

EXHIBIT 1029

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

PETPIVOT INC.,

Plaintiff,

v.

Case No.: 8:26-cv-01554-VMC-
TGW

Shenzhen Yingqi Environmental Art Co., Ltd.
D/B/A FumoiShop and Zhi Yang

Defendant. /

**MOTION FOR TEMPORARY RESTRAINING ORDER OR, IN THE ALTERNATIVE,
FOR A PRELIMINARY INJUNCTION**

Plaintiff, PetPivot Inc. (“***Plaintiff***”), hereby moves for a temporary restraining order (or, in the alternative, for a preliminary injunction after granting Plaintiff’s Motion for Alternative Service (ECF No. 9)) (collectively, the “***Motion***”) to halt Defendants Shenzhen Yingqi Environmental Art Co., Ltd., d/b/a FumoiShop (“***FumoiShop***”), and Zhi Yang (“***Yang***”) (collectively, “***Defendants***”) from continuing to unlawfully import, offer for sale, and sell automatic self-cleaning litter boxes that embody and infringe Plaintiff’s patented technology.

I. INTRODUCTION

This is a simple case: Defendants – both of whom are in China – import and sell automated cat litter boxes (as shown at right) into the United States. Defendants’ products infringe at least Claim 3 of Plaintiff’s U.S. Patent No. 12,433,239 (the “***’239 Patent***”) (a copy of which is attached as **Exhibit 1A** to the Declaration of Luca L. Hickman, Esq. (“***Hickman Decl.***”)). Defendants’ ongoing sales will cause irreparable harm; including via lost sales, market share, price erosion, loss of control over patented technology, and damage to Plaintiff’s eCommerce sales rankings.



Plaintiff respectfully requests that this Court issue, *ex parte*, a temporary restraining order that: (1) enjoins Defendants and those acting in active concert with them from making, using, importing, advertising, offering for sale, selling, or distributing the Accused Product; and (2) restrains the transfer of funds traceable to sales of the Accused Product to or from Defendants pending a preliminary-injunction hearing. Plaintiff is likely to succeed on the merits because: (a) the Accused Product practices each limitation of independent Claim 3 of the '239 Patent; (b) Plaintiff lacks an adequate remedy at law; and (c) the balance of harms and public interest favor Plaintiff, as enforcement of valid patent rights and truthful online commerce outweighs any interest Defendants may assert.

II. FACTUAL BACKGROUND

A. Plaintiff's Intellectual Property

Plaintiff owns the '239 Patent, entitled *Pet Toilet with a Detachable Fecal Collection Box to a Bottom of a Base*. Hickman Decl., Ex. 1A. Plaintiff is an innovator in the self-cleaning cat litter box industry which provides hands-free, automatic litter-cleaning solutions designed to reduce odor, minimize daily maintenance, and improve litter-box hygiene. Compl., at ¶¶ 2-5; Declaration of Poppy Xie ("*Xie Decl.*"), at ¶¶ 3-4. One such example from Plaintiff's AutoScooper line of products is the AutoScooper 11 Cat Litter Box, shown at right.

To protect its investments in research and development, Plaintiff secured the '239 Patent, which issued on October 7, 2025. Hickman Decl., Ex. 1A (listing Plaintiff as the "Assignee"). The '239 Patent covers various automatic litter-cleaning pet products and claims improved pet-toilet structures with a detachable fecal collection box



that can be independently detached and cleaned. *See, e.g.*, Hickman Decl., Ex. 1A, at col. 8, ll. 44-

61.

B. Defendants' Infringing Activities

Defendants compete with Plaintiff in the self-cleaning litter-box market. Xie Decl. ¶¶ 7, 9. Without authorization, Defendants have promoted, marketed, distributed, and sold infringing products in the United States; including in this District. *See, e.g.*, Complaint (ECF No. 3) (“**Compl.**”), at ¶¶10, 66; *see also* Hickman Decl., **Exhibit 1B** (an Amazon product detail page printout from Defendant FumoiShop), **Exhibit 1C** (an Amazon seller’s page from Defendant FumoiShop), and **Exhibit 1D** (a receipt showing the sale of an infringing product shipped to this District by Defendant FumoiShop).

More specifically, Defendants sell a FUMOI-branded self-cleaning litter box (the “**Accused Product**”) that infringes one or more claims of the ’239 Patent through at least: (a) the Amazon.com sales platform under Amazon Standard Identification Number (“**ASIN**”) B0DNYXKWRV (the “**Accused Listing**”) (Hickman Decl., at Ex. 1B) and; (b) the www.fumoi.shop website (Hickman Decl., at **Exhibit 1G** (containing a printout from Defendants’ website)) – which uses graphics that are the same as or substantially similar to those in the Accused Listing. Amazon’s seller storefront identifies FumoiShop as “Shenzhen Yingqi Environmental Art Co., Ltd.” Ex. 1C. These Accused Products are sold under the FUMOI trademark, and the word “FUMOI” forms part of Defendant FumoiShop’s trade name. Ex. 1B. Defendant Zhi Yang is the current owner of U.S. Trademark Registration No. 6,419,636 for FUMOI, covering “automatic litter boxes for pets,” issued on or about July 13, 2021 to Angie Trading Co., Ltd. and later assigned to Zhi Yang on or about November 25, 2024. Hickman Decl., Ex. 1E and Ex. 1F.

Plaintiff conducted a test purchase of the Accused Product through the Accused Listing. Ex. 1D. The purchase receipt shows that FumoiShop sold the Accused Product and shipped it to

an address in Tampa, Florida, within this District. *Id.* Defendant Yang is the owner of the federally registered FUMOI® trademark. *See* Hickman Decl., at **Exhibit 1E; Exhibit 1F**. On information and belief, Defendants coordinate together to sell the Accused Products.

The Accused Product infringes at least Claim 3 of the '239 Patent as discussed below and in the claim chart attached hereto as **Exhibit 2**. Defendants' infringement is causing (and will continue to cause) Plaintiff irreparable harm. Defendants' sales divert customers from Plaintiff, reduce Plaintiff's market share, create price pressure, undermine Plaintiff's ability to control the market for products using its patented technology, and harm Plaintiff's online eCommerce rankings and customer acquisition. Xie Decl., at ¶14. Plaintiff also is concerned that Defendants can quickly remove or alter listings, move proceeds outside the United States, delete or conceal records, or shift sales to other storefronts if they receive advance notice of emergency relief. Xie Decl., at ¶12.

III. ARGUMENT

Defendants' intentional and unlawful conduct is causing, and will continue to cause, irreparable harm to Plaintiff. Defendants have willfully infringed at least Claim 3 of the '239 Patent by selling the Accused Products. Plaintiff therefore respectfully requests that the Court enter a temporary restraining order or, in the alternative, a preliminary injunction (after granting Plaintiff's Motion for Alternative Service (ECF No. 9)). Absent such relief, Defendants' infringing activities will continue unabated, causing irreparable harm to Plaintiff and consumers.

A. The Court Has Jurisdiction Over the Parties and Subject Matter

First, this Court has subject-matter jurisdiction under 28 U.S.C. §§ 1331 and 1338(a) because Plaintiff asserts a claim arising under the patent laws of the United States.

Second, this Court has personal jurisdiction over Defendants. As noted above, both

Defendants are located in China and, thus, personal jurisdiction is proper under Fed. R. Civ. P. 4(k)(2). Rule 4(k)(2) applies where: “(1) [the] claim arises under federal law; (2) the defendant is not subject to jurisdiction in any state’s courts of general jurisdiction; and (3) exercising jurisdiction is consistent with the United States Constitution and laws.” *Jekyll Island-State Park Auth. v. Polygroup Macau Ltd.*, 140 F.4th 1304, 1315 (11th Cir. 2025) (cleaned up).

Here, the first element is satisfied because Plaintiff asserts a federal patent claim under 35 U.S.C. § 271. The second element is also satisfied since, on information and belief, the Defendants are located in China and have sufficient contacts with the United States as a whole (by selling through Amazon) but may not be subject to jurisdiction in any particular state. *Oldfield v. Pueblo de Bahia Lora, S.A.*, 558 F.3d 1210, 1218 n.22 (11th Cir. 2009). The third element requires due process measured by the Defendants’ contacts with the United States as a whole, rather than Florida alone. *Jekyll Island*, 140 F.4th at 1316. As shown in the attached, Defendants sell throughout the United States via Amazon. *See, e.g.*, Hickman Decl., Ex 1B (showing over 2,000 customer reviews on Amazon alone).

Third, venue is proper because a foreign defendant may be sued in any judicial district. 28 U.S.C. § 1391(c)(3); *In re HTC Corp.*, 889 F.3d 1349, 1354-57 (Fed. Cir. 2018) (reaffirming that this venue provision remains applicable in patent cases involving foreign defendants notwithstanding the Supreme Court’s decision in *TC Heartland LLC v. Kraft Foods Grp. Brands LLC*, 581 U.S. 258 (2017)).

B. The Court Should Grant the Motion

1. Legal Standard Regarding Injunctive Relief

The standard for a temporary restraining order and a preliminary injunction is the same. *Schiavo ex rel. Schindler v. Schiavo*, 403 F.3d 1223, 1225-26 (11th Cir. 2005). The movant must

show: (1) a substantial likelihood of success on the merits; (2) that irreparable injury will be suffered unless the injunction issues; (3) that the threatened injury outweighs whatever damage the proposed injunction may cause the opposing party; and (4) that the injunction would not be adverse to the public interest. *Id.*; *Winter v. Nat. Res. Def Council, Inc.*, 555 U.S. 7, 20 (2008); *Parker v. State Bd. of Pardons & Paroles*, 275 F.3d 1032, 1035 (11th Cir. 2001). “These factors, taken individually, are not dispositive; rather, the district court must weigh and measure each factor against the other factors and against the form and magnitude of the relief requested.” *Hybritech, Inc., v. Abbott Labs.*, 849 F.2d 1446, 1451 (Fed. Cir. 1988).

2. *Likelihood of Success on the Merits*

Plaintiff is likely to succeed on its patent-infringement claim. The United States Patent Act provides that “whoever without authority makes, uses, offers to sell, or sells any patented invention, within the United States or imports into the United States any patented invention during the term of the patent therefor, infringes the patent.” 35 U.S.C. § 271(a). To show a substantial likelihood of success in a patent case, the patent owner “...must show that it will likely prove infringement, and that it will likely withstand challenges, if any, to the validity of the patent.” *Titan Tire Corp. v. Case New Holland, Inc.*, 566 F.3d 1372, 1376 (Fed. Cir. 2009); *Amazon.com, Inc. v. Barnesandnoble.com, Inc.*, 239 F.3d 1343, 1350 (Fed. Cir. 2001).

a. Infringement

Infringement is established when the accused product contains every limitation of the asserted claim, either literally or under the doctrine of equivalents. *Bowers v. Baystate Techs., Inc.*, 320 F.3d 1317, 1334 (Fed. Cir. 2003). Here, the Accused Product infringes at least Claim 3 of the ’239 Patent since the Accused Products practice each limitation of Claim 3 as illustrated in the Claim Chart attached hereto as **Exhibit 2**. As discussed therein:

- (i) to the extent that the preamble is considered limiting, Limitation 3.0¹ is literally met since the Accused Product is a self-cleaning litter box, *i.e.*, a “pet toilet” (Ex 2, at 2);
- (ii) Limitation 3.1 is literally met since the Accused Product includes a base, detachable fecal collection box, through hole, and fecal collection chamber (Ex 2, at 2-3);
- (iii) Limitation 3.2 is literally met since the Accused Product includes elongated insertion slots at two sides of the through hole and insertion flanges on two sides of the fecal collection box that are inserted in the insertion slots when mounted (Ex 2, at 3-4); and
- (iv) Limitation 3.3 is met (either literally or under the doctrine of equivalents) since it includes limit protrusions (or the equivalent thereof), and its insertion slots have a C-shaped cross-section (Ex 2, at 4-5).

Because each limitation of the Accused Product is practiced, the Court should find that Plaintiff has met its burden of showing a likelihood of success on the merits. Moreover, there is no dispute that Defendants sell the Accused Product through Amazon and other channels, and Defendants sold Accused Products within the United States. *See, e.g.*, Hickman Decl., Ex. 1D. Additionally, Defendants have no authorization or license from Plaintiff to make, use, import, offer for sale, sell, or distribute any product practicing the ’239 Patent.

b. Validity

Plaintiff’s ’239 Patent is presumed valid under 35 U.S.C. § 282(a), and Plaintiff owns all right, title, and interest in the ’239 Patent. 35 U.S.C. § 282(a) (“[a] patent shall be presumed valid”); Hickman Decl., Ex. 1A (showing Plaintiff as the “assignee” on line 73 of the ’239 Patent).

¹ Reference numerals were interlineated within Exhibit 2 for ease of reference and are repeated herein for consistency.

“Because of this presumption [of validity], an alleged infringer who raises invalidity as an affirmative defense has the ultimate burden of persuasion to prove invalidity by clear and convincing evidence, as well as the initial burden of going forward with evidence to support its invalidity allegation.” *Titan Tire*, 566 F.3d at 1376.

3. Irreparable Harm / No Adequate Remedy at Law

“Irreparable harm is presumed when a clear showing of patent validity and infringement has been made. This presumption derives in part from the finite term of the patent grant, for patent expiration is not suspended during litigation, and the passage of time can work irremediable harm.” *Amazon.com, Inc. v. Barnesandnoble.com, Inc.*, 239 F.3d 1343, 1350 (Fed. Cir. 2001). (internal citations and punctuation omitted); *Purdue Pharma L.P. v. Boehringer Ingelheim GmbH*, 237 F.3d 1359, 1363 (Fed. Cir. 2001) (patent owner entitled to a rebuttable presumption of irreparable harm where it makes a clear showing of validity and infringement).

Here, Plaintiff will suffer immediate and irreparable harm if Defendants are not restrained. Defendants compete with Plaintiff in the self-cleaning litter-box market. Xie Decl., at ¶¶ 7, 9. Defendants sell the Accused Product through the same type of online marketplace channels that are important to Plaintiff’s sales, product visibility, reviews, customer relationships, and eCommerce rankings. Xie Decl., at ¶14. Lost sales also results in fewer customer reviews and, in turn, diminished overall ranking of Plaintiff’s own product listings on eCommerce platforms such as Amazon: further reducing sales and brand value. *Id.* Defendants’ continued sale of infringing products threatens Plaintiff by creating lost sales, loss of market share, price erosion, harm to customer acquisition, and loss of control over Plaintiff’s patented technology. Xie Decl., at ¶13. Those injuries are difficult to measure with precision after the fact and cannot be fully remedied by a later damages award. *Metalcraft of Mayville, Inc. v. Toro Co.*, 848 F.3d 1358, 1368 (Fed. Cir.

2017) (“[w]here the injury cannot be quantified, no amount of money damages is calculable, and therefore the harm cannot be adequately compensated and is irreparable.”)

Money damages also are inadequate because Defendants are foreign online sellers located in China with no known U.S. presence. *See Hickman Decl.*, Ex. 1C and 1F. That fact, on its own, is sufficient to satisfy the irreparable harm requirement, as Plaintiff likely will not be able to recover money damages arising from Defendants’ conduct in asserting invalid patents against Plaintiff. *See, e.g., M-I LLC v. FPUSA, LLC*, 626 F. App’x 995, 998 (Fed. Cir. 2015) (affirming, in relevant part, the trial court’s finding of irreparable harm based on the fact that defendant was “a small subsidiary of a foreign corporation, and that district courts often find that money damages are insufficient in cases involving foreign infringers”); *Cordelia Lighting, Inc. v. Zhejiang Yankon Group Co. Ltd.*, No. EDCV 14-881 JGB (SPx), No. EDCV 14-881 JGB (SPx), 2015 U.S. Dist. LEXIS 189725, at *24 (C.D. Cal. 2015) (finding irreparable harm because defendant “is a foreign corporation, presumably with most of its assets located overseas. Therefore, it is likely that [plaintiff] would face significant difficulty in collecting damages even if it prevailed at trial.”); *Aevoe Corp. v. Shenzhen Membrane Precise Electron Ltd.*, No. 2:12–CV–00054–GMN, 2012 U.S. Dist. LEXIS 60485, at *12-13 (D. Nev. 2012) (finding irreparable harm where defendant “is a foreign company with no assets within the United States”; collecting similar cases involving foreign infringers).

4. Balancing of Harms

“The district court must weigh the harm to the moving party if the injunction is not granted against the harm to the non-moving party if the injunction is granted.” *Metalcraft of Mayville, Inc. v. Toro Co.*, 848 F.3d 1358, 1369 (Fed. Cir. 2017). That being said, “[r]equiring Plaintiff to compete against its own patented invention places a substantial hardship on the patentee.” *Invue*

Sec. Prods. v. Vanguard Prods. Grp., Inc., 2019 U.S. Dist. LEXIS 167593, *23 (M.D. Fla. 2019). Moreover, “when the infringer has a non-infringing alternative which it could easily deliver to the market, then the balance of hardships would suggest that it should halt infringement and pursue a lawful course of market conduct.” *Apple Inc. v. Samsung Elecs. Co.*, 809 F.3d 633, 646 (Fed. Circ. 2015) (cleaned up).

Here, the balance of harms tips decisively in Plaintiff’s favor. Without interim relief, Plaintiff will continue to lose sales, market share, customer relationships, marketplace position, and control over its patented technology. Xie Decl., ¶ 13. By contrast, the requested relief merely prevents Defendants from continuing to sell the Accused Product and materially identical infringing products during a short interim period. Moreover, Amazon (and other platforms) are replete with examples of non-infringing alternative automated cat litter boxes. Defendants have no legitimate interest in continuing infringing conduct, and the Court should grant the Motion.

5. Public Interest.

“The public interest favors the protection of patent rights.” *E-One, Inc. v. Pierce Mfg.*, 2018 U.S. Dist. LEXIS 189075, *38 (M.D. Fla. 2018); *accord Sanofi-Synthelabo v. Apotex, Inc.*, 470 F.3d 1368, 1383 (Fed. Cir. 2006) (“[w]e have long acknowledged the importance of the patent system in encouraging innovation. Indeed, the encouragement of investment-based risk is the fundamental purpose of the patent grant, and is based directly on the right to exclude.” (internal citations and punctuation omitted)). Here, the public has an interest in fair competition and in preventing foreign online sellers from importing and selling products that likely infringe a valid U.S. patent. The requested injunctive relief will not deprive the public of automatic litter boxes generally; it will only restrain Defendants’ infringing Accused Products. That result advances, rather than harms, the public interest. *Apple Inc. v. Samsung Elecs. Co.*, 809 F.3d 633, 647 (Fed.

Circ. 2015) (“the public generally does not benefit when that competition comes at the expense of a patentee’s investment-backed property right.”)

IV. CONCLUSION

Based upon the foregoing, Plaintiff respectfully requests that the Court enter an order temporarily (or, in the alternatively, preliminarily after granting Plaintiff’s Motion for Alternative Service (ECF No. 9)):

- (1) enjoining Defendants from making, using, importing, advertising, marketing, distributing, offering for sale, selling, or otherwise trafficking in the Accused Product within the United States; and
- (2) granting such other and further relief as the Court deems just and proper.

Respectfully submitted:

Dated: July 13, 2026

/s/ Luca L. Hickman, Esq.

DINSMORE & SHOHL LLP

Luca L. Hickman, Esq.
Florida Bar No. 118731
Mario E. Martinez, Esq
Florida Bar No. 1033018

201 North Franklin Street, Suite 3050
Tampa, Florida 33602
Telephone: (813) 543-9835
luca.hickman@dinsmore.com
mario.martinez@dinsmore.com

Counsel for Plaintiff PetPivot Inc.