

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

FANTASIA TRADING, LLC D/B/A
ANKERDIRECT,

Plaintiff,

v.

MINISTRAP, LLC., and JOSEPH
SCHULTZ (an individual),

Defendants.

Case No.

JURY TRIAL DEMANDED

COMPLAINT FOR DECLARATORY JUDGMENT

Plaintiff Fantasia Trading, LLC d/b/a AnkerDirect (“Fantasia” or “Plaintiff”) hereby brings this complaint against Defendants Ministrap, LLC (“Ministrap”) and Joseph Schultz (an individual) (“Schultz”) (each a “Defendant,” and collectively “Defendants”) and alleges as follows:

PARTIES

1. Fantasia Trading, LLC d/b/a AnkerDirect is a Delaware limited liability company with its principal place of business at 5350 Ontario Mills Pkwy, Suite 100, Ontario, California 91764. No member of Fantasia Trading, LLC is a citizen of Georgia.

2. On information and belief, Ministrap, LLC is a Georgia limited liability company with its principal place of business at 230 Sheridan Point Ln, Atlanta, GA

30342.

3. On information and belief, Joseph Schultz, resident at 230 Sheridan Point Ln, Atlanta, GA 30342, formed Ministrap on March 7, 2021.

4. On information and belief, Joseph Schultz is the sole member and owner of Ministrap.

5. On information and belief, Schultz formed Ministrap to assert patents under his direction and control while limiting his potential liability for bringing frivolous lawsuits and other sanctionable conduct.

JURISDICTION AND VENUE

6. This Court has subject matter jurisdiction under 28 U.S.C. §§ 2201, 2202, 1331 and/or 1338(a), because this action arises under the laws of the United States, in particular the Patent Act of the United States, 35 U.S.C. § 100 et seq., and seeks relief under the Federal Declaratory Judgment Act. This Court has supplemental jurisdiction over the state-law claim herein pursuant to 28 U.S.C. § 1367.

7. Diversity jurisdiction under 28 U.S.C. § 1332 also applies to this action. Complete diversity exists between Plaintiff and Defendants. The former is a Delaware limited liability company with its principal place of business in Ontario, California and having no members that are citizens of Georgia; the latter includes a Georgia limited liability company with its principal business in Atlanta, Georgia,

and an individual with his residence in Atlanta, Georgia. Plaintiff seeks damages in excess of \$75,000.

8. This Court has personal jurisdiction over Ministrap because it is organized under the laws of the State of Georgia, is registered to do business in this judicial district, maintains its principal place of business in this judicial district, and has minimum contacts with the State of Georgia.

9. This Court has personal jurisdiction over Schultz because he resides in this judicial district, has sufficient and significant contacts in the State of Georgia, and has purposefully availed himself of the privileges of conducting business in the State of Georgia.

10. Venue is proper in the Court under 28 U.S.C. §§ 1391(b) and/or 1400(b) because a substantial part of the events or omissions giving rise to the claims occurred in this District, because Ministrap is registered to do business in this forum, and because this Court has personal jurisdiction over Ministrap and Schultz.

BACKGROUND

11. The Anker family of companies (collectively, “Anker”) is a global leader in technology for charging electronics. Fantasia distributes Anker products in the United States, including sales through Amazon.com and retail channels, including Target, Best Buy, Costco, Office Depot, and Walmart.

12. Ministrap purports to own U.S. Patent No. 7,587,796 (“the ’796

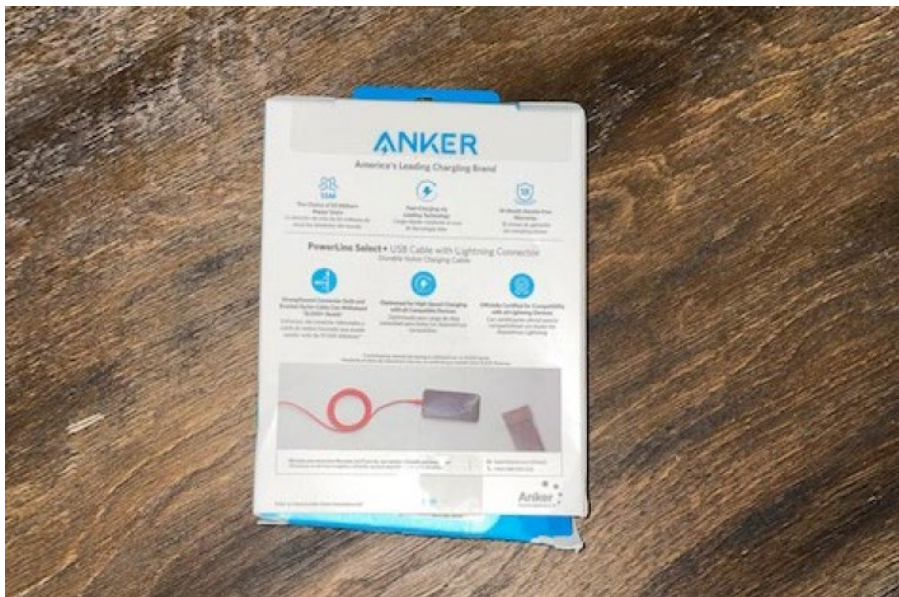
Patent”), entitled “Secure Strap Systems.” A true and correct copy of the ’796 Patent is attached as Exhibit A. The ’796 Patent issued on September 15, 2009.

13. Ministrap purports to own U.S. Patent No. 8,371,000 (“the ’000 Patent”), entitled “Secure Strap Systems.” A true and correct copy of the ’000 Patent is attached as Exhibit B. The ’000 Patent issued on February 12, 2013.

14. Ministrap purports to own U.S. Patent No. 9,386,824 (“the ’824 Patent”), entitled “Secure Strap Systems.” A true and correct copy of the ’824 Patent is attached as Exhibit C. The ’824 Patent issued on July 12, 2016.

15. On or about July 14, 2023, Ministrap, under Shultz’s direction and control, asserted the ’796 Patent, ’000 Patent, and ’824 Patent against Best Buy styled as *Ministrap, LLC v. Best Buy Co., Inc.*, No. 2:23-cv-00327 (E.D. Tex. July 14, 2023) (*Ministrap Best Buy Lawsuit*). A true and correct copy of Ministrap’s Complaint filed in the *Ministrap Best Buy Lawsuit* is attached as Exhibit D. In the *Ministrap Best Buy Lawsuit*, Ministrap alleged that Best Buy infringes because it sells, uses, causes to be used, provides, supplies, or distributes one or more products featuring binding straps, fastening straps, and/or strap systems, including, but not limited to, various replacement cables featuring brand names such as Anker that include straps or strap systems (“Anker Relevant Product”). Ex. D, ¶18. In particular, the *Ministrap Best Buy Lawsuit* identifies at least the following Anker

Relevant Product as infringing products.



Ex. D, ¶18 (Anker PowerLine Select+ USB-A Cable with Lightning Connector).

16. On or about July 14, 2023, Ministrap, under Shultz's direction and control, asserted the '796 Patent, '000 Patent, and '824 Patent against Costco styled as *Ministrap, LLC v. Costco Wholesale Corporation*, No. 2:23-cv-00328 (E.D. Tex. July 14, 2023) (*Ministrap Costco Lawsuit*). A true and correct copy of Ministrap's

Complaint filed in the *Ministrap Costco* Lawsuit is attached as Exhibit E. In the *Ministrap Costco* Lawsuit, Ministrap alleged that Costco infringes because it sells, uses, causes to be used, provides, supplies, or distributes one or more products featuring binding straps, fastening straps, and/or strap systems, including, but not limited to, various replacement cables featuring brand names such as Anker that include straps or strap systems (“Anker Relevant Product”). Ex. E, ¶18. In particular, the *Ministrap Costco* Lawsuit identifies at least the following Anker Relevant Product as infringing products.





Ex. E, ¶18 (Anker PowerLine Select+ Lightning Cable Bundle and PowerLine II USB-A Cable with Lightning Connector).

17. On or about July 14, 2023, Ministrap, under Shultz’s direction and control, asserted the ’796 Patent, ’000 Patent, and ’824 Patent against Office Depot styled as *Ministrap, LLC v. Office Depot, Inc.*, No. 2:23-cv-00329 (E.D. Tex. July 14, 2023) (*Ministrap Office Depot Lawsuit*). A true and correct copy of Ministrap’s Complaint filed in the *Ministrap Office Depot Lawsuit* is attached as Exhibit F. In the *Ministrap Office Depot Lawsuit*, Ministrap alleged that Office Depot infringes because it sells, uses, causes to be used, provides, supplies, or distributes one or more products featuring binding straps, fastening straps, and/or strap systems, including, but not limited to, various replacement cables featuring brand names such as Anker that include straps or strap systems (“Anker Relevant Product”). Ex. F, ¶18. In particular, the *Ministrap Office Depot Lawsuit* identifies at least the following Anker

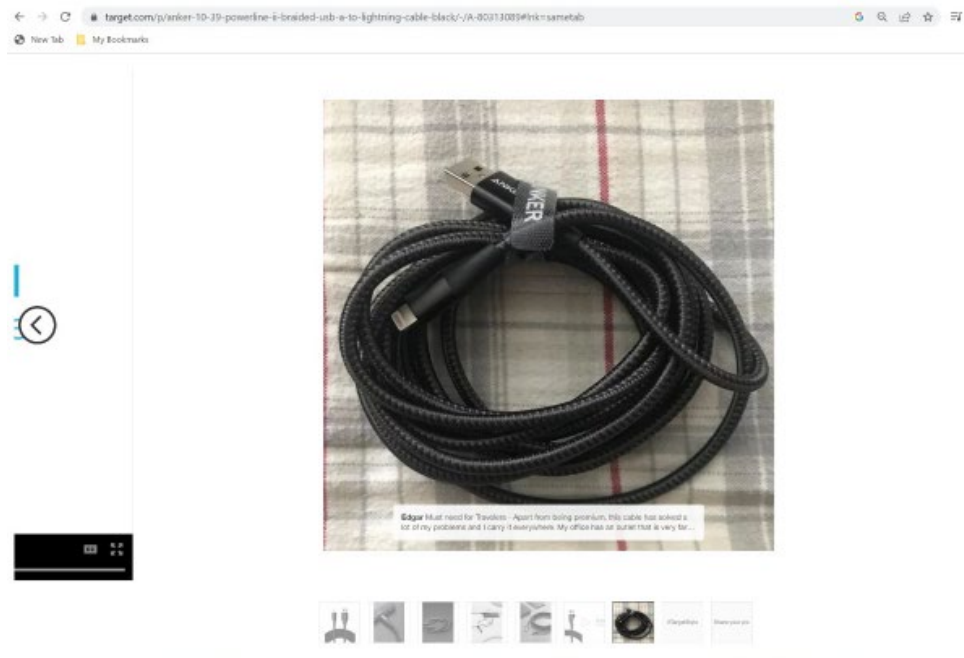
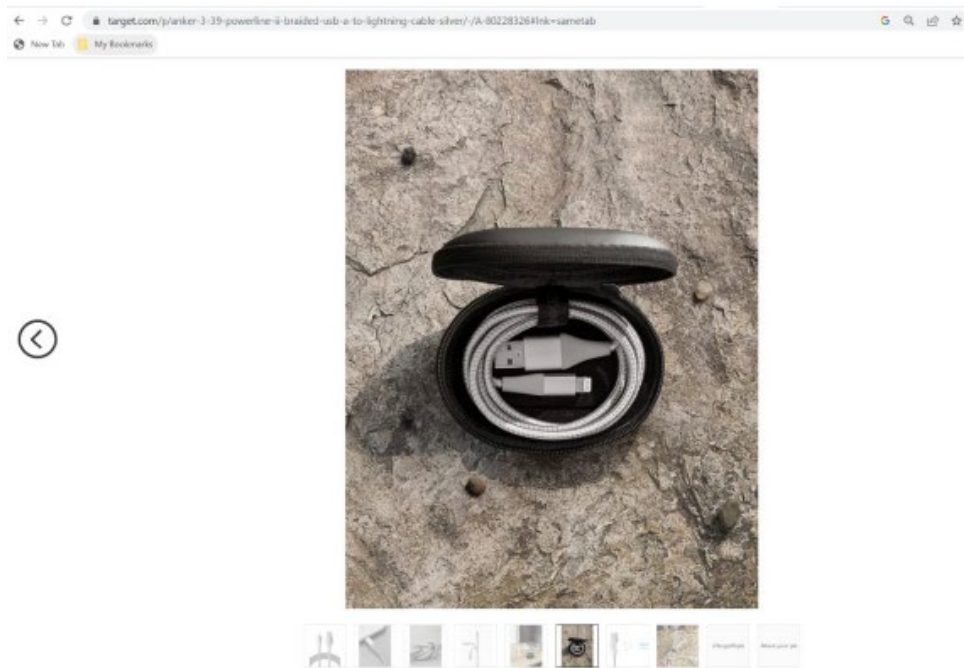
Relevant Product as infringing products.



Ex. F, ¶18 (Anker PowerLine Select+ USB-A Cable with Lightning Connector).

18. On or about July 14, 2023, Ministrap, under Shultz’s direction and control, asserted the ’796 Patent, ’000 Patent, and ’824 Patent against Target styled as *Ministrap, LLC v. Target Corp.*, No. 2:23-cv-00330 (E.D. Tex. July 14, 2023) (*Ministrap Target Lawsuit*). A true and correct copy of Ministrap’s Complaint filed in the *Ministrap Target Lawsuit* is attached as Exhibit G. In the *Ministrap Target Lawsuit*, Ministrap alleged that Target infringes because it sells, uses, causes to be used, provides, supplies, or distributes one or more products featuring binding straps, fastening straps, and/or strap systems, including, but not limited to, various replacement cables featuring brand names such as Anker that include straps or strap systems (“Anker Relevant Product”). Ex. G, ¶19. In particular, the *Ministrap Target Lawsuit* identifies at least the following Anker Relevant Product as infringing

products.

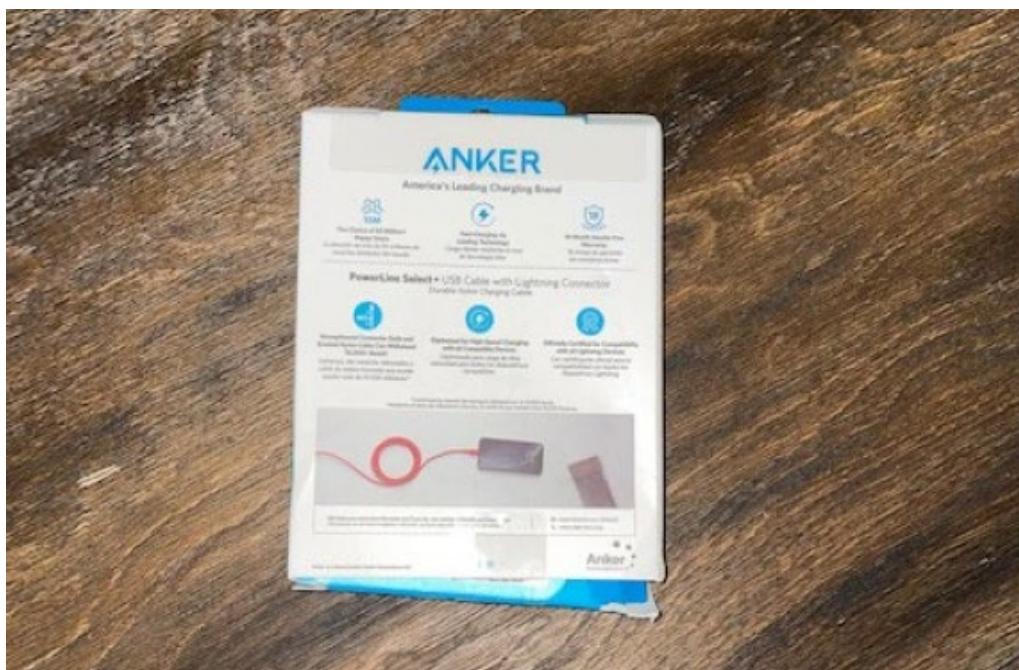


Ex. G, ¶19 (Anker Powerline+ II Braided USB-A to Lightning Cable).

19. On or about July 14, 2023, Ministrap, under Shultz's direction and

control, asserted the '796 Patent, '000 Patent, and '824 Patent against Walmart styled as *Ministrap, LLC v. Walmart, Inc.*, No. 2:23-cv-00331 (E.D. Tex. July 14, 2023) (*Ministrap Walmart Lawsuit*). A true and correct copy of Ministrap's Complaint filed in the *Ministrap Walmart Lawsuit* is attached as Exhibit H. In the *Ministrap Walmart Lawsuit*, Ministrap alleged that Walmart infringes because it sells, uses, causes to be used, provides, supplies, or distributes one or more products featuring binding straps, fastening straps, and/or strap systems, including, but not limited to, various replacement cables featuring brand names such as Anker that include straps or strap systems ("Anker Relevant Product"). Ex. H, ¶18. In particular, the *Ministrap Walmart Lawsuit* identifies at least the following Anker Relevant Product as infringing products.





Ex. H, ¶18 (Anker PowerLine Select+ USB-A Cable with Lightning Connector).

20. Based on the above pending lawsuits against Plaintiff's customers and distributors, Plaintiff has a reasonable apprehension, and there exists a reasonable potential, that Ministrap, under Shultz's direction and control, will file an action against Plaintiff (and its other customers and distributors) and allege that (i) Plaintiff has directly infringed one or more claims of the '796 Patent, '000 Patent, and '824 Patent by making, using, selling, and/or offering for sale the Anker Relevant Products; and (ii) Plaintiff's other customers and distributors have directly infringed one or more claims of the '796 Patent, '000 Patent, and '824 Patent by using, selling, and/or offering for sale the Anker Relevant Products.

21. Plaintiff also has a reasonable apprehension, and there exists a reasonable potential, that Ministrap will file an action against Plaintiff and allege

that Plaintiff has actively induced its customers, distributors, or end-users to infringe one or more claims of each of the '796 Patent, '000 Patent, and '824 Patent by, among other things, making available to customers, distributors, and end-users the Anker Relevant Products.

22. However: (i) Plaintiff has not infringed any claim of the '796 Patent, '000 Patent, and '824 Patent; (ii) the Anker Relevant Products do not infringe any claim of the '796 Patent, '000 Patent, and '824 Patent; and (iii) Plaintiff has not induced others to infringe any claim of the '796 Patent, '000 Patent, and '824 Patent.

23. The meritless claims and allegations of Ministrap, under Shultz's direction and control, have (i) cast uncertainty over Plaintiff's businesses and the Anker Relevant Products, (ii) injured and are injuring Plaintiff's businesses and business relationships, and (iii) created a concrete and immediate justiciable controversy between Plaintiff and Defendants.

24. Plaintiff brings this case to clear its name and to protect its customers, distributors, or end-users against the meritless claims of infringement Ministrap, under Shultz's direction and control.

FIRST CLAIM FOR RELIEF

(Declaratory Judgment of Non-Infringement of the '796 Patent)

25. Plaintiff repeats, realleges, and incorporates the prior allegations of the Complaint as if fully set forth herein.

26. Plaintiff has not infringed, induced others to infringe any of the independent claims of the '796 Patent, or any of the claims that depend thereupon.

27. The Anker Relevant Products at least, by way of example, do not literally, or under the doctrine of equivalents, meet the limitation of claim 1 of the '796 Patent that requires: "all said at least one first elongated strap portions and all said at least one second elongated strap portions are parallel and collinear." (Ex. A at 22:8-10). The Anker Relevant Products do not infringe because, among other reasons, they do not include "all said at least one first elongated strap portions and all said at least one second elongated strap portions are parallel and collinear." (Ex. A at 22:8-10).

28. The claim limitation recited by the preceding paragraph is present in independent claim 1 of the '796 Patent, which Ministrap alleges Anker Relevant Products meet.

29. Because the Anker Relevant Products do not meet, literally or under the doctrine of equivalents, at least one limitation of the identified independent claim of the '796 Patent, the manufacture, use, sale, offer for sale, or importation of the Anker Relevant Products does not infringe claim 1 of the '796 Patent.

30. Plaintiff seeks and is entitled to a declaratory judgment that the manufacture, use, sale, offer for sale, or importation of the Anker Relevant Products does not infringe under 35 U.S.C. § 271 (or any sub-section thereof) any claim of

the '796 Patent, literally or under the doctrine of equivalents.

31. Plaintiff seeks and is entitled to a declaratory judgment that neither it nor its customers, distributors, or end-users infringe any claim of the '796 Patent, literally or under the doctrine of equivalents.

32. Plaintiff seeks and is entitled to a declaratory judgment that neither it nor its customers, distributors, or end-users have induced others to infringe any claim of the '796 Patent, literally or under the doctrine of equivalents.

SECOND CLAIM FOR RELIEF

(Declaratory Judgment of Non-Infringement of the '000 Patent)

33. Plaintiff repeats, realleges, and incorporates the prior allegations of the Complaint as if fully set forth herein.

34. Plaintiff has not infringed, induced others to infringe any of the independent claims of the '000 Patent, or any of the claims that depend thereupon.

35. The Anker Relevant Products at least, by way of example, do not literally, or under the doctrine of equivalents, meet the limitation of claim 1 of the '000 Patent that requires: "said at least one second strap portion is offset parallel from said first strap portion a distance about equal to said at least one first strap width." (Ex. B at 31:7-9). The Anker Relevant Products do not infringe because, among other reasons, they do not include "said at least one second strap portion is offset parallel from said first strap portion a distance about equal to said at least one

first strap width.” (Ex. B at 31:7-9).

36. The claim limitation recited by the preceding paragraph is present in independent claim 1 of the '000 Patent, which Ministrap alleges Anker Relevant Products meet.

37. Because the Anker Relevant Products do not meet, literally or under the doctrine of equivalents, at least one limitation of the identified independent claim of the '000 Patent, the manufacture, use, sale, offer for sale, or importation of the Anker Relevant Products does not infringe claim 1 of the '000 Patent.

38. Plaintiff seeks and is entitled to a declaratory judgment that the manufacture, use, sale, offer for sale, or importation of the Anker Relevant Products does not infringe under 35 U.S.C. § 271 (or any sub-section thereof) any claim of the '000 Patent, literally or under the doctrine of equivalents.

39. Plaintiff seeks and is entitled to a declaratory judgment that neither it nor its customers, distributors, or end-users infringe any claim of the '000 Patent, literally or under the doctrine of equivalents.

40. Plaintiff seeks and is entitled to a declaratory judgment that neither it nor its customers, distributors, or end-users have induced others to infringe any claim

of the '000 Patent, literally or under the doctrine of equivalents.

THIRD CLAIM FOR RELIEF

(Declaratory Judgment of Non-Infringement of the '824 Patent)

41. Plaintiff repeats, realleges, and incorporates the prior allegations of the Complaint as if fully set forth herein.

42. Plaintiff has not infringed, induced others to infringe any of the independent claims of the '824 Patent, or any of the claims that depend thereupon.

43. The Anker Relevant Products at least, by way of example, do not literally, or under the doctrine of equivalents, meet the limitation of claim 1 of the '824 Patent that requires: “the second elongated strap portion is offset parallel from said first elongated strap portion a distance about equal to said at least one first strap width.” (Ex. C at 33:38-41). The Anker Relevant Products do not infringe because, among other reasons, they do not include “the second elongated strap portion is offset parallel from said first elongated strap portion a distance about equal to said at least one first strap width.” (Ex. C at 33:38-41).

44. The claim limitation recited by the preceding paragraph is present in independent claim 1 of the '824 Patent, which Ministrap alleges Anker Relevant Products meet.

45. Because the Anker Relevant Products do not meet, literally or under the doctrine of equivalents, at least one limitation of the identified independent claim of

the '824 Patent, the manufacture, use, sale, offer for sale, or importation of the Anker Relevant Products does not infringe claim 1 of the '824 Patent.

46. Plaintiff seeks and is entitled to a declaratory judgment that the manufacture, use, sale, offer for sale, or importation of the Anker Relevant Products does not infringe under 35 U.S.C. § 271 (or any sub-section thereof) any claim of the '824 Patent, literally or under the doctrine of equivalents.

47. Plaintiff seeks and is entitled to a declaratory judgment that neither it nor its customers, distributors, or end-users infringe any claim of the '824 Patent, literally or under the doctrine of equivalents.

48. Plaintiff seeks and is entitled to a declaratory judgment that neither it nor its customers, distributors, or end-users have induced others to infringe any claim of the '824 Patent, literally or under the doctrine of equivalents.

FOURTH CLAIM FOR RELIEF

(Tortious Interference with Contractual or Business Relationships)

49. Plaintiff repeats, realleges, and incorporates the prior allegations of the Complaint as if fully set forth herein.

50. Plaintiff and one or more of its resellers, including without limitation Best Buy, Costco, Office Depot, Target, and Walmart, have been in contractual and business relationships that resulted or would have resulted in economic benefits to

Plaintiff.

51. Defendants knew of the contractual and business relationships among Plaintiff and its one or more resellers (e.g., resellers of the Anker Relevant Products).

52. Ministrap, under Shultz's direction and control, purposefully and maliciously filed the *Ministrap Best Buy* Lawsuit, *Ministrap Costco* Lawsuit, *Ministrap Office Depot* Lawsuit, *Ministrap Target* Lawsuit, and *Ministrap Walmart* Lawsuit (collectively, the "Anker Reseller Lawsuits") knowing that the Anker Relevant Products could not infringe the '796 Patent, '000 Patent, or '824 Patent.

53. The false patent infringement claims of Ministrap, under Shultz's direction and control, in the Anker Reseller Lawsuits has disrupted the contractual and business relationships between Plaintiff and one or more of its resellers, including without limitation Best Buy, Costco, Office Depot, Target, and Walmart. Defendants' conduct made Plaintiff's performance of its contract with its resellers more expensive or difficult.

54. Defendants acted with intent to disrupt performance of the contract and/or knew that disruption of performance was certain or substantially certain to occur.

55. Plaintiff was harmed and continues to be harmed financially due to the frivolous patent infringement allegations knowingly filed in the Anker Reseller

Lawsuits.

56. By way of example, Plaintiff is financially harmed at least by having to file this complaint and pursue the relief requested herein as a result of the Anker Reseller Lawsuits. Plaintiff values its contractual and business relationships with its resellers, and is committed to restoring its reputation and to protecting its resellers, customers, distributors, and/or end users against the frivolous and meritless claims of patent infringement of Ministrap, under Shultz's direction and control.

RELIEF REQUESTED

WHEREFORE, Plaintiff respectfully requests the Court to enter judgment in its favor and against Ministrap and Schultz as follows:

- a. For judgment that Plaintiff and its customers, distributors, and end users do not infringe and have not infringed under 35 U.S.C. § 271 (or any subsection thereof) any claim of the '796 Patent, '000 Patent, and '824 Patent;
- b. For judgment that the Anker Relevant Products do not infringe and have not infringed under 35 U.S.C. § 271 (or any sub-section thereof) any claim of the '796 Patent, '000 Patent, and '824 Patent;
- c. To enjoin Ministrap and its officers or employees from: (1) alleging that Plaintiff or its customers, distributors, or end-users infringe any claim of the '796 Patent, '000 Patent, and '824 Patent; (2) taking any action to suggest that Plaintiff or its customers, distributors, or end-users require a license from Ministrap

for any claim of the '796 Patent, '000 Patent, and '824 Patent; or (3) pursuing or continuing to pursue infringement actions against Plaintiff or its customers, distributors, or end-users based on the manufacture, use, sale, or offer for sale, or importation of the Anker Relevant Products;

d. For all actual and punitive damages in such amount as may be found, or otherwise permitted, by law;

e. An order declaring that this is an exceptional case under 35 U.S.C. § 285 and awarding Plaintiff its attorneys' fees, costs, and expenses incurred in this action;

f. An award to Plaintiff of its costs and disbursements; and

g. Such other relief to which Plaintiff is entitled under the law and any other further relief as the Court deems just and proper.

JURY DEMAND

Plaintiff demands a trial by jury on all issues so triable in this Complaint.

Respectfully submitted this 18th day of October, 2023.

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