

UNITED STATES DISTRICT COURT FOR THE

SOUTHERN DISTRICT OF FLORIDA

MIAMI DIVISION

CASE NO. 1:25-cv-25934

CHUCHU WANG,

Plaintiff,

FILED UNDER SEAL

v.

THE INDIVIDUALS, PARTNERSHIPS AND

UNINCORPORATED ASSOCIATIONS IDENTIFIED

ON SCHEDULE “A”

Defendants.

_____ /

SECOND AMENDED COMPLAINT

Plaintiff, Chuchu Wang., (hereinafter referred to as “Plaintiff”), by and through undersigned counsel, hereby sues Defendants, the Individuals, Partnerships, and Unincorporated Associations identified on Schedule “A” (herein collectively referred to as “Defendants”), attached hereto, and in support thereof, states as follows:

INTRODUCTION

1. This is a civil action for the Plaintiff’s Patent infringements pursuant to the Patent Act, 35 U.S.C. § 101 et seq., including 35 U.S.C. § 271.

2. Plaintiff is the owner of one (1) United States Patent, No. US12,260,148B1 for Video Projection Switching Apparatus (hereinafter, collectively called “Plaintiff’s Patent”). Plaintiff’s Patent has been registered with the United States Patent and Trademark Office (“USPTO”) and is protected from infringement under federal patent law, which Plaintiff utilizes for the selling, marketing and promotion of retail goods.

3. Without Plaintiff’s authorization or license, Defendant is manufacturing, importing, promoting, reproducing, offering for sale, selling, and/or distributing goods that incorporate and infringe Plaintiff’s Patent within this District through various Internet based e-commerce stores and fully interactive commercial Internet websites operating under the seller identification names set forth on Schedule “A” (the “Seller IDs”). Such infringement is both deliberate and willful.

4. As a result, Plaintiff is enduring continuous damages to Plaintiff’s Patent at the hands of the Defendants herein, who unlawfully reproduce goods utilizing Plaintiff’s Patent to sell for substantial profits. Furthermore, the goodwill associated with Plaintiff’s Patent is being harmed by Defendants tricking and confusing the public.

5. In summary, Plaintiff has spent significant amounts of resources in connection with patent enforcement efforts, including legal fees and investigative fees to battle the harm caused by each of the Defendants’ infringement actions.

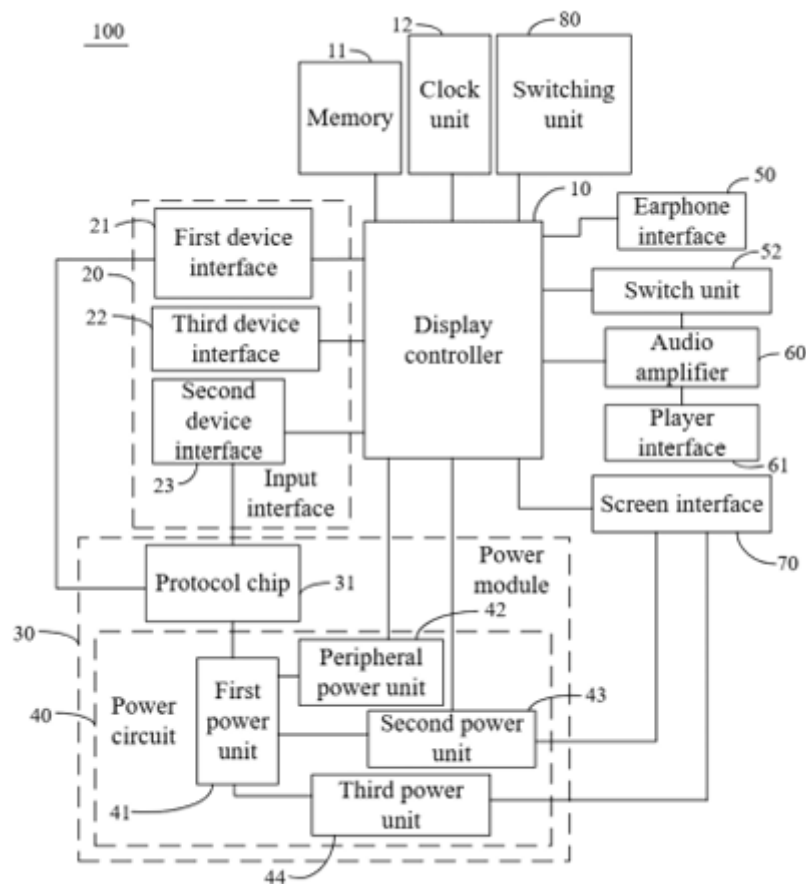
PARTIES

6. Plaintiff, Chuchu Wang, is an individual from China, and is otherwise sui juris.

7. Plaintiff is the owner of Patent having Registration Number US12,260,148B1, Date: Oct.28,2024, registered with the USPTO.

See true and correct copy of Plaintiff’s Patent attached hereto as **Exhibit 1**.

8. Plaintiff's Patent consists of a unique patent, and includes a screen interface, a display controller, a switching unit, and a plurality of input interfaces. At least two of the input interfaces are electrically connected to the display controller and used for connecting to external input devices. The screen interface is used for connecting to a display screen. The display controller is electrically connected to the switching unit and the screen interface. When at least two input interfaces both input video signals, the display controller first outputs a video signal input from one of the at least two input interfaces through the screen interface according to a preset program. The switching unit outputs a switching signal to the display controller when a user operates. The display controller selects to output a video signal input from another one of the at least two input interfaces through the screen interface when receiving the switching signal. To demonstrate the Plaintiff's Patented system, a figure is reproduced below:



9. Upon information and belief, Defendants are individual, partnership and/or business entity of unknown makeup, who either reside and/or operate in foreign jurisdictions.

10. Defendants target their business activities towards consumers throughout the United States, including Florida and this District using the operation of Internet based e-commerce stores, such as Amazon, Walmart via Internet marketplace websites using their Seller IDs and additional seller identification aliases and domain names not yet known to Plaintiff.

11. Upon information and belief, Defendants produce and/or distribute products from foreign jurisdictions and ship their goods to fulfilment centers within the United States, including Florida, to redistribute their products from those locations to the American consumer.

12. The Defendant's Internet Stores are all operating in the same transaction, occurrence, or series of transactions or occurrences and, therefore, joinder is proper, for the following reasons:

- a) There have been visible patterns of a concerted or coordinated operation. All of these Defendants have registered the Defendant Internet Stores with similar online platforms for the purpose of engaging in counterfeiting activities. In this case being Amazon and Walmart;
- b) Further, upon investigation, the Plaintiff examined the product listings and customer review pages of the Defendants' Internet Stores and discovered that the counterfeit products are being offered and delivered in identical product packaging. In particular, the packaging used by the Defendants bears the same overall trade dress, including an identical colour scheme, graphic layout, and design elements, such as a white background with flowing multi-coloured wave patterns, a prominently displayed cicada picture, and the identical slogan "Thin as cicada's wing. See more. Carry less." The uniformity and distinctiveness of this packaging across multiple Defendant Internet Stores is not coincidental but rather strongly

suggests that the Defendants are acting in coordination where these counterfeiting products are being manufactured by and come from a common source and that, upon information and belief, Defendants are interrelated in furtherance of their counterfeiting activities. *See, Exhibit 4* (Showing exemplary commonalities between different listings.);

- c) Plaintiff further believes that, the Defendants' Internet Stores use multiple credit card merchant accounts and/or PayPal accounts behind layers of payment gateways so that they can continue operation in spite of Plaintiff's enforcement efforts, and that the Defendants maintain off-shore bank accounts and regularly move funds from their PayPal accounts to off-shore bank accounts outside the jurisdiction of this Court to avoid a favorable monetary award to Plaintiff;
- d) All the Defendants operate from China while conducting sales to U.S. consumers via online marketplaces;
- e) Plaintiff's Amended Complaint further confirms the sales of the substantially similar product performing substantially similar function; *See, Claim Chart, Amended Complaint* (ECF No. 20);
- f) Further, all the Defendants employ deceptive business practices, for instance, likely used aliases, false addresses, or incomplete information to conceal their identities and evade enforcement efforts.

13. Defendants have the capacity to be sued pursuant to Federal Rule of Civil Procedure 17(b).

14. Upon information and belief, Defendants will continue to register or acquire new seller identification aliases and domain names for the purpose of selling and offering for sale goods bearing infringing and counterfeit reproductions of Plaintiff's Patent unless preliminarily and permanently enjoined.

15. Plaintiff has and will continue to suffer damages as a result of Defendants' patent infringement unless injunctive and monetary relief is awarded by this Honourable Court.

JURISDICTION AND VENUE

16. This Court has subject matter jurisdiction over this case pursuant to the Federal Patent Act, 35 U.S.C. § 101 et seq., and 28 U.S.C. §§ 1331 and 1338.

17. This Court has personal jurisdiction over Defendants pursuant to Florida Statutes § 48.193(1)(a)(1)-(2) and § 48.193(1)(a)(6), or, in the alternative, Rule 4(k) of the Federal Rules of Civil Procedure because, upon information and belief, Defendants are regularly Operating, conducting, engaging in, or carrying on a business within the District of Florida and in this Judicial District. Further, Defendants are causing injury to persons within the District of Florida and in this Judicial District since the Infringing Products manufactured by the defendants anywhere were used or consumed within this state in the ordinary course of commerce, trade, or use. *See, Rae v. Celebrity Cruises Inc.*, No. 1:21-cv-21668 (S.D. Fla. 2022).

18. Defendant's systematic and continuous operation of an internet store, coupled with their regular facilitation of business through prominent online marketplaces such as Amazon and Walmart; demonstrates a clear and deliberate intent to target and serve consumers within Florida, and thereby confirms the operation of business of the Defendants within the district of Florida. *See, Lead Creation Inc. v. P'ships & Unincorporated Ass'ns Identified on Schedule A*. No. 8:23-cv-49-CEH-CPT, 2023 U.S. Dist. LEXIS 25025 (M.D. Fla. Feb. 14, 2023) [note: Plaintiff clearly demonstrated that Defendants directly targets his business activities toward consumers in the District of Florida. Specifically, Plaintiff has provided a basis to conclude that Defendants have targeted sales to Florida residents by setting up and operating e-commerce stores that target United States consumers using one or more Seller Aliases, offer shipping to the United States, including Florida, accept payment in U.S. dollars and have sold the same product that infringes directly and/or indirectly Plaintiff's patent-in-suit to residents of Florida.]

19. Defendant's Internet Stores accept orders for Infringing Products from and offer shipping to Florida addresses located in Florida and in this Judicial District.

20. Venue is proper over Defendants in this District pursuant 28 U.S.C. § 1391 and 28 U.S.C. § 1400, since Defendants are, upon information and belief, aliens engaged in infringing activities and causing harm within this District by advertising, importing, promoting, reproducing, offering for sale, selling, and/or distributing goods that incorporate and infringe Plaintiff's Patent into this District and the Defendants are subject to personal jurisdiction within this District with respect to the action brought herein.

GENERAL ALLEGATIONS

21. Plaintiff has filed this lawsuit against Defendants to enjoin online patent infringers who trade upon Plaintiff's valuable Patent by distributing, offering to sell and/or selling unauthorized goods that incorporate and infringe Plaintiff's Patent.

22. On the following dates, Plaintiff filed with the USPTO utility patent for the Video Projection Switching Apparatus ("Plaintiff's Patent"): US12,260,148B1, Date: Oct.28,2024

23. Plaintiff's registration of the Patent pre-dates Defendants' infringement thereof.

See Plaintiff's Patent Certificate of Registration attached hereto as **Exhibit 1**.

24. Plaintiff's Patent registration is valid, in full force and effect, unrevoked and uncanceled.

25. In pursuance of its pre-suit investigation, Plaintiff prepared a claim chart with respect to each infringing products attached hereto as **Exhibit 2**. As depicted in the claim chart, Defendants' Infringing Products embody at least Claim 1 of the Plaintiff's Patent, either literally or under the doctrine of equivalents. The Plaintiff in its claim chart has firstly, identified within each infringing product the components that infringe upon Plaintiff Patent. Secondly, the claim chart also explains as to how, to the best of its belief, the components

infringe on Plaintiff's Patent. Thus, Plaintiff asserts that he has "good faith" to believe that the infringing products are infringing Plaintiff's Patent. *See, Cf. Lifetime Indus., Inc. v. Trim-Lok, Inc.*, 869 F.3d 1372, 1379 (Fed. Cir. 2017) [note: holding that a complaint is sufficient when it places the alleged infringer on "notice of what activity . . . is being accused of infringement" . . . where the alleged infringement occurred . . . when the alleged infringement occurred . . . and why"]

26. Plaintiff has provided Defendant with notice of its Patent rights by providing a copy of the registration number (US Patent number US12,260,148B1) on its sales listings.

27. Plaintiff has not granted a license or any other authorizations to any of the Defendants to make, use, offer for sale, sell and/or import goods that embody the Plaintiff's which is proprietary to Plaintiff.

28. Upon information and belief, Defendants willfully and knowingly infringe Plaintiff's Patent rights.

29. Upon information and belief, Defendants are advertising, distributing, offering to sell and/or selling unauthorized goods that incorporate and infringe Plaintiff's Patent in U.S. interstate commerce.

30. Defendants offer to sell exact copies, or copies that literally embody the elements of at least one claim of the Plaintiff's Patent or, in the alternative, perform substantially the same function in substantially the same way with substantially the same result as Plaintiff's Patent (hereinafter referred to as the Defendants' "Counterfeit Copies") through Internet based e-commerce stores operating under the Seller IDs.

31. Upon information and belief, Defendants are actively using, promoting and otherwise advertising, distributing, selling and/or offering for sale substantial quantities of their Counterfeit Copies without authority to use Plaintiff's Patent.

32. At all times relevant hereto, Defendants knew or should have known of Plaintiff's ownership of the Patent, including its exclusive right to use and license such intellectual property.

33. Defendant's use of Plaintiff's Patent to create the Counterfeit Copies, is without Plaintiff's consent or authorization.

34. Each Defendant are engaging in the above-described illegal infringing activities knowingly and intentionally or with reckless disregard or willful blindness to Plaintiff's rights. If Defendants' willful and intentional infringing activities are not preliminarily and permanently enjoined by this Court, Plaintiff and the consuming public will continue to be harmed.

35. Upon information and belief, Defendant's payment and financial accounts are being used by Defendants to accept, receive, and deposit profits from Defendants' infringing activities connected to their Seller IDs and any other alias seller identification names being used and/or controlled by them.

36. Upon information and belief, Defendants continuously creates new websites and online marketplace accounts using the Seller IDs listed in Schedule A (attached hereto as "**Exhibit 3**"), as well as other unknown fictitious names and addresses.

37. Further, upon information and belief, Defendants are likely to transfer or conceal their assets to avoid payment of any monetary judgment awarded to Plaintiff in order to avoid being detected and shut down.

38. Plaintiff has no adequate remedy at law.

39. Plaintiff is suffering irreparable harm, injury and substantial damages directly and proximately caused by Defendants' unauthorized and wrongful use of Plaintiff's Patent.

40. Defendants must be enjoined from continuing to advertise, distribute, offer for sale and/or sell Counterfeit Copies that directly infringe on Plaintiff's patent protections pursuant to federal patent law.

COUNT I

INFRINGEMENT OF UNITED STATES PATENT NO. US12,260,148B1
35 U.S.C. § 271

41. Plaintiff reincorporates and realleges paragraphs 1 through 40 of this Amended Complaint as if fully set forth herein.

42. The registration for Plaintiff's Patent is valid, subsisting, unrevoked and uncanceled.

43. Plaintiff is the owner of one (1) US12,260,148B1 for "Video Projection Switching Apparatus". (See Exhibit 1) at issue in this lawsuit.

44. Plaintiff is the owner having the authority to enforce the rights associated with one (1) United States Patent registered with the USPTO against any unauthorized use, infringement or violation by third parties within the jurisdiction of USA. A true and correct copy of Plaintiff's Patent will be attached to the Amended Complaint as Exhibit 1 (filed under seal).

45. Plaintiff has provided notice of its Patent by posting notice of its registration number on the Websites through which it sells its Patented product.

46. Without Plaintiff's permission or authorization, Defendants have infringed one or more of Plaintiff's exclusive rights relating to the federally registered Plaintiff's Patent by importing, manufacturing, offering for sale, and/or selling Counterfeit Copies which infringe on the Plaintiff's Patent.

47. Defendants' Counterfeit Copies infringe directly or indirectly on the Plaintiff's Patent under the doctrine of equivalents.

48. Defendants are directly liable for infringing Plaintiff's Patent under the Patent Act, 35 U.S.C. § 271.

49. The foregoing acts of infringement have been willful, intentional, and purposeful, in disregard of and indifferent to Plaintiff's rights in the Plaintiff's Patent.

50. Defendants' unlawful actions have caused and are continuing to cause unquantifiable and irreparable harm and unquantifiable damages to Plaintiff and are unjustly enriching themselves at Plaintiff's expense.

51. As a direct and proximate result of Defendants' continuous infringement of Plaintiff's Patent, Plaintiff is entitled to injunctive relief as well as monetary damages as provided by the Patent Act, including Defendants' profits pursuant to 35 U.S.C. §§ 284 and 289.

52. Plaintiff is further entitled to its attorney's fees pursuant to 35 U.S.C. § 285.

53. Upon information and belief, Defendants' infringement of Plaintiff's Patent has been and continues to be willful.

54. Specifically, Defendants have infringed and continues to infringe at least Claim 1 of the Plaintiff's Patent by making, using, importing, selling, and/or offering to sell their infringing products within the United States without authorization or license from Plaintiff. *See, Exhibit 2.*

55. Defendants' conduct has caused and will continue to cause Plaintiff substantial damages, including irreparable harm, for which Plaintiff has no adequate remedy at law, unless and until Defendants are enjoined from infringing the Plaintiff's Patent.

56. Plaintiff is entitled to injunctive relief, as set forth below, because of the continuing infringements of Plaintiff's Patent and because of the significant threat of future infringement as evidenced herein.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff demands judgment, an award of equitable relief and monetary relief against Defendants as follows:

A. Allow for the Joinder of the defendants mentioned in Schedule A of the amended complaint pursuant to Rule 20 of the Fed. Rul. of Civ. Pro. and 35 U.S.C. § 299(a) as the claims arise from the same transaction, occurrence, or series of transactions and occurrences; involve common questions of law and fact and promotes judicial economy.

B. Entry of temporary, preliminary, and permanent injunctions pursuant to 35 U.S.C. § 284, and Federal Rule of Civil Procedure 65; enjoining Defendants, their affiliates, officers, agents, representatives, servants, employees, and all persons acting in concert or participation therewith, from infringing Plaintiff's Patent in manufacturing or causing to be manufactured, producing, importing, advertising or promoting, distributing, selling or offering to sell their Counterfeit Copies; from infringing, counterfeiting, and from using any reproduction, counterfeit, copy, or imitation of the Patent in connection with the publicity, promotion, offer for sale, sale, or advertising of any goods sold by Defendants.

C. Entry of an order pursuant to 28 U.S.C. § 1651(a), The All Writs Act, and the Court's inherent authority, that upon Plaintiff's request, the applicable governing Internet marketplace website operators and/or administrators for the Seller IDs who are provided with notice of an injunction issued by the Court disable and/or cease facilitating access to the Seller IDs, associated ecommerce stores and websites, and any other alias seller identification names being used and/or controlled by Defendants to engage in the business of marketing, offering to sell, and/or selling goods bearing infringements of Plaintiff's Patent. The Internet marketplace platforms include but are not limited to; Amazon and Walmart.

D. Entry of an order pursuant to 28 U.S.C. § 1651(a), and the Court's inherent authority that, upon Plaintiff's request, any Internet marketplace website operators and/or administrators who are provided with notice of an injunction issued by the Court permanently remove any and all listings and associated images of goods bearing infringements of the Patent via the e-commerce stores operating under the Seller IDs, and upon Plaintiff's request, any other listings

and images of goods bearing infringements of the Plaintiff's Patent associated with and/or linked to the same sellers or linked to any other alias seller identification names being used and/or controlled by Defendants to promote, offer for sale and/or sell goods bearing infringements of the Plaintiff's Patent.

E. Entry of an order pursuant to 28 U.S.C. § 1651(a), and the Court's inherent authority that, upon Plaintiff's request, any Internet marketplace website operators and/or administrators who are provided with notice of an injunction issued by the Court permanently remove any and all listings and associated images of goods bearing infringements of the Patent via the e-commerce stores operating under the Seller IDs, and upon Plaintiff's request, any other listings and images of goods bearing infringements of the Plaintiff's Patent associated with and/or linked to the same sellers or linked to any other alias seller identification names being used and/or controlled by Defendants to promote, offer for sale and/or sell goods bearing infringements of the Plaintiff's Patent.

F. Entry of an order that, upon Plaintiff's request, Defendants and any financial institutions, payment processors, banks, escrow services, money transmitters, or marketplace platforms, and their related companies and affiliates, identify and restrain all funds, up to and including the total amount of judgment, in all financial accounts and/or sub-accounts used in connection with the Seller IDs or other alias seller identification or e-commerce store names, domain names and/or websites used by Defendants presently or in the future, as well as any other related accounts of the same customer(s) and any other accounts which transfer funds into the same financial institution account(s), to be surrendered to Plaintiff in partial satisfaction of the monetary judgment entered herein.

G. Entry of a judgment and award that Defendants account for and pay to Plaintiff damages adequate to compensate for Defendants' infringements of the Plaintiff's Patent, including lost profits but in no event less than a reasonable royalty.

H. Entry of a judgement and award of Defendants' total profits in an amount subject to proof at trial, pursuant to 35 U.S.C. § 289.

I. Entry of an Order finding that Defendants' infringement was wilful and an award of increased damages for wilful infringement, pursuant to 35 U.S.C § 284.

J. Entry of an Order finding this case is exceptional under 35 U.S.C. § 285 and awarding Plaintiff its costs, expenses and disbursements incurred in this action, including reasonable attorney's fees as available by law to be paid by Defendants.

K. Entry of an award of prejudgment interest on the judgment amount.

L. Entry of an Order for such other and further relief as the Court may deem just and proper.

Respectfully submitted on this 27th day of April, 2026.

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