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IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WASHINGTON  
(Seattle)

Allsop, Inc., a corporation of the State of  
Washington,

Plaintiff,

v.

Jetmax Limited, a Hong Kong corporation,

Defendant.

Civil Action No.

COMPLAINT FOR PATENT  
INFRINGEMENT

Plaintiff, Allsop, Inc., doing business as "Allsop" (hereinafter "Allsop"), for its complaint against Defendant Jetmax Limited, doing business as "Jetmax" (hereinafter "Jetmax") alleges as follows:

**THE PARTIES**

1. Plaintiff Allsop, Inc. is a corporation of the State of Washington, having a business address of 909 Squalicum Way, #111, Bellingham, Washington 98225.

2. On information and belief, Jetmax Limited is a corporation of Hong Kong, having a business address of 17/F, Tower 1, Grand Central Plaza, 138 Shatin Rural Committee Road, Shatin, N.T. Hong Kong.

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1 3. On information and belief, Defendant Jetmax occasionally does business under its  
2 corporate name.

3 4. On information and belief, Defendant Jetmax is also doing business under the  
4 fictitious name "Jetmax Ltd."

5 **JURISDICTION AND VENUE**

6  
7 5. This civil action arises under the patent laws of the United States, 35 U.S.C.  
8 §§ 271, 281, 283, 284, and 285. Thus, this Court has jurisdiction of this civil action under  
9 28 U.S.C. §§ 1338(a) and supplemental jurisdiction under 28 U.S.C. § 1367(a).

10 6. Venue with respect to the Defendant is properly laid in the United States District  
11 Court for the Western District of Washington pursuant to 28 U.S.C. § 1391(b)(1) as well as  
12 under 28 U.S.C. § 1400(b) because on information and belief the Defendant resides in the  
13 Western District of Washington within the meaning of 28 U.S.C. § 1397(c) and is doing business  
14 therein and/or is an individual having committed acts of infringement and having a regular and  
15 established place of business within this judicial district.

16 **FACTS COMMON TO ALL COUNTS**

17  
18 7. Plaintiff Allsop and its predecessors have designed, engineered, developed,  
19 licensed and manufactured a wide variety of consumer products under its Allsop® registered  
20 house mark and various specific trademarks including *inter alia* a wide variety of solar powered  
21 collapsible decorative lanterns herein referred to as "Collapsible Lantern" products.

22  
23 8. Allsop's employees are prolific inventors and have since at least as early as 1997  
24 invented, engineered and patented over seventy-seven products shown on the face page of the  
25 relevant U.S. patents shown in Group Exhibit A attached hereto. Some of the products  
26 represented by these patents have been sold by the millions to satisfied consumers around the

1 world. Allsop's products are also available online from time to time through its website,  
2 "www.allsop.com."

3 9. Allsop's products represented by the patents shown in Exhibit A are the results of  
4 extensive design and engineering efforts borne exclusively by Allsop. Such products include  
5 Allsop's Glow™ collapsible solar lantern products shown in Exhibit B attached hereto which  
6 were sold directly by Allsop on its website as well as to national resellers for resale to consumers  
7 throughout the Americas.  
8

9 10. On information and belief, Defendant Jetmax is a wholesale distributor of a  
10 variety of consumer products including collapsible solar powered lanterns. Exhibit C is a true  
11 and accurate copy of lanterns made, sold, offered for sale and/or used by Jetmax either directly  
12 or through third party retailers.  
13

14 11. On information and belief, Defendant Jetmax has since at least as early as  
15 February 19, 2015 imported, sold and offered to sell collapsible solar lanterns in the United  
16 States substantially identical in appearance to that shown in Exhibit C attached hereto for resale  
17 to the public through Meijer stores and possibly others under the model designation "Nylon Solar  
18 Hanging Lantern."  
19

20 12. On information and belief, Defendant Jetmax has been engaged in the retail sale  
21 of lantern products shown in Exhibit C attached hereto in this Judicial District and may still be  
22 selling such products.

23 13. Defendant Jetmax was placed on notice of Allsop's patent infringement claim by  
24 letter dated March 9, 2015, a copy of which is attached hereto as Exhibit D. On information and  
25 belief, Defendant Jetmax continued to sell the accused product thereafter.  
26

1 CLAIM FOR RELIEF, COUNT I

2 Patent Infringement

3 14. Allsop repeats and realleges each and every allegation of paragraphs 1 – 13 as if  
4 recited herein.

5 15. Allsop is the owner of United States Patent No. 8,657,461 (hereinafter the “461  
6 Patent”) issued on February 25, 2014 entitled “Solar-Powered Collapsible Lighting Apparatus.”  
7 A true and accurate copy of said patent is attached hereto as Exhibit E.  
8

9 16. Defendant Jetmax was provided with a copy of the '461 Patent as an attachment to  
10 a letter dated March 9, 2015. A true and accurate copy of that letter is attached hereto as  
11 Exhibit D.  
12

13 17. On information and belief, Allsop’s collapsible lantern products and/or packaging  
14 have been marked with the '461 Patent Number substantially at all times since the issuance of the  
15 application which matured into the '461 Patent. At no time since the issuance of said patent has  
16 Allsop distributed its collapsible lantern products without the appropriate patent number.

17 18. Defendant Jetmax has directly infringed and induced the infringement by others  
18 of the '461 Patent by importing, selling and offering to sell in and into the United States the solar  
19 powered collapsible lantern in Exhibit C appended hereto, and may still be infringing the '461  
20 Patent. Defendant’s product shown in Exhibit D literally infringes the '461 Patent by  
21 incorporating at least each and every element recited in claim 1 of said patent. Alternatively, the  
22 Jetmax collapsible lantern product is legally equivalent to the invention claimed in the '461  
23 Patent.  
24

25 19. By reason of said acts by Defendant, Allsop has been and may continue to be  
26 seriously damaged and irreparably harmed unless the Defendant is enjoined by this Court from

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1 the actions complained of herein, preliminarily and permanently, and thus Allsop is without  
2 adequate remedy at law.

3 20. Defendant's aforesaid acts are without the prior knowledge, consent or permission  
4 of Allsop.

5 21. Allsop are entitled to and therefore demand damages, costs and attorney's fees as  
6 allowable under 35 U.S.C. §§ 284 and 285, including a trebling of any award.

7 22. This is an exceptional case for purposes of awarding monetary damages, costs and  
8 attorney's fees.  
9

10 **PRAYER FOR RELIEF**

11 WHEREFORE, Plaintiff prays for the entry of a judgment by this Court against the  
12 Defendant providing:

13 (a) That the Defendant has infringed and/or induced infringement of United States  
14 Letters Patent No. 8,657,461.

15 (b) That the Defendant, its respective agents, servants, employees, attorneys, and all  
16 other persons in active concert or in participation with the Defendant, by preliminarily and  
17 permanently enjoined and restrained from importing, making, using, selling or offering to sell  
18 collapsible lighting products and any other products which infringe any claim of the asserted  
19 patent;  
20

21 (c) For an award of damages, together with interest, to compensate Plaintiff for the  
22 past infringement by the Defendant of the asserted patent, and that such award be trebled, and for  
23 an award to Plaintiff of all of its costs and reasonable attorney's fees with respect thereto in  
24 accordance with 35 U.S.C. §§ 284, and for all of the Plaintiff's lost profits as a result of its  
25 infringing activity in accordance with 35 U.S.C. § 289;  
26

1 (d) That the Defendant, its respective agents, servants, employees, attorneys, and all  
2 other persons in active concert or in participation with the Defendant, by preliminarily and  
3 permanently enjoined and restrained from selling or offering to sell in commerce Defendant's  
4 solar lantern shown in Exhibit C and substantially identical products and that this Court issue an  
5 order requiring the Defendant to produce all Nylon Solar Hanging Lantern products made or  
6 used in violation of Plaintiff's patent rights for destruction and file and serve a report in writing  
7 under oath setting forth in detail the manner and form in which the defendant has complied with  
8 the injunction; and  
9

10 (e) For other and further relief as is provided by law and that this Court deems just  
11 and equitable.  
12

13 Respectfully submitted,

14 LOWE GRAHAM JONES<sup>PLLC</sup>

16 Dated May 28, 2015

16 By:   
17 Michael J. Folise, WSBA #15,276  
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19 Seattle, Washington 98104  
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21 Dated May 28, 2015

21 By:   
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Counsel for Allsop, Inc.