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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

Guangzhou Shima Decoration Materials)	
Co., Ltd)	
)	
Plaintiff,)	
)	CIVIL ACTION NO. 1:24-cv-41
v.)	
)	
Shenzhen Ruimingxiang Technology)	
Co., Ltd)	
)	
Defendant.)	

COMPLAINT

Plaintiff Guangzhou Shima Decoration Materials Co., Ltd., by and through its undersigned counsel, for its Complaint against defendant Shenzhen Ruimingxiang Technology Co., Ltd states the following: Allegations made on belief are premised on the belief that the same are likely to have evidentiary support after a reasonable opportunity for further investigation and discovery.

Nature of Action

1. This is an action for recovery of the civil remedies for damages to Guangzhou Shima Decoration Materials Co., Ltd., Plaintiff, arising from Defendant’s violations of the Federal Copyright Act of 1976, as amended, 17 U.S.C. § 101, et seq. (hereinafter referred to as the “Act”).

Jurisdiction

2. This Court has subject matter jurisdiction over this case founded on § 1331,

§ 1338(a) and § 1338(b) of the Judicial Code (28 U.S.C. §§1331, 1338(a) and 1338(b)).

Venue lies in the judicial district by virtue of § 1391(b)(2) and (c) and § 1400(a) of the Judicial Code (28 U.S.C. §§1391(b) and (c) and 1400(a)).

Identity of the Parties

3. The Plaintiff Guangzhou Shima Decoration Materials Co., Ltd. (“Shima”) is a Chinese corporation with a place of business at 4/F, Building 2, No. 9, Furong Avenue, Shiling Town, Huadu District, Guangzhou, China.

4. On information and belief, Defendant Shenzhen Ruimingxiang Technology Co., Ltd (hereinafter “SRT”) is a Chinese corporation with a place of business at Room 504, no. 5, East Fifth Lane, Yanchuan Community, Yanluo Street, Shenzhen Baoan District Guangdong 518105, China. Upon information and belief, Defendant does business in Indiana and this judicial district. By virtue of this business, personal jurisdiction and venue are proper in this district.

First Cause of Action

5. Shima is engaged in the business of designing, importing, and selling, among other things, home improvement items and building materials.

6. Wentong Liu is President of Shima.

7. In 2004, a graphic work in the form of a square or rectangular tile having a three-dimensional design formed by various diamond-like elements (hereinafter known as the “Diamond Tile”) was created as a work made for hire by Wentong Liu for Shima. A true and accurate copy of a photograph which accurately depicts the Diamond Tile is attached hereto as Exhibit A.

8. The Diamond Tile was first published on or before December 1, 2004.

9. Shima registered the Diamond Tile with the United States Copyright Office on August 3, 2017, complying in all respects with the registration and deposit requirements of the Act, and received from the Register of Copyrights a certificate of registration identified as follows: VA 2-060-558. A true and accurate copy of said registration being attached hereto as Exhibit B.

10. Shima has expended substantial resources in designing, promoting, manufacturing, and selling its Diamond Tile product, and has built a valuable business based on demand for its distinctively-styled products.

11. SRT has distributed and sold square and/or rectangular tiles with a three-dimensional design formed by various diamond-like shapes, including but not limited to items having Amazon Standard Identification Numbers (“ASIN”): B0CCXZK98X, B0CCY364TT, B0CCXYDSY5, B0CCY1J1CM, B0CCY1GZ2R, B0CCXZC5TL, B0CCXXWSGS, B0CCXXNW5R (“SRT diamond tiles”). A true and accurate copy of an excerpt of a page of an Amazon.com storefront offering for sale the SRT diamond tiles having the product ASIN B0CCXZC5TL is attached hereto as Exhibit C.

12. The SRT diamond tiles are unauthorized copies of the Shima’s copyrighted Diamond Tile work.

13. SRT has infringed Shima’s copyright in the Diamond Tile by importing, distributing and/or selling copies of the Diamond Tile.

14. Shima has provided a notice of infringement under the Digital Millennium Copyright Act to Amazon.com, identifying the SRT diamond tiles as infringing Shima’s copyright in the Diamond Tile

15. SRT’s infringement of Shima’s copyright in the Diamond Tile was willful.

16. Shima has lost substantial revenue because of SRT's infringement of Shima's copyright in the Diamond Tile.

WHEREFORE, Plaintiff prays:

a. that SRT, its agents and servants, be enjoined during the pendency of this action and permanently thereafter from infringing Shima's copyright in the Diamond Tile;

b. that all copies of the SRT diamond tile work in the possession or control of SRT be impounded and destroyed;

c. that SRT be ordered to pay to Shima all damages suffered by Shima due to its unlawful acts, with prejudgment interest, as well as account for and pay to Shima all gains and profits that SRT has enjoyed at Shima's expense or to pay statutory damages if statutory damages are elected by Shima;

and

d. such other relief as the equities of the case may require and as this Court may deem just and proper under the circumstances.

DEMAND FOR JURY TRIAL

Plaintiff Shima respectfully demands a trial by jury on all claims and issues so triable.

Date: January 8, 2024.

Respectfully submitted,
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