

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
NORTH CAROLINA

Viscosoft, Inc. v. Shaoxing Spring Home Textile Co., Ltd.

Civil Action No. 3:25-CV-00809-KDB-DCK (W.D.N.C. Apr. 29, 2026) · No. 3:25-CV-00809-KDB-DCK ·
Decided April 29, 2026

SUMMARY

The United States District Court for the Western District of North Carolina denied Viscosoft, Inc.’s motion for default judgment in a design patent infringement action against Shaoxing Spring Home Textile Co., Ltd. Although the defendant defaulted, the court held that Viscosoft failed to establish a sufficient basis for relief because the accused mattress-topper designs were plainly dissimilar from the patented design under the ordinary-observer test. The order was signed on April 29, 2026.

CASE DETAILS

COURT	United States District Court for the Western District of North Carolina
WRITING FOR THE COURT	Kenneth D. Bell
JURISDICTION	United States District Court for the Western District of North Carolina
DECIDED	April 29, 2026
DOCKET	3:25-CV-00809-KDB-DCK
DISPOSITION	denied
PROCEDURAL POSTURE	Plaintiff sought default judgment on a design patent infringement claim after Defendant failed to plead or otherwise defend. The Court denied the motion because the pleadings and evidence did not establish a valid infringement claim.
STANDARD OF REVIEW	On a motion for default judgment, the Court determines whether the well-pleaded factual allegations support the relief sought; legal conclusions are not admitted by default. If liability is established, damages require an independent determination and are not admitted by default.
PRECEDENTIAL VALUE	unpublished district court memorandum and order

TOPICS

- default judgment
- patent infringement
- patent law
- civil procedure
- remedies

PRACTICE AREAS

patent law

patent infringement

civil procedure

commercial litigation

remedies

QUESTIONS PRESENTED

1. Whether default judgment could be entered when the well-pleaded allegations and record did not establish a valid design patent infringement claim.
2. Whether Shaoxing's accused mattress-topper designs were substantially similar to Viscosoft's patented design under the ordinary-observer test.

HOLDINGS

1. Default does not establish liability when the complaint's well-pleaded allegations and the record fail to provide a sufficient basis for the relief sought. Because the accused designs were plainly dissimilar to the patented design, Plaintiff failed to establish design patent infringement and was not entitled to default judgment.
2. The accused Shaoxing designs were plainly dissimilar to the drawings of Viscosoft's D969522 design patent; therefore, an ordinary observer would not view the designs as substantially similar and infringement was not established.

KEY QUOTATIONS

“That said, “[t]he defendant is not held ... to admit conclusions of law,” as “a default is not treated as an absolute confession by the defendant of his liability and of the plaintiff’s right to recover.”” (Section I)

“Therefore, an ordinary observer would not view the designs to be substantially similar, and there is not a sufficient basis in the pleadings for entry of a default judgment.” (Section III)

FACTUAL BACKGROUND

Viscosoft and Shaoxing competed in the online mattress-topper market. Viscosoft alleged that Shaoxing offered an Amazon mattress topper that infringed Viscosoft's D969522 design patent. Although Shaoxing failed to respond and default was entered, the Court reviewed the accused products and found each design plainly dissimilar to the patented design drawings.

PROCEDURAL HISTORY

Viscosoft filed a verified complaint on October 17, 2025, and served Shaoxing on October 27, 2025. Shaoxing filed no responsive pleading or otherwise contacted Plaintiff. The Clerk entered default on December 22, 2025. After Viscosoft moved for default judgment, the case was transferred to Judge Bell and the Court held hearings on March 24 and April 22, 2026, before denying the motion.

DISPOSITION

denied

CASES CITED

- United States v. Moradi, 673 F.2d 725, 727 (4th Cir. 1982)
- Ryan v. Homecomings Fin. Network, 253 F.3d 778, 780 (4th Cir. 2001)
- Nishimatsu Constr. Co. v. Houston Nat'l Bank, 515 F.2d 1200, 1206 (5th Cir. 1975)
- J & J Sports Prods., Inc. v. Romenski, 845 F. Supp. 2d 703, 706 (W.D.N.C. 2012)
- Viscosoft, Inc. v. Hangzhou Heliang Network Tech. Co., 2026 WL 510573, at *3 (W.D.N.C. Feb. 24, 2026)
- LKQ Corp. v. GM Glob. Tech. Operations, LLC, 102 F.4th 1280, 1291 (Fed. Cir. 2024)
- Richardson v. Stanley Works, Inc., 597 F.3d 1288, 1293-94 (Fed. Cir. 2010)
- Egyptian Goddess, Inc. v. Swisa, Inc., 543 F.3d 665, 670, 679-80 (Fed. Cir. 2008) (en banc)
- Gorham Mfg. Co. v. White, 81 U.S. 511, 528 (1871)
- Great Neck Saw Mfrs., Inc. v. Star Asia U.S.A., LLC, 727 F. Supp. 2d 1038, 1052 (W.D. Wash. 2010), aff'd, 432 F. App'x 963 (Fed. Cir. 2011)
- Hooker Furniture Corp. v. GTR Leather, Inc., No. 1:20CV451, 2022 WL 508544, at *3-5 (M.D.N.C. Feb. 18, 2022)
- Ethicon Endo-Surgery, Inc. v. Covidien, Inc., 796 F.3d 1312, 1335 (Fed. Cir. 2015)
- Wing Shing Prods. (BVI) Co. v. Sunbeam Prods., Inc., 665 F. Supp. 2d 357, 362 (S.D.N.Y. 2009)

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