

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
NORTH CAROLINA

Viscosoft, Inc. v. Hangzhou Heliang Network Technology Co., Ltd.

Civil Action No. 3:25-CV-00601-KDB-DCK · No. 3:25-CV-00601-KDB-DCK · Decided February 24, 2026

SUMMARY

The United States District Court for the Western District of North Carolina granted Hangzhou Heliang Network Technology Co., Ltd.’s motion for judgment on the pleadings in a design patent infringement action involving a mattress topper. The court held that the accused design was plainly dissimilar from the patented design under the ordinary observer test and therefore could not plausibly infringe. The court also granted judicial notice of specified public patent documents, denied a motion to stay discovery as moot, and deferred ruling on sanctions pending a hearing.

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	February 24, 2026
DOCKET	3:25-CV-00601-KDB-DCK
DISPOSITION	other
PROCEDURAL POSTURE	Defendant moved for judgment on the pleadings, judicial notice, and sanctions in an action alleging design-patent infringement and violation of the North Carolina Unfair and Deceptive Trade Practices Act. The court granted judgment on the pleadings and judicial notice, denied a motion to stay discovery as moot, and deferred ruling on sanctions pending a hearing.
STANDARD OF REVIEW	On a Rule 12(c) motion, the court accepts the nonmovant's factual averments as true and draws all reasonable inferences in its favor; the motion is generally governed by the Rule 12(b)(6) plausibility standard. A design-patent infringement claim may be dismissed at the pleading stage when, applying the ordinary-observer test, no reasonable factfinder could find infringement as a matter of law.
PRECEDENTIAL VALUE	Unknown; district-court memorandum and order with no reporter citation or stated precedential designation.

TOPICS

patent infringement

patent law

motion for judgment on the pleadings

civil procedure

sanctions

PRACTICE AREAS

patent law

design patent infringement

civil procedure

commercial litigation

sanctions

QUESTIONS PRESENTED

1. Whether the accused mattress topper design plausibly infringed U.S. Patent No. D969,522 under the ordinary-observer test.
2. Whether the design-patent infringement claims could be resolved on a Rule 12(c) motion despite infringement ordinarily presenting a question of fact.
3. Whether the court could take judicial notice of the patent-in-suit, its prosecution history, and prior-art patents referenced on the patent.
4. Whether sanctions should be imposed at that stage.

HOLDINGS

1. The accused mattress topper design does not infringe U.S. Patent No. D969,522 as a matter of law because an ordinary observer would not find the patented and accused designs substantially similar.
2. Although design-patent infringement is ordinarily a question of fact, a court may grant judgment on the pleadings or dismiss under Rule 12 when no reasonable factfinder could find infringement as a matter of law.
3. The court may take judicial notice of the patent-in-suit, its prosecution history, and the prior-art patents referenced on the face of the patent because they are public records.

KEY QUOTATIONS

“Because the Court finds that it is not plausible that an ordinary observer would conclude that Defendant’s mattress topper design is substantially the same as the patented design, the Court will GRANT judgment on the pleadings to HHNT”

“Thus, as a matter of law, the Valuxe Mattress Topper’s design does not infringe the ‘522 Patent design, and HHNT is entitled to judgment in its favor on Plaintiff’s claims.”

“While infringement is a question of fact, courts may dismiss claims of design infringement on a Rule 12(b) (6) motion where, as a matter of law, no reasonable factfinder could find infringement.”

FACTUAL BACKGROUND

Viscosoft claimed ownership by assignment of U.S. Patent No. D969,522, a design patent for a mattress topper issued on November 15, 2022. The patented design included an evenly spaced dot pattern on the top and a honeycomb-shaped arrangement of interconnected circles on the bottom, along with straps, buckles, and a zipper. Hangzhou Heliang Network Technology Co., Ltd. marketed a mattress topper whose top and sides had a

quilted pattern of rectangular shapes and whose bottom had spaced dots. The court concluded that the accused design was plainly dissimilar from the patented design when compared under the ordinary-observer test.

PROCEDURAL HISTORY

Plaintiff filed suit on August 8, 2025, against four defendants, alleging infringement of U.S. Patent No. D969,522 and North Carolina unfair and deceptive trade practices. Plaintiff voluntarily dismissed the claims against three defendants and filed an amended complaint against Hangzhou Heliang Network Technology Co., Ltd. Defendant then moved for judgment on the pleadings, judicial notice, and sanctions. The court granted judgment on the pleadings, taking judicial notice of specified patent documents, and deferred the sanctions issue for a hearing.

DISPOSITION

other

CASES CITED

- Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009)
- Bell Atl. Corp. v. Twombly, 550 U.S. 544, 570 (2007)
- Coleman v. Maryland Court of Appeals, 626 F.3d 187, 190 (4th Cir. 2010), *aff'd sub nom. Coleman v. Court of Appeals of Maryland*, 566 U.S. 30 (2012)
- Nemet Chevrolet, Ltd. v. Consumeraffairs.com, Inc., 591 F.3d 250, 255 (4th Cir. 2009)
- Republican Party of North Carolina v. Martin, 980 F.2d 943, 952 (4th Cir. 1992)
- Bradley v. Ramsey, 329 F. Supp. 2d 617, 622 (W.D.N.C. 2004)
- Philips v. Pitt Cnty. Mem. Hosp., 572 F.3d 176 (4th Cir. 2009)
- Alexander v. City of Greensboro, 801 F. Supp. 2d 429, 433 (M.D.N.C. 2011)
- Butler v. United States, 702 F.3d 749, 751-52 (4th Cir. 2012)
- Shipp v. Goldade, No. 5:19-CV-00085-KDB-DCK, 2020 WL 1429248, at *1 (W.D.N.C. Mar. 19, 2020)
- 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)
- Nanjing 3H Med. Prods. Co. v. KT Health, LLC, No. CV RDB-24-2745, 2025 WL 2418589, at *2 (D. Md. Aug. 21, 2025)
- Elmer v. ICC Fabricating, Inc., 67 F.3d 1571, 1577 (Fed. Cir. 1995)
- 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 *2-*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)
- Minka Lighting, Inc. v. Craftmade Int'l, Inc., 93 F. App'x 214, 216 (Fed. Cir. 2004)
- Curver Luxembourg, SARL v. Home Expressions Inc., 938 F.3d 1334, 1343 (Fed. Cir. 2019)
- Colida v. Nokia, Inc., 347 F. App'x 568, 570 (Fed. Cir. 2009)
- Vigil v. Walt Disney Co., 232 F.3d 911, at *1 (Fed. Cir. 2000) (table decision)
- Converse Inc. v. Steven Madden, Ltd., Civil Action No. 20-11032-NMG, 2021 WL 3293624, at *2 (D. Mass. Aug. 2, 2021)

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