

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

**RUIAN CITY HAN SEN TECHNOLOGY
CO. LTD.,**

Plaintiff,

v.

RB DISTRIBUTION INC.,

Defendant.

Civil Action No. 3:23-cv-1737

ORIGINAL COMPLAINT

Plaintiff Ruian City Han Sen Technology Co. Ltd. (“Plaintiff” or “Han Sen”) files this complaint against Defendant RB Distribution Inc. (“RB”) seeking a declaratory judgment of patent non-infringement of a certain Engine Oil Cooler Filter Housings as defined herein (“Oil Filter Housing”) against U.S. Patent No. 11,635,005 (“the ’005 Patent”).

PARTIES

1. Plaintiff Han Sen is a company organized under the laws of the People’s Republic of China.
2. Upon information and belief, Defendant RB Distribution Inc. (“Defendant” or “RB”) is a domestic for-profit corporation organized under the laws of the State of Pennsylvania with a principal place of business at 3400 East Walnut Street, Colmar, PA 18915.

JURISDICTION AND VENUE

3. This Court has original jurisdiction over the subject matter of this action against Defendant RB pursuant to 28 U.S.C. §§1331, 1338(a) because it arises under the Patent Laws of the United States, 35 U.S.C. §§ 101 et. seq. Jurisdiction over the subject matter of this action is further provided under the Declaratory Judgment Act, 28 U.S.C. §§ 2201 and 2202.

4. Personal jurisdiction and venue exist in this Court over RB because its unlawful practices were committed and/or caused harm to Plaintiffs within the jurisdiction of this Court. Texas is the number one market for Plaintiff Han Sen and Amazon's removal of the Accused Products has a substantial effect on the state such that a declaratory judgment action of non-infringement is proper. Courts have found that a significant amount of goods sold in a federal district through an interactive website makes that district a proper place of venue as a place where a substantial part of the events giving rise to the claim arose, see *Nursery Decals & More, Inc. v. Neat Print, Inc.*, No. 3:19-CV-2606-B, 2020 U.S. Dist. LEXIS 63113, at *29-31 (N.D. Tex. Apr. 10, 2020).

INTRODUCTION

5. Plaintiff Han Sen received an Amazon Patent Evaluation Express (APEX) Program notice on July 15, 2023, alleging "Intellectual Property Violations" of the '005 Patent. Subsequently, Amazon.com delisted Plaintiff Han Sen's Engine Oil Cooler Filter Housings products from the platform based on the alleged infringement. Defendant's objectively baseless complaint to Amazon has caused irreparable harm and will continue to cause harm as long as Plaintiff Han Sen's products remain delisted. The alleged "Intellectual Property Violations" under APEX Program are wholly without merit as Plaintiff Han Sen's Engine Oil Cooler Filter Housings do not meet each and every limitation under the '005 Patent.

NATURE OF THE ACTION

6. This action arises from Declaratory Judgment of patent non-infringement under the Declaratory Judgment Act, 28 U.S.C. § 2201 *et seq.*, and the United States Patent Laws, 35 U.S.C. § 101 *et seq.* Defendant RB actions have placed Plaintiff Han Sen in the precarious position of

the imminent and real threat of an infringement lawsuit through the enforcement of the '005 Patent through the APEX Program.

THE SOMUSEN PERFORMANCE PRODUCTS

7. Han Sen is an e-commerce company automotive parts and accessories on Amazon under the storefront Somusen Performance and brand name "Somusen" For example, Han Sen sells steering wheels, shift knobs, and engine oil filter housings.

8. The Oil Filter Housing at issue is identified by ASIN No. B0BPSLFPB2.

9. The Somusen Performance storefront has garnered 4.9 out of 5 stars in customer ratings. The Somusen Performance parts and accessories are known for their outstanding quality and dependability at an affordable price point.

10. The Amazon Marketplace constitutes Han Sen's primary sales channel into the United States. Additionally, Texas is the number one sales market for Plaintiff. To remain competitive in the United States market for automotive parts, Han Sen needs their products listed in the Amazon Marketplace.

11. Defendant RB's use of the APEX Program as an inequitable injunction significantly harms Han Sen. Defendant's submission of Amazon.com infringement reports has caused immediate and irreparable harm to Plaintiff. On July 15, 2023, Amazon removed Plaintiff's Oil Filter Housing products identified by ASIN No. B0BPSLFPB2 from the marketplace, preventing Plaintiff from accessing its largest channel of trade." Plaintiff has lost substantial monetary value, and irreparable harm in lost market share, and harm to reputation.

12. Additionally, Defendant's actions have placed Plaintiff in the precarious position of the imminent threat of an infringement lawsuit which presents a substantial, immediate, and real

controversy of adverse legal interests. Defendant has already shown its intent to misuse its patent to assert baseless infringement allegations against Plaintiff.

U.S. PATENT NO. 11,635,005

13. Defendant RB is the applicant and assignee of record of the '005 Patent, attached as Exhibit A.

14. The '005 Patent is entitled "Oil Filter Assembly" and generally discloses "a cast metallic adaptor for a filtering and cooling assembly that eliminates the needs for inserts or plugs and provides for direct threading of associated components to the adaptor. This construction also provides an enclosed flow path with a common axis for improved durability against burst pressure, heat and age degradation, and conditions related to cycling." Exhibit A at Abstract.

15. The '005 Patent was issued on April 25, 2023, and has an effective filing date of August 19, 2021.

16. The '005 Patent has four independent claims and eight dependent claims, each claiming an adaptor for connecting an oil filter and an oil cooler to an engine.

DEFENDANT RB

17. Defendant RB is an American manufacturing of motor vehicle parts and accessories. RB is a subsidiary of Dorman Products Inc.

18. On or around July 15, 2023, RB initiated an APEX procedure asserting claim 1 of the '005 Patent against the Somusen Performance Oil Filter Housing identified by ASIN No. B0BPSLFPB2. See Exhibit B, Amazon Patent Evaluation Express Agreement.

19. Han Sen's Oil Filter Housing does not infringe any of the claims of the '005 Patent as it fails to meet one or more elements of each and every independent claim of the '005 Patent. For example, the Oil Filter Housing does not meet each and every limitation of independent claims

1, 5, 6, and 11. Likewise, since the independent claims are not infringed, neither are their dependent claims. *Wahpeton Canvas Co. v. Frontier, Inc.*, 870 F.2d 1546, 1552 n.9, 1553 (Fed. Cir. 1989) (a dependent claim cannot be infringed if any claim from which it depends is not infringed).

20. Regarding independent claim 1, the Oil Filter Housing does not comprise at least “a single metallic casting” and “at least one threaded aperture is formed in the single metallic casting for receiving at least one additional component in a direct threaded engagement with the single metallic casting.” While the Oil Filter Housing does have threaded apertures, these apertures do not receive an additional component in a direct threaded engagement with the casting. Instead, Oil Filter Housing uses bolts which are used to affix the component to the casting. Additionally, the Oil Filter Housing is not a single casting but multiple parts including the main body and a separate oil cooler.

21. Regarding independent claim 5, the Oil Filter Housing does not comprise at least “a single metallic casting”. The Oil Filter Housing is not a single casting but multiple parts including the main body and a separate oil cooler.

22. Regarding independent claim 6, the Oil Filter Housing does not comprise at least “a single metallic casting” and “a second end of the metallic casting is remote from the first end and includes at least one location of the metallic casting that is threaded for attaching a threaded component directly to the metallic casting.” The Oil Filter Housing does have threaded apertures in the metallic casting, but these apertures do not attach the threaded component directly to the metallic casting. Instead, Oil Filter Housing uses bolts which are used to affix the component to the casting. Additionally, the Oil Filter Housing is not a single casting but multiple parts including the main body and a separate oil cooler.

23. Regarding independent claim 11, the Oil Filter Housing does not comprise at least “a single metallic casting” and “at least one threaded aperture is formed in the single metallic casting for receiving at least one additional component in a direct threaded engagement with the single metallic casting.” The Oil Filter Housing does have threaded apertures, but these apertures do not receive an additional component in a direct threaded engagement with the casting. Instead, Oil Filter Housing uses bolts which are used to affix the component to the casting. Additionally, the Oil Filter Housing is not a single casting but multiple parts including the main body and a separate oil cooler.

COUNT I:
DECLARATORY JUDGMENT OF NON-INFRINGEMENT OF THE '005 PATENT

24. Han Sen incorporates by reference the preceding paragraphs as though fully set forth herein.

25. An actual, continuing and justiciable controversy exists between Han Sen and RB as to the non-infringement of the '005 Patent, as evidenced by RB's allegations of infringement on Amazon, as set forth above.

26. The Oil Filter Housing does not infringe any valid claim of the '005 Patent as it lacks one or more elements from each of the independent claims as discussed above.

27. RB's baseless infringement reports on the Amazon.com, Inc. platform have caused imminent and real threat of an infringement lawsuit.

28. RB's baseless infringement reports on the Amazon.com, Inc. platform have caused and will continue to cause ongoing and irreparable harm to Plaintiff.

29. Pursuant to the Declaratory Judgment Act, Han Sen requests a judicial determination and declaration that Han Sen does not infringe and has not infringed, either directly

or indirectly, literally or under the doctrine of equivalents, any presumably valid claim of the '005 Patent.

DEMAND FOR JURY TRIAL

Plaintiff, under Rule 38 of the Federal Rules of Civil Procedure, requests a trial by jury of any issues so triable by right.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs respectfully request that this Court enter a judgment as follows:

- A. Preliminary and permanent injunctions ordering Defendant RB to withdraw all Amazon infringement complaints lodged against the Oil Filter Housing regarding the '006 Patent, and to refrain from lodging any further infringement complaints regarding the same.
- B. A declaration that the Oil Filter Housing does not infringe any of the claims of the '005 Patent; and
- C. A declaration that this case is exceptional and an award to Han Sen of its costs, expenses, and reasonable attorney fees incurred in this action pursuant to 35 U.S.C § 285; and
- D. Such further and additional relief as the Court deems just and proper.

Dated: August 3, 2023

Respectfully submitted,

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