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Attorney for Plaintiff
NINGBO BONNY E-HOME CO., LTD.

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF PENNSYLVANIA

NINGBO BONNY E-HOME CO., LTD., a
corporation of China

Plaintiff,

v.

ONWAY, POOLCLEAN US STORE, USA
WAREHOUSE, BOWANJIE, INPOOL US
STORE, DEWFOND, DIGIGER,
MOTOBUDDY STORE, and et al.
Individual, Partnerships

Defendant.

Case No.

**(1) COMPLAINT FOR
PATENT INFRINGEMENT
[35 U.S.C. § 271 *et seq.*]**

(2) DEMAND FOR JURY TRIAL

For its Complaint against Defendant ONWAY, POOLCLEAN US STORE, USA WAREHOUSE,
BOWANJIE, INPOOL US STORE, DEWFOND, DIGIGER, MOTOBUDDY STORE (collectively
“Defendants”), Plaintiff NINGBO BONNY E-HOME CO., LTD. (“Plaintiff”) states the following:

I.

THE PARTIES

1. Plaintiff is a corporation organized and registered in China having a principal place of business at 5th Floor, Chuangdai Incubation, No. 199, Hexiao East Road, Dongqiao Town, Haishu District, Ningbo, Zhejiang, 315000, China.

2. Plaintiff is informed and believes, and thereupon alleges, that each Defendant is a foreign based companies that has copied Plaintiff's proprietary patent-protected and sells those products online in marketplaces such as Amazon.com and eBay.com without regard for the intellectual property rights of others, and who may be characterized as infringers and counterfeiters because of their disregard for the owner's rights and/or for the damage they cause to legitimate businesses. Sometimes the one Defendants conduct their legitimate business in concert or connection with other Defendants.

3. Upon information and belief, each Defendant respectively has substantial contacts and transacts substantial business, either directly or through agents, on an ongoing basis in this judicial district and elsewhere in the United States.

4. All allegations in this Complaint referencing Defendants shall be deemed to mean acts of Defendants acting individually, jointly, severally, or any combination of them.

5. Unless specifically stated otherwise, the acts complained of herein were committed by, on behalf of, and/or for the benefit of Defendants.

II.

NATURE OF THE ACTION

6. This is an action for patent infringement.

7. Plaintiff is informed and believes, and thereupon alleges, that each Defendant has been

1 infringing, contributing to the infringement of, and/or actively inducing others to infringe claim of
2 U.S. Patent No. D985,947S (“the ’947 Patent”).

3 8. Plaintiff is informed and believes, and thereupon alleges, that Defendants have been
4 and are infringing, contributing to the infringement of, and/or actively inducing others to commit
5 violations of Unfair Competition and Deceptive Trade Practice in violation of *Pennsylvania Business*
6 *and Professions Code Section 17299*.

7
8 9. Plaintiff has determined, using applicable legal measures of evaluation and
9 comparison, that each Defendant has engaged in infringement of the ‘947 Patent. In particular,
10 Plaintiff has compared the accused infringing products according to the perspective of the eye of an
11 ordinary observer, giving such attention as a purchaser usually gives, to such matters.

12 13 14 **III.**

15 **JURISDICTION AND VENUE**

16 10. This action arises under the patent laws of the United States, 35 U.S.C. § 271 et seq.,
17 and the laws of the Commonwealth of Pennsylvania. This Court has subject matter jurisdiction
18 pursuant to 28 U.S.C. § 1331 (as a federal question), and §1338(a) (patent question) and 28 U.S.C.
19 §1367.

20
21 11. This Court has personal jurisdiction over Defendants because they conduct substantial
22 business in the Commonwealth of Pennsylvania in this judicial district and have been infringing,
23 contributing to the infringement of, and/or actively inducing others to infringe the ’947 Patent in this
24 District and elsewhere. This Court may exercise personal jurisdiction over a non-resident of the state
25 where the court sits as and to the extent authorized by state law. Fed R. Civ. Pro. 4e. Pennsylvania
26 authorized personal jurisdiction over each Defendant pursuant to 42 Pa. Const. Statutes Section
27
28

1 5322(a) which provides: “A tribunal of this Commonwealth may exercise personal jurisdiction over a
2 person...who acts...as to a cause of action...(1) Transacting any business in this Commonwealth.” In
3 the alternative, Fed R. Civ. Pro Rule 4(k) confers personal jurisdiction over the Defendant because, on
4 information and belief they regularly conduct, transact and/or solicit business in Pennsylvania and in
5 this judicial district and/or derive substantial revenue from their business transactions in Pennsylvania
6 and in this judicial district and or otherwise avail themselves of the privileges and protections of the
7 laws of Pennsylvania such that this Courts assertion of jurisdiction over Defendant does not offend
8 traditional notions of fair play and due process and/or Defendant infringing actions in Pennsylvania
9 caused injury to Plaintiff in Pennsylvania and this judicial district such that Defendant should
10 reasonably contemplate such actions to have consequences in Pennsylvania and this judicial district,
11 for example:
12

- 13
- 14 (a) On information and belief, Defendants have directed or targeted infringing activities
15 toward consumers in the United States, including Pennsylvania through their online
16 platforms and websites, including Amazon.com and eBay.com under seller IDs held
17 by or associated with Defendants. These marketplace websites are also may be known
18 under name such as “User Accounts”. Through these websites, consumers in the
19 United States, including Pennsylvania, can view the marketplace websites through
20 which Defendants offer infringing products online and through which consumers can
21 place orders for delivery of infringing products and Defendants can transact the illegal
22 business.
23
- 24 (b) Defendants accept payment for infringing products in U.S. dollars and offer delivery
25 of the illegal sales in the United States, including Pennsylvania.
26
- 27 (c) Defendants are currently and continuously targeting their illegal sales of infringing
28

products toward consumers and causing harm in Allegheny County, Pennsylvania.

(d) Defendants are causing an illegal stream of infringing products to enter the United States, including this judicial district.

(e) Plaintiff is suffering irreparable harm and substantial damages due to Defendants' wrongful advertising and sale of infringing goods in this judicial district.

12. Venue is proper in this Court pursuant to 28 U.S.C. §§ 1391 (a) (b) and (c) and /or 1400

(b) because

(a) a substantial part of the events giving rise to Plaintiff's claims occurred in the Western District of Pennsylvania and because Defendants are subject to personal jurisdiction in the Western District of Pennsylvania,

(b) Defendants are known to transact business in this judicial district, and

(c) Defendants not resident in the United States may be sued in this judicial district because personal jurisdiction is proper in this district.

FACUAL BACKGROUND

(U.S. Design Patent No. D985,947S)

13. Plaintiff re-alleges and incorporates by reference Paragraphs 1 – 12 of its Complaint.

14. On May 16, 2023, the '947 Patent titled "POOL BRUSH HEAD" was duly and legally issued to Ningbo Dongchuan Swimming Pool Equipment Co., Ltd.. The '947 Patent has remained in force since that time and continues to be in force. A true and correct copy of the '947 Patent is attached as Exhibit "1" and incorporated herein by reference.

15. The '947 Patent is the result of substantial research into a unique design and commitment of innovative efforts and resources by the inventors Huaizhong He and Hu Zhang.

1 16. At all relevant times, the rights in the ‘947 Patent have been owned by Assignee
2 Ningbo Bonny E-Home Co., Ltd., who is also the Plaintiff.

3 17. The ‘947 Patent covers an ornamental design for a pool brush. Plaintiff has been
4 commercially and successfully with its distinctive pool brush design providing differentiation to other
5 competitors’ pool brush designs.
6

7 18. As a result of Plaintiff’s substantial advertising and promotional efforts, as well as the
8 high quality of the pool brush products associated with the design of the ‘947 Patent, such distinctive
9 pool brush design has earned valuable and residual goodwill and reputation for Plaintiff being the sole
10 source for such pool brush goods in the United States.

11 19. Plaintiff is informed and believes that the Defendants as listed in Schedule A each
12 owns, operates or otherwise controls an online store on Amazon.com (“Amazon”), eBay.com or
13 Walmart.com where it advertises and sells its products using the brand name listed on Schedule A.
14

15 20. Plaintiff is informed and believes that Defendants may offer and provide products
16 between each other which products infringe the ‘947 Patent to the market under various names.

17 21. Defendants sell the products under the ordinary observer test. Under this test, an
18 accused design infringes upon a patented design if, in the eye of an ordinary observer, giving such
19 attention as a purchaser usually gives, two designs are substantially the same in that the resemblance is
20 such as to deceive such an observer, inducing him to purchase one supposing it to be the other.
21

22 22. A side-by-side comparison of the ‘947 Patent and the infringing products that are sold
23 by Defendants are shown below in the Claim Charts accompanying this Complaint as Exhibit “2”,
24 Exhibit “3”, Exhibit “4”, Exhibit “5”, Exhibit “6”, Exhibit “7”, Exhibit “8”, and Exhibit “9”
25 respectively.

26 23. Plaintiff has not granted a license or any other authorization to Defendants to make
27
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1 use, offer for sale, sell or import pool brushes that embody the design patented in the '947 Patent and
2 which are proprietary to Plaintiff.

3 24. On or about August, 2023, Plaintiff through counsel communicated a request to cease-
4 and-desist, informing each of the Defendants, about the infringement and asking them to stop. Despite
5 the information and the request to cease-and-desist, Defendants continue to sell, offer to sell and/or
6 promote the infringing products on online platforms at least on the Amazon.com marketplace.

7
8 25. No Defendants have responded to the cease-and-desist request or acknowledged the
9 receipt of the infringement warning by Plaintiff. None of the Defendants have ceased selling the
10 infringing products on-line, or have discouraged consumers from purchasing infringing products,
11 despite knowing of Plaintiff's rights.

12
13 26. Thus, Defendants have not discouraged consumers from purchasing infringing
14 products, despite knowing of Plaintiff's rights.

15 27. Defendants have been willfully and knowingly infringing Plaintiff's rights, as to the
16 '947 Patent, causing Plaintiff to suffer from substantial losses and damages.

17 28. Plaintiff believes that Defendants' wrongful conduct and infringing and damaging
18 activities will continue unless enjoined by this Court.

19
20
21 **FIRST CAUSE OF ACTION**

22 **(Infringement of U.S. Design Patent No. D985,947S**

23 **Under 35 U.S.C. § 271 *et seq.*)**

24 29. Plaintiff incorporates by reference and reallege paragraphs 1 through 28 above as
25 though fully restated here.

26 30. Plaintiff provided actual notice to Defendants of their infringement on repeated
27

28
COMPLAINT

occasions at least as early as August, 2023, including informing Defendant of the infringement and asking that Defendants cease and desist and also through the filing of this complaint.

31. Defendants have engaged in a pattern of conduct demonstrating: Defendants' awareness of the '947 Patent; the objectively high likelihood that Defendants' actions constitute infringement of the '947 Patent and that the '947 Patent is valid and enforceable; and that this objectively-defined risk was so obvious that Defendants knew or should have known it.

32. Plaintiff is informed and believes, and thereupon alleges, that Defendants have infringed and continue to infringe the '947 Patent by, *inter alia*, making, using, offering to sell, or selling in the United States, including in the State of Pennsylvania and within this judicial district, products infringing the ornamental design covered by the '947 Patent in violation of 35 U.S.C. § 271, including but not limited to the infringing products.

33. Defendants infringe the '947 Patent because, *inter alia*, in the eye of an ordinary observer, giving such attention as a purchaser usually gives, the design of the '947 Patent and the pool brush design of Defendants' products including are substantially the same, the resemblance being such as to deceive such an ordinary observer, inducing him to purchase one supposing it to be the other.

34. Defendants' acts of infringement of the '947 Patent were undertaken without authority, permission or license from Plaintiff. As such, Defendant' infringing activities violate 35 U.S.C. § 271.

35. Defendants' infringement has damaged and continues to damage the injure Plaintiff. The injury to Plaintiff is irreparable and will continue unless and until Defendant are enjoined from further infringement.

36. Plaintiff is entitled to a complete accounting of all relevant and profits derived by Defendants from the unlawful conduct alleged herein, including without limitation, Defendants' total

1 profit pursuant to 35 U.S.C. § 289.

2 37. Defendants have engaged and are engaged in willful and deliberate infringement of the
3 ‘947 Patent. Such willful and deliberate infringement justifies an increase of three times the damages
4 to be assessed pursuant to 35 U.S.C. § 284 and further qualifies this action as an exceptional case
5 supporting an award of reasonable attorney’s fees pursuant to 35 U.S.C. § 285.
6

7 38. Plaintiff is entitled to a permanent injunction preventing Defendant from further
8 infringing the ‘947 Patent.

9 **PRAYER FOR RELIEF**

10 **WHEREFORE**, Plaintiff asks this Court to enter judgment in its favor against Defendants and
11 grant the following relief:

12 A. An adjudication that Defendants have infringed and continue to infringe, directly and
13 indirectly through contributory and/or induced infringement, the ‘947 Patent as alleged above.
14

15 B. An accounting of all damages sustained by Plaintiff as a result of Defendants’ acts of
16 infringement of the ‘947 Patent pursuant to 35 U.S.C. § 283.

17 C. An award to Plaintiff of actual damages adequate to compensate Plaintiff for
18 Defendants’ acts of infringement, together with pre-judgment and post-judgment interest.
19

20 D. An award to Plaintiff of enhanced damages, up to and including the trebling of Plaintiff’s
21 damages pursuant to 35 U.S.C. § 284 for Defendants’ willful infringement of the ‘947 Patent.

22 E. An award for Plaintiff’s cost of suit and reasonable attorneys’ fees pursuant to 35 U.S.C.
23 § 285 due to the exceptional nature of this case; or as otherwise permitted by law.

24 F. A grant of a temporary restraining order, preliminary and permanent injunction pursuant
25 to 35 U.S.C. § 283, enjoining Defendants and their agents, servants employees, principals, officers,
26 attorneys, successors, assignees and all those in active concert with Defendants, including related
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1 individuals and entities, customers, representatives, OEM's, dealers and distributors, from further acts
2 of (1) infringement, (2) contributory infringement, and (3) active inducement to infringe with respect to
3 the claims of the '947 Patent, and;
4

5 G. Entry of an Order that, on Plaintiff's request any financial institutions, payment
6 processors, billing agents, banks, escrow services, money transmitters or marketplace platforms and
7 their related companies and affiliates, identify and restrain all funds in all financial accounts in
8 connection with the Defendant and/or their seller ID's or ecommerce names or other identifiers used by
9 Defendant now or in the future or any other account used in connection with funds processed from the
10 sale of the infringing products, to be used in partial satisfaction of the judgement entered in this case.
11

12 H. Any further relief that this Court deems just and proper.
13

14 Dated: May 19, 2024

RAYCHAN I.P. LAW FIRM, PLLC

15
16 /s/ Patricia Ray

17 Attorneys for Plaintiff
18 NINGBO BONNY E-HOME CO., LTD.
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DEMAND FOR JURY TRIAL

Plaintiff hereby demands a jury trial on all issues triable as of right to a jury. FED. R. CIV. P.
38(b).

Dated: May 19, 2024

RAYCHAN I.P. LAW FIRM

/s/ Patricia Ray
Patricia Ray

Attorneys for Plaintiff
NINGBO BONNY E-HOME CO., LTD.

SCHEDULE A

卖家	品牌	ASIN	图片	链接
Oneday	LALAPOOL	BOC3HQGXBI		https://www.amazon.com/dp/BOC3HQGXBI/ref=sppa_dk_detail_0?ie=UTF8&psc=1&pd_rd_i=&pd_rd_i=BOC3HQGXBI&13NParams&s=kitchen&sp_csd=d2lk22VOTmFtZT1zcF9kZXRhWxZlGhblbWF0aWM
Poolclean US Store	Unipool	BOC1BYLN4Q		https://www.amazon.com/Professional-Swimming-Hemispherical-Aluminum-Bristles/dp/BOC1BYLN4Q/ref=sr_1_5?crid=223FIAXC87QTK&keywords=pool%28brush&qid=1685604783&spreffix=pool%28bru%2Caps%2C407&sr=8-5&th=1
		BOC1C1C1XT		https://www.amazon.com/Professional-Swimming-Hemispherical-Aluminum-Bristles/dp/BOC1C1C1XT/ref=sr_1_5?crid=223FIAXC87QTK&keywords=pool%28brush&qid=1685604783&spreffix=pool%28bru%2Caps%2C407&sr=8-5&th=1
		BOBQJMLDVM		https://www.amazon.com/Professional-Swimming-Hemispherical-Aluminum-Bristles/dp/BOBQJMLDVM/ref=sr_1_5?crid=223FIAXC87QTK&keywords=pool%28brush&qid=1685604783&spreffix=pool%28bru%2Caps%2C407&sr=8-5&th=1
		BOC1BZ72XX		https://www.amazon.com/Professional-Swimming-Hemispherical-Aluminum-Bristles/dp/BOC1BZ72XX/ref=sr_1_5?crid=223FIAXC87QTK&keywords=pool%28brush&qid=1685604783&spreffix=pool%28bru%2Caps%2C407&sr=8-5&th=1
Usa Warehouse	Tenrry	BOBXKPZQM8		https://www.amazon.com/dp/BOBXKPZQM8/ref=sppa_dk_detail_4?ie=UTF8&psc=1&pd_rd_i=&pd_rd_i=BOBXKPZQM8p13NParams&s=kitchen&sp_csd=d2lk22VOTmFtZT1zcF9kZXRhWxZlGhblbWF0aWM
		BOBXKVNJZP		https://www.amazon.com/dp/BOBXKVNJZP/ref=sppa_dk_detail_4?ie=UTF8&psc=1&pd_rd_i=&pd_rd_i=BOBXKVNJZPp13NParams&s=kitchen&sp_csd=d2lk22VOTmFtZT1zcF9kZXRhWxZlGhblbWF0aWM&th=1
BOWANJIE	Poolergetic	BOBZ3C292B		https://www.amazon.com/dp/BOBZ3C292B/ref=sppa_dk_detail_0?pf_rd_p=Od1092dc-81bb-493f-8769-d5c802257e94&pf_rd_r=5KC0BBZKPT250Q8YESG&pd_rd_wg=bCYpP&pd_rd_w=EqHgG&content-id=amzn1.sym.Od1092dc-81bb-493f-8769-d5c802257e94&pd_rd_r=93e06555-b546-4a6f-8d75-d6a36b7646f8&psc=1&pd_rd_i=&pd_rd_i=BOBZ3C292Bp13NParams&s=kitchen&sp_csd=d2lk22VOTmFtZT1zcF9kZXRhWxZlGhblbWF0aWM
		BOBYZHNFPH		https://www.amazon.com/dp/BOBYZHNFPH/ref=sppa_dk_detail_0?pf_rd_p=Od1092dc-81bb-493f-8769-d5c802257e94&pf_rd_r=5KC0BBZKPT250Q8YESG&pd_rd_wg=bCYpP&pd_rd_w=EqHgG&content-id=amzn1.sym.Od1092dc-81bb-493f-8769-d5c802257e94&pd_rd_r=93e06555-b546-4a6f-8d75-d6a36b7646f8&psc=1&pd_rd_i=&pd_rd_i=BOBYZHNFPHp13NParams&s=kitchen&sp_csd=d2lk22VOTmFtZT1zcF9kZXRhWxZlGhblbWF0aWM
Inpool US Store	Unipool	BOBQJMHV5K		https://www.amazon.com/Professional-Swimming-Hemispherical-Aluminum-Bristles/dp/BOBQJMHV5K/ref=sr_1_10?m=AN142DTA6RYOR&marketplaceID=ATVPDKIKXODER&qid=1685606743&s=merchant-items&sr=1-10
Dewfond	Dewfond	BOC2K98FVF		https://www.amazon.com/dp/BOC2K98FVF/ref=sppa_dk_detail_4?ie=UTF8&psc=1&s=kitchen&sp_csd=d2lk22VOTmFtZT1zcF9kZXRhWxZlGhblbWF0aWM
DIGIGER	TONGYI	BOC6JVCNT8		https://www.amazon.com/dp/BOC6JVCNT8/ref=sppa_dk_detail_0?ie=UTF8&s=kitchen&sp_csd=d2lk22VOTmFtZT1zcF9kZXRhWxZlGhblbWF0aWM&th=1
		BOC6JVPTL		https://www.amazon.com/dp/BOC6JVPTL/ref=sppa_dk_detail_0?ie=UTF8&s=kitchen&sp_csd=d2lk22VOTmFtZT1zcF9kZXRhWxZlGhblbWF0aWM&th=1
MOTORBUDDY	MOTORBUDDY	BOCDGJVMBN		https://www.amazon.com/dp/BOCDGJVMBN/ref=sppa_dk_detail_2?psc=1&pd_rd_i=BOCDGJVMBN&pd_rd_w=Ck1w&content-id=amzn1.sym.Od1092dc-81bb-493f-8769-d5c802257e94&pf_rd_p=Od1092dc-81bb-493f-8769-d5c802257e94&pf_rd_r=VM7WJKD089B73XTDVA3Z&pd_rd_wg=aeB1W&pd_rd_r=02077140-755d-48b0-ae4d-c140b46004b8&psc=1
		BOCDGJJ36K		https://www.amazon.com/MOTORBUDDY-Cleaning-Inground-Reinforced-Aluminium/dp/BOCDGJJ36K/ref=sr_1_8?m=A2K6BBOJSMJDI&marketplaceID=ATVPDKIKXODER&qid=1699494931&s=merchant-items&sr=1-8

EXHIBIT 1



US00D985947S

(12) **United States Design Patent** (10) **Patent No.:** **US D985,947 S**
He et al. (45) **Date of Patent:** **** May 16, 2023**

(54) **POOL BRUSH HEAD** D718,058 S * 11/2014 Petti D4/128
8,943,640 B2 * 2/2015 Saccoccio E04H 4/1609 15/160
(71) Applicant: **Ningbo Dongchuan Swimming Pool Equipment Co., Ltd., Ningbo (CN)** D757,446 S * 5/2016 Ewert D4/133
D826,500 S 8/2018 Larouche
D827,959 S 9/2018 Larouche
(72) Inventors: **Huaizhong He, Ningbo (CN); Hu** 10,188,200 B1 1/2019 Hetzner
Zhang, Ningbo (CN) D897,690 S 10/2020 Carriere
D939,217 S 12/2021 Dai
(73) Assignee: **Ningbo Dongchuan Swimming Pool Equipment Co., Ltd., Ningbo (CN)** 2002/0083536 A1 7/2002 Holiday
2004/0143923 A1 7/2004 Bensussan
2014/0007366 A1 1/2014 Saccoccio et al.
2014/0123422 A1 5/2014 Boyd

(**) Term: **15 Years** * cited by examiner
(21) Appl. No.: **29/835,842** *Primary Examiner* — Austin Murphy
(22) Filed: **Apr. 21, 2022** (74) *Attorney, Agent, or Firm* — Raymond Y. Chan;
David and Raymond Patent Firm

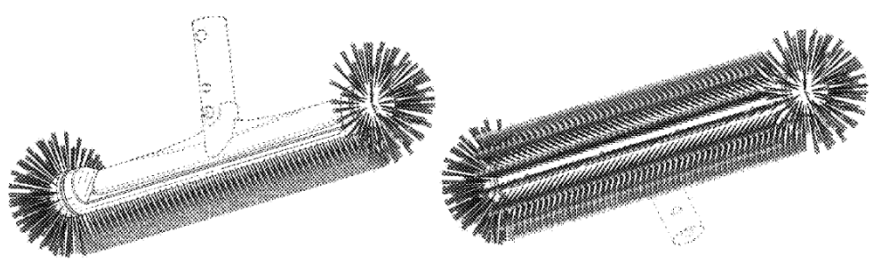
(51) **LOC (14) CL.** **04-01**
(52) **U.S. CL.** **D4/128**
USPC
(58) **Field of Classification Search**
USPC D4/131–138; D7/393, 395, 401.2;
D8/82, 83, 107, 300, 303; 81/489, 492;
D28/28, 30, 63; D30/158, 159; 119/600,
119/611–616, 625, 633
CPC A47L 13/52; A47L 13/12; A47L 13/00;
A47L 13/20; A47L 13/24; A47L 13/22;
A46B 7/04; A46B 7/06; A46B 5/00;
B43M 11/02
See application file for complete search history.

(56) **References Cited**
U.S. PATENT DOCUMENTS
6,148,466 A 11/2000 Smiell, III et al.
8,707,503 B2 * 4/2014 Saccoccio A46B 9/026 15/160

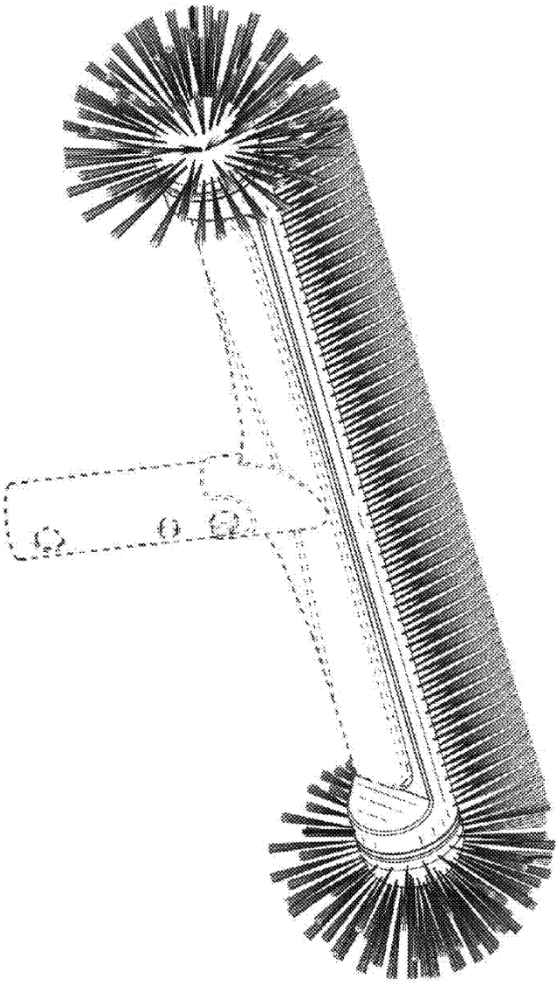
(57) **CLAIM**
The ornamental design for a pool brush head, as shown and as described.

DESCRIPTION
FIG. 1 is a perspective view showing my new design.
FIG. 2 is another perspective view thereof.
FIG. 3 is a front view thereof.
FIG. 4 is a rear view thereof.
FIG. 5 is a left end view thereof.
FIG. 6 is a right end view thereof.
FIG. 7 is a top view thereof; and,
FIG. 8 is a bottom view thereof.
The broken-lines in the drawings are for illustrative purposes only and forming no part of the claimed design.

1 Claim, 7 Drawing Sheets



U.S. Patent May 16, 2023 Sheet 1 of 7 US D985,947 S



U.S. Patent

May 16, 2023

Sheet 2 of 7

US D985,947 S

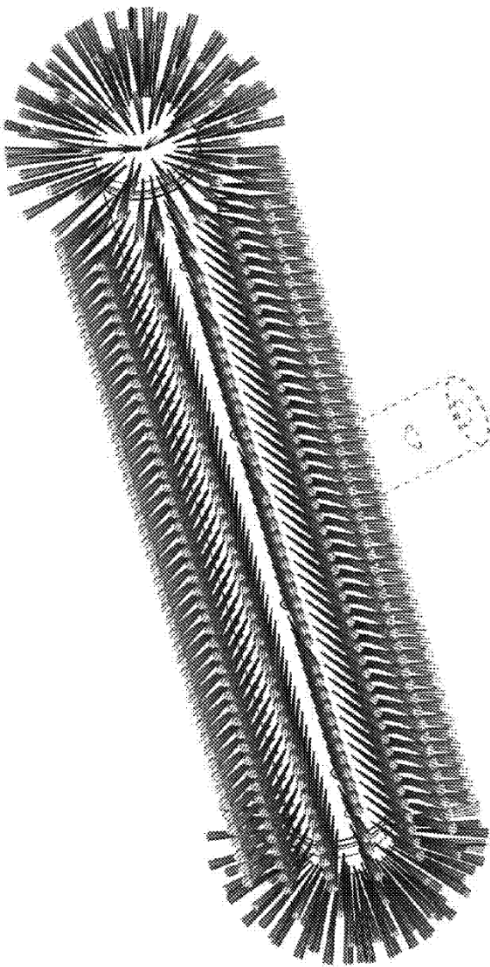


FIG. 2

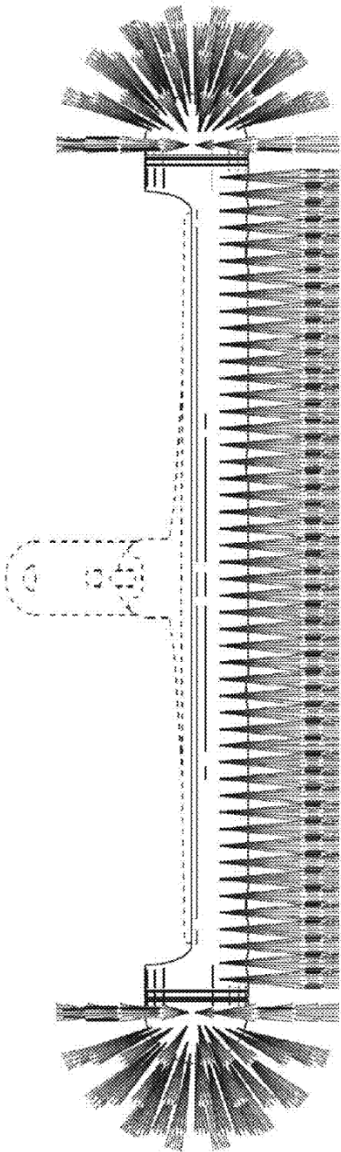


FIG. 3

U.S. Patent

May 16, 2023

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US D985,947 S

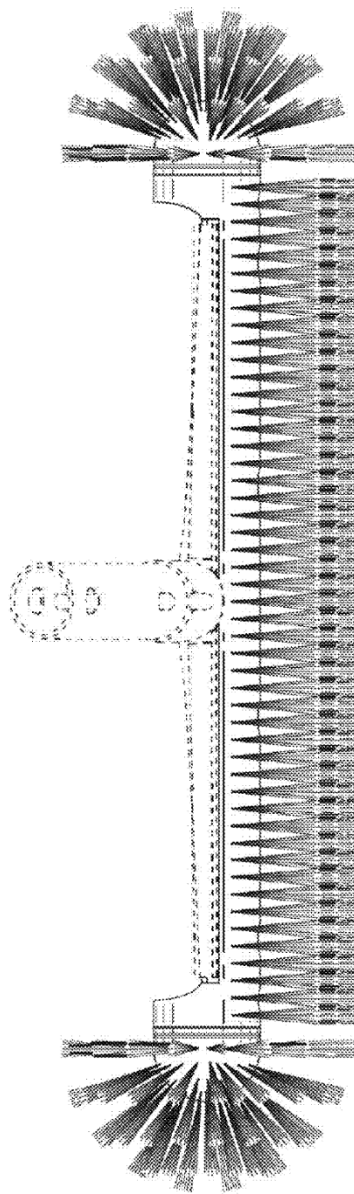


FIG. 4



FIG. 6

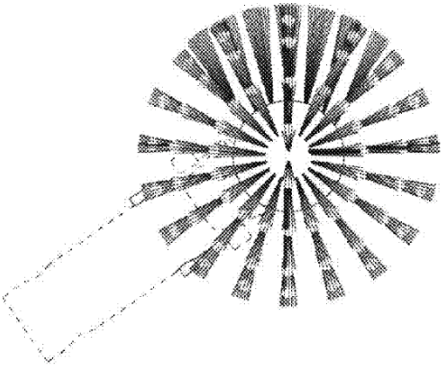


FIG. 5

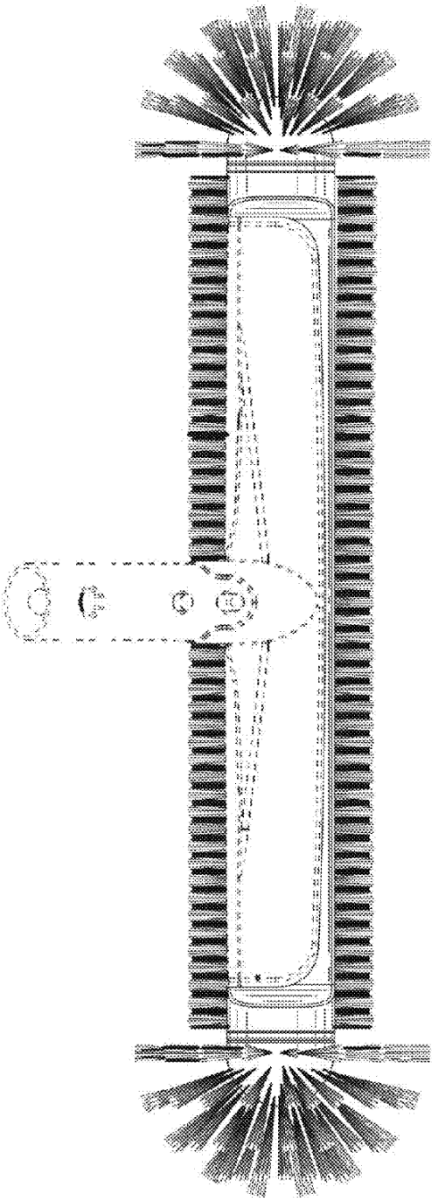


FIG. 7

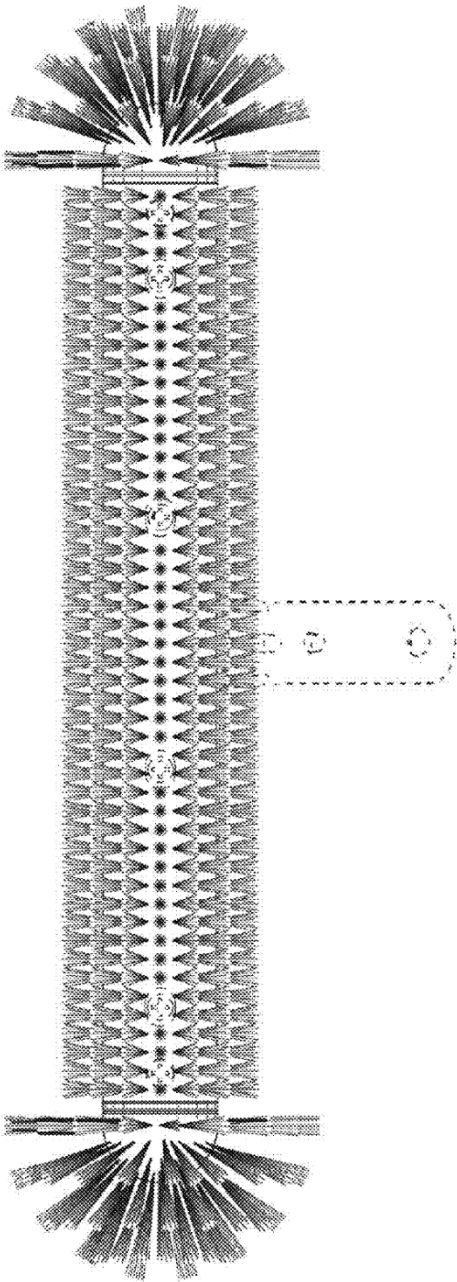


FIG. 8

EXHIBIT 2

Seller: ONDWAY Brand: LALAPOOL

US D985,947	Accused Product	Remarks
 FIG. 1		The claimed design reads upon the ONDWAY pool brush head
 FIG. 2		
 FIG. 3		Amazon.com: Professional Swimming Pool Wall & Tile Brush, with Hemispherical Ends, 17.5" Heavy Duty Aluminum Back Head for Cleans Walls, Tiles & Floors, 7 Rows Premium Nylon Bristles with EZ Clips (Green Grey) : Patio, Lawn & Garden
 FIG. 4		
 FIG. 5		
 FIG. 6		
 FIG. 7		
 FIG. 8		

EXHIBIT 3

Seller: POOLCLEAN US STORE

Brand: Unipool

US D985,947	Accused Product	Remarks
 FIG. 1		The claimed design reads upon the POOLCLEAN US STORE pool brush head
 FIG. 2		
 FIG. 3		Amazon.com: Professional Swimming Pool Wall & Tile Brush, with Hemispherical Ends, 17.5" Heavy Duty Aluminum Back Head for Cleans Walls, Tiles & Floors, 7 Rows Premium Nylon Bristles with EZ Clips (Blue Black) : Patio, Lawn & Garden
 FIG. 4		
 FIG. 5		
 FIG. 6		
 FIG. 7		
 FIG. 8		

EXHIBIT 4

Seller: USA WAREHOUSE

Brand: Tenrry

US D985,947	Accused Product	Remarks
 FIG. 1		The claimed design reads upon the USA WAREHOUSE pool brush head
 FIG. 2		
 FIG. 3		Amazon.com: Tenrry Pool Brush Head, with Corner Cleaning Brush and Cured Bottom Bristle, 17.5" Metal Scrub Brush for Inground, Above Ground Swimming Pools, Algae Brush for Pool Walls, Gound, Pool Tile Scrubber : Patio, Lawn & Garden
 FIG. 4		
 FIG. 5		
 FIG. 6		
 FIG. 7		
 FIG. 8		

EXHIBIT 5

Seller: BOWANJIE

Brand: Poolergetic

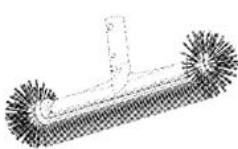






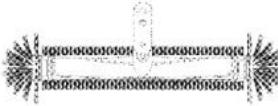
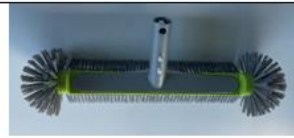

US D985,947	Accused Product	Remarks
 FIG. 1		The claimed design reads upon the BOWANJIE pool brush head
 FIG. 2		
 FIG. 3		
 FIG. 4		Amazon.com: Poolergetic Pool Brush Swimming Pool Brush Head, Pool Brushes for Cleaning Pool Walls Corners and Steps, Nylon Bristle 360 Pool Brush for Inground/Above Ground Vinyl Liners Pool with EZ Clip (Green) : Patio, Lawn & Garden
 FIG. 5		
 FIG. 6		
 FIG. 7		
 FIG. 8		

EXHIBIT 6

Seller: INPOOL US STORE Brand: Unipool

US D985,947	Accused Product	Remarks
 FIG. 1		The claimed design reads upon the INPOOL US STORE pool brush <u>head</u>
 FIG. 2		
 FIG. 3		Amazon.com: Professional Swimming Pool Wall & Tile Brush, with Hemispherical Ends, 17.5" Heavy Duty Aluminum Back Head for Cleans Walls, Tiles & Floors, 7 Rows Premium Nylon Bristles with EZ Clips (Green Grey); Patio, Lawn & Garden
 FIG. 4		
 FIG. 5		
 FIG. 6		
 FIG. 7		
 FIG. 8		

EXHIBIT 7

Seller: DEWFOND

Brand: Dewfond

US D985,947	Accused Product	Remarks
 FIG. 1		The claimed design reads upon the DEWFOND pool brush head
 FIG. 2		
 FIG. 3		Amazon.com: Pool Brush, 18" Pool Brushes for Cleaning Pool Walls, Premium Nylon Bristles Pool Brush Head with EZ Clip (Blue+Gray) : Patio, Lawn & Garden
 FIG. 4		
 FIG. 5		
 FIG. 6		
 FIG. 7		
 FIG. 8		

EXHIBIT 8

Seller: DIGIGER

Brand: Tongyi

US D985,947	Accused Product	Remarks
 FIG. 1		The claimed design reads upon the DIGIGER pool brush head
 FIG. 2		
 FIG. 3		Amazon.com: Pool Brush Head, Professional Swimming Pool Wall & Tile Brush with Round Ends, Durable Around Nylon Bristles Pool Cleaning Brush with EZ Clip Aluminum Handle (Blue Grey) : Patio, Lawn & Garden
 FIG. 4		
 FIG. 5		
 FIG. 6		
 FIG. 7		
 FIG. 8		

EXHIBIT 9

Seller: MOTOBUDDY Store

Brand: Motobuddy

US D985,947	Accused Product	Remarks
 FIG. 1		The claimed design reads upon the MOTOBUDDY pool brush <u>head</u>
 FIG. 2		
 FIG. 3		Amazon.com: MOTOBUDDY Pool Brush Head for Cleaning Pool Walls, Heavy Duty Inground Above Ground Swimming Pool Scrub Brushes for Pebble Tech, Premium Strong Bristle & Reinforced Aluminium Back; Patio, Lawn & Garden
 FIG. 4		
 FIG. 5		
 FIG. 6		
 FIG. 7		
 FIG. 8		

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

(b) County of Residence of First Listed Plaintiff _____
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

DEFENDANTS

County of Residence of First Listed Defendant _____
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff ☐ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: [Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <input type="checkbox"/> 880 Defend Trade Secrets Act of 2016 SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692) <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☐ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District (specify) ☐ 6 Multidistrict Litigation - Transfer ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

Brief description of cause:

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. **DEMAND \$**

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE _____ DOCKET NUMBER _____

DATE

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

JS 44A REVISED June, 2009
IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF PENNSYLVANIA
THIS CASE DESIGNATION SHEET MUST BE COMPLETED

PART A

This case belongs on the (Erie Johnstown Pittsburgh) calendar.

1. **ERIE CALENDAR** - If cause of action arose in the counties of Crawford, Elk, Erie, Forest, McKean, Venang or Warren, OR any plaintiff or defendant resides in one of said counties.
2. **JOHNSTOWN CALENDAR** - If cause of action arose in the counties of Bedford, Blair, Cambria, Clearfield or Somerset OR any plaintiff or defendant resides in one of said counties.
3. Complete if on **ERIE CALENDAR**: I certify that the cause of action arose in _____ County and that the _____ resides in _____ County.
4. Complete if on **JOHNSTOWN CALENDAR**: I certify that the cause of action arose in _____ County and that the _____ resides in _____ County.

PART B (You are to check ONE of the following)

1. This case is related to Number _____. Short Caption _____.
2. This case is not related to a pending or terminated case.

DEFINITIONS OF RELATED CASES:

CIVIL: Civil cases are deemed related when a case filed relates to property included in another suit or involves the same issues of fact or it grows out of the same transactions as another suit or involves the validity or infringement of a patent involved in another suit
EMINENT DOMAIN: Cases in contiguous closely located groups and in common ownership groups which will lend themselves to consolidation for trial shall be deemed related.

HABEAS CORPUS & CIVIL RIGHTS: All habeas corpus petitions filed by the same individual shall be deemed related. All pro se Civil Rights actions by the same individual shall be deemed related.

PART C

I. CIVIL CATEGORY (Select the applicable category).

1. Antitrust and Securities Act Cases
2. Labor-Management Relations
3. Habeas corpus
4. Civil Rights
5. Patent, Copyright, and Trademark
6. Eminent Domain
7. All other federal question cases
8. All personal and property damage tort cases, including maritime, FELA, Jones Act, Motor vehicle, products liability, assault, defamation, malicious prosecution, and false arrest
9. Insurance indemnity, contract and other diversity cases.
10. Government Collection Cases (shall include HEW Student Loans (Education), V A Overpayment, Overpayment of Social Security, Enlistment Overpayment (Army, Navy, etc.), HUD Loans, GAO Loans (Misc. Types), Mortgage Foreclosures, SBA Loans, Civil Penalties and Coal Mine Penalty and Reclamation Fees.)

I certify that to the best of my knowledge the entries on this Case Designation Sheet are true and correct

Date: _____

ATTORNEY AT LAW

NOTE: ALL SECTIONS OF BOTH ÔŠPRU MUST BE COMPLETED BEFORE CASE CAN BE PROCESSED.

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44**Authority For Civil Cover Sheet**

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
 - (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
 - (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
- United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here. United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
- Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
- Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- V. Origin.** Place an "X" in one of the seven boxes.
- Original Proceedings. (1) Cases which originate in the United States district courts.
- Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441.
- Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
- Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
- Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
- Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.
- Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.
- PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7.** Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service.
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
- Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
- Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

_____ District of _____

Plaintiff(s)

v.

Defendant(s)

)
)
)
)
)
)
)
)
)
)
)

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)*

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: _____

Signature of Clerk or Deputy Clerk

Civil Action No. _____

PROOF OF SERVICE*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* _____
 was received by me on *(date)* _____.

☐ I personally served the summons on the individual at *(place)* _____
 _____ on *(date)* _____; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* _____
 _____, a person of suitable age and discretion who resides there,
 on *(date)* _____, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* _____, who is
 designated by law to accept service of process on behalf of *(name of organization)* _____
 _____ on *(date)* _____; or

☐ I returned the summons unexecuted because _____; or

☐ Other *(specify)*: _____.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc: