as **Exhibit "D,"** and incorporated herein by reference.

14 16. The importer of the Red Star Umbrella is identified as the defendant Red Star
15 Traders.
16

17 17. As of August 16, 2012, the website www.costco.com, continued to advertise
18 the Red Star Umbrella.

19 18. The Red Star Umbrella includes an umbrella stand and base which reads on
20 one or more claims of the '479 patent and the '165 patent.
21

22 **FIRST CLAIM FOR RELIEF FOR** 23 **PATENT INFRINGEMENT OF THE '479 PATENT** 24

25 (Against all Defendants)

26 19. Plaintiff realleges paragraphs 1 through 18, inclusive, as if fully set forth
27 herein.
28

1 20. The '479 patent issued on April 7, 2009.

2 21. Defendants have sold or offered to sell, and made or imported, and will
3 continue to sell, offer to sell, make, or import outdoor umbrellas that directly or
4 contributorily infringe each of the elements of one or more claims of the '479 patent,
5 without license from Plaintiff, in this judicial district and elsewhere throughout the
6 United States.
7

8 22. By making, importing, selling, and/or offering to sell its outdoor umbrellas,
9 Defendants have infringed, and will continue to infringe, one or more claims of the '479
10 patent under 35 U.S.C. § 271, literally and/or under the doctrine of equivalents.
11

12 23. On information and belief, Defendants' infringement of the '479 patent has
13 been and continues to be willful and deliberate.
14

15 24. As a direct and proximate consequence of the acts and practices of Defendants,
16 Plaintiff has been, is being, and unless such acts and practices are enjoined by the Court,
17 will continue to be injured in its business and property rights, and has suffered, is
18 suffering, and will continue to suffer injury and damages for which it is entitled to relief
19 under 35 U.S.C. § 284.
20

21 25. As a direct and proximate consequence of the acts and practices of Defendants,
22 Plaintiff has been, is being, and unless such acts and practices are enjoined by the Court,
23 will continue to cause irreparable harm to Plaintiff for which there is no adequate remedy
24 at law, and for which Plaintiff is entitled to injunctive relief under 35 U.S.C. § 283.
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**SECOND CLAIM FOR RELIEF FOR
PATENT INFRINGEMENT OF THE '165 PATENT**

(Against all Defendants)

26. Plaintiff realleges paragraphs 1 through 25, inclusive, as if fully set forth herein.

27. The '165 patent issued on January 5, 2010.

28. Defendants have sold or offered to sell, and made or imported, and will continue to sell, offer to sell, make, or import outdoor umbrellas that directly or contributorily infringe each of the elements of one or more claims of the '165 patent, without license from Plaintiff, in this judicial district and elsewhere throughout the United States.

29. By making, importing, selling, and/or offering to sell its outdoor umbrellas, Defendants have infringed, and will continue to infringe, one or more claims of the '165 patent under 35 U.S.C. § 271, literally and/or under the doctrine of equivalents.

30. On information and belief, Defendants' infringement of the '165 patent has been and continues to be willful and deliberate.

31. As a direct and proximate consequence of the acts and practices of Defendants, Plaintiff has been, is being, and unless such acts and practices are enjoined by the Court, will continue to be injured in its business and property rights, and has suffered, is suffering, and will continue to suffer injury and damages for which it is entitled to relief under 35 U.S.C. § 284.

1 32. As a direct and proximate consequence of the acts and practices of Defendants,
2 Plaintiff has been, is being, and unless such acts and practices are enjoined by the Court,
3 will continue to cause irreparable harm to Plaintiff for which there is no adequate remedy
4 at law, and for which Plaintiff is entitled to injunctive relief under 35 U.S.C. § 283.

6 **Prayer for Relief**

7 **WHEREFORE**, Plaintiff prays for the entry of judgment from this Court as
8 follows:
9

10 1. Declaring that United States Letters Patents 7,513,479 and 7,641,165 were duly
11 and legally issued, are valid and are enforceable;

12 2. Declaring that Defendants have directly infringed, contributorily infringed,
13 and/or induced infringement of one or more claims of the '479 patent;

14 3. Declaring that Defendants have willfully infringed one or more claims of the
15 '479 patent;

16 4. Declaring that Defendants have directly infringed, contributorily infringed,
17 and/or induced infringement of one or more claims of the '165 patent;

18 5. Declaring that Defendants have willfully infringed one or more claims of the
19 '165 patent;

20 6. Deeming this to be an "exceptional" case within the meaning of 35 U.S.C. §285,
21 entitling Plaintiff to an award of its reasonable attorney fees, expenses and costs in this
22 action; and
23

24 7. Preliminarily and permanently enjoining Defendants and their respective
25
26
27
28

1 officers, agents, servants, employees, and attorneys, and those persons in active concert or
2 participation with them who receive actual notice of the order by personal service or
3 otherwise, from committing further acts of infringement under 35 U.S.C. § 271 of any one
4 or more claims of the '479, and '165 patents pursuant to 35 U.S.C. § 283;

6 8. Awarding plaintiff damages in accordance with 35 U.S.C. § 284;

7 9. Awarding plaintiff its costs in connection with this action; and

8 10. Awarding plaintiff such other and further relief as this Court may deem to be
9 just and proper.
10

11
12
13 Dated: October 02, 2012

Respectfully submitted,

14 DAVID AND RAYMOND
15 INTELLECTUAL PROPERTY LAW FIRM

16
17 By: 

18 Tony W. Wong
19 Attorney for Plaintiff
20 TREASURE GARDEN, INC.
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DEMAND FOR JURY TRIAL

Pursuant to Federal Rule of Civil Procedure 38(b), plaintiff hereby demands a jury trial for all issues so triable.

Dated: October 02, 2012

Respectfully submitted,

DAVID AND RAYMOND
INTELLECTUAL PROPERTY LAW FIRM

By: 

Tony W. Wong
Attorney for Plaintiff
TREASURE GARDEN, INC.

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