

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

Shenzhenshijinxindundianzishangwuyouxiangongsi
(Shenzhen Jinxindun Electronic Commerce Co.,
Ltd.),

Dongguanshichaweidianzishangwuyouxiangongsi
(Dongguan Chawei E-commerce Company, Ltd.),

lan shan qu zhao yuan bai huo dian
(Lanshan District Zhaoyuan Department Store),

Yuanzhouquqishabaihuodian
(Yuanzhou District Qisha Department Store),

Shenzhenshixinyufankejiyouxiangongsi
(Shenzhen Xinyufan Technology company, Ltd),

Shenzhen Baichenan Trading Co., Ltd.,
(Shenzhen Baichen An Trading Co., Ltd.) ,

Dongguanshibaxuandianzishangwuyouxiangongsi
(Dongguan Baxuan Electronic Commerce Co.,
Ltd.),

Shenzhenshibaishengyiwangluokejiyouxiangongsi
(Shenzhen Baishengyi Network Technology Co.,
Ltd.),

Dongguanshiedengshuangmaoyiyouxiangongsi
(Dongguan Edengshuang Trading Company, Ltd.)

and dongguanshinoxiangmaoyiyouxiangongsi
(Dongguan Nuoxiang Trading Co., Ltd.)

Plaintiffs,

v.

Daka Research Inc.,

Defendant.

Case No. 3:24-cv-00966

JURY TRIAL DEMANDED

ORIGINAL COMPLAINT

Plaintiffs shenzhenshijinxindundianzishangwuyouxiangongsi, Dongguanshichaweidianzishangwuyouxiangongsi, lan shan qu zhao yuan bai huo dian, yuanzhouquqishabaihuodian, shenzhenshixinyufankejiyouxiangongsi, Shenzhen Baichenan Trading Co., Ltd., dongguanshibaxuandianzishangwuyouxiangongsi, shenzhenshibaishengyiwangluokejiyouxiangongsi, dongguanshiedengshuangmaoyiyouxiangongsi, and dongguanshinuoxiangmaoyiyouxiangongsi (collectively “Plaintiffs”) files this Declaratory Judgment action against Defendant Daka Research Inc., (“Defendant”) and alleges as follows:

NATURE OF THE ACTION

1. This is an action for declaratory judgment of patent invalidity and non-infringement arising under the Declaratory Judgment Act, 28 U.S.C. § 2201 *et seq.*, and the Patent Laws of the United States, 35 U.S.C. § 1 *et seq.* Plaintiffs are seeking a declaratory judgment of non-infringement of U.S. Patent No. 7,398,714 (“the ’714 Patent”) which issued July 15, 2008 entitled “JAR OPENER.”

THE PARTIES

2. Plaintiff shenzhenshijinxindundianzishangwuyouxiangongsi is a company organized and existing under the laws of the People’s Republic of China located at futianqufutianjiedaofuhuashequhuaqiangnanlu3001haoshangbushangyedashabeizuo801shenzhen shiguangdongsheng. Shenzhenshijinxindundianzishangwuyouxiangongsi sells on Amazon under the seller name “YHCFTT” under the brand “Got-luck.”

3. Plaintiff dongguanshichaweidianzishangwuyouxiangongsi is a company organized and existing under the laws of the People's Republic of China located at dongchengjiedaoyugaolu2hao6dong402fangguangdongshengdongguanshidongguanshi guangdongsheng. Dongguanshichaweidianzishangwuyouxiangongsi sells on Amazon under the seller name "Appaee" under the brand "INSTACAN."

4. Plaintiff lan shan qu zhao yuan bai huo dian is a company organized and existing under the laws of the People's Republic of China located at lan shan qu cheng cai luyu lin xi yi lu jiao hui xi 364 mi lu beilin yi shi shan dong276002. Lan shan qu zhao yuan bai huo dian sells on Amazon under the seller name "SURWANNA" under the brand "INSTACAN."

5. Plaintiff yuanzhouquqishabaihuodian is a company organized and existing under the laws of the People's Republic of China located at yichunshiyuanzhouquhongxingshequtianjingwo1haoshuzichanyeyuan-40013haoyichunshi jiangxisheng336000. Yuanzhouquqishabaihuodian sells on Amazon under the seller name "VOOCO" under the brand "KITCHENMUH."

6. Plaintiff shenzhenshixinyufankejiyouxiangongsi is a company organized and existing under the laws of the People's Republic of China located at shenzhenshilonghuaqulonghuaajiedaoyousongshequbulonggonglu662shenzhenshiguangdongsheng518000. Shenzhenshixinyufankejiyouxiangongsi sells on Amazon under the seller name "Sinceller" under the brand "KITCHENMUH."

7. Plaintiff Shenzhen Baichenan Trading Co., Ltd. is a company organized and existing under the laws of the People's Republic of China located at longhuaqu longhuaajiedao

jinglongshequ donghuanyilu246haolejishenzhenshiguangdongsheng518000. Shenzhen Baichenan Trading Co., Ltd. sells on Amazon under the seller name “Drjar” under the brand “Humutan.”

8. Plaintiff dongguanshibaxuandianzishangwuyouxiangongsi is a company organized and existing under the laws of the People’s Republic of China located at dongchengjiedaosongmaolingjienansanxiang31hao402fangguangdongshengdongguanshidongguan shi guangdongsheng. Dongguanshibaxuandianzishangwuyouxiangongsi sells on Amazon under the seller name “Quenta” under the brand “Humutan.”

9. Plaintiff shenzhenshibaishengyiwanluokejiyouxiangongsi is a company organized and existing under the laws of the People’s Republic of China located at hehuashequfuandadao8haohaiyuanchuangxinzhongxin17A21shenzhenshilonggangcupinghujieda oshenzhenshiguangdongsheng518000. Shenzhenshibaishengyiwanluokejiyouxiangongsi sells on Amazon under the seller name “KITCHENSlicer” under the brand “Humutan.”

10. Plaintiff dongguanshiedengshuangmaoyiyouxiangongsi is a company organized and existing under the laws of the People’s Republic of China located at dalangzhenxiniupozhengkengyiquwuxiang70hao401fangguangdongshengdongguanshidongguan shiguangdongsheng523000. Dongguanshiedengshuangmaoyiyouxiangongsi sells on Amazon under the seller name “Car Guardiance” under the brand “KitchekShop.”

11. Plaintiff dongguanshinuoxiangmaoyiyouxiangongsi is a company organized and existing under the laws of the People’s Republic of China located at dongchengjiedaoxiasanqixingxianjie6hao314fangguangdongshengdongguanshidongguanshiguan gdongsheng. Dongguanshinuoxiangmaoyiyouxiangongsi sells on Amazon under the seller name “YeapSeLu” under the brand “KITCHENMUH.”

12. Upon information and belief, Defendant Daka Research Inc is an entity incorporated in Tortola, the Virgin Islands (British Virgin Islands)

JURISDICTION AND VENUE

13. This Court has subject matter jurisdiction over this matter pursuant to 28 U.S.C. § 1331, 1338(a), 1367, and 2201(a).

14. On information and belief, this Court has personal jurisdiction over Defendant as Defendant has constitutionally sufficient contacts with this District so as to make personal jurisdiction over Defendant proper as Defendant has committed the acts complained of herein within this Judicial District. Furthermore, Defendant owns and/or operates an Amazon storefront through which Defendant and/or its exclusive licensee sells Jar Openers that allegedly embody the '714 Patent within the forum state and within this judicial District.

15. Defendant has filed various complaints sent to each of the Plaintiffs whom sells to customer in this District.

16. Venue is proper in this District under 28 U.S.C. § 1391. Defendant is a foreign corporation and may be sued in any judicial district.

THE '714 PATENT

17. The '714 Patent alleges to disclose a handheld, one touch jar opener. *See* '714 Patent, Abstract, attached hereto as *Exhibit A*.

18. The '714 Patent was filed on May 22, 2007 and issued on July 15, 2008.

19. Defendant is the owner by assignment, with all rights and title, of the '714 Patent.

20. To overcome prior art rejections during the prosecution of the '714 Patent, the applicant amended claim 1 to specifically add the limitation “through a planet gear system.” As

such, prosecution history estoppel specifically limits claim 1 to require a “planet gear system” and would not be met by any equivalent gear systems.

FACTUAL BACKGROUND

21. Each Plaintiff is a seller of, among other things, Jar Opener products via their respective Amazon storefronts:

Brand Name	Seller Name	Seller ID
Got-luck	YHCFTT	A2Y2DJPL9GGJO8
INSTACAN	Appaee	A1IEX2UVIPROB8
INSTACAN	SURWANNA	A3T18PEYGJMJCT
KITCHENMUH	VOOCO	A18YZ73588CYQI
KITCHENMUH	Sinceller	AGYWLM9RE4R79
Humutan	Drjar	A2TOLKMEQDB9ML
Humutan	Quenta	A3UI3GFX2O5J0V
Humutan	KITCHENSlicer	A2SBM1OMZVKMD6
KitcheKShop	Car Guardiance	A89PHRQGJNLEU
KITCHENMUH	YeapSeLu	A1CLBO4ZWHJARJ

22. Plaintiffs have been selling their Jar Opener products, with some at least as early as 2014.

23. Plaintiffs’ Amazon sales are conducted under the Amazon Services Solutions Agreement.

24. Defendant filed complaints with Amazon.com regarding Plaintiffs' products, including products with the ASINs: B0887Y2TP8; B089SNZD4N; B0CB4KHKZK; B07P1SKJV4; B0CGWZT618; B0CWQMZQNQ; B0BFWHTN7M; and B09JKG8WRN (collectively Plaintiffs "Jar Opener Products"). In the Amazon Complaints, Defendant allege that Plaintiffs' Jar Opener products infringe the '714 Patent.

25. Therefore, an actual and justiciable controversy exists between the Parties concerning the validity of the '714 and whether Plaintiffs' products infringe the '714 Patent.

26. Plaintiffs now seek a declaratory judgment of non-infringement of the '714 Patent..

CLAIM I: DECLARATORY JUDGMENT OF NON-INFRINGEMENT OF THE '714 PATENT

27. Plaintiffs incorporate by reference the preceding paragraphs as if fully set forth herein.

28. Plaintiffs' Jar Opener products do not infringe the '714 Patent because they do not practice ever claimed limitation of the only independent claim, claim 1.

29. Claim 1 of the '714 Patent is directed to a specific portable jar opener. For example, claim 1 specifically recites "a motor operably linked through a planet gear system to close said jar engaging gripping members onto a jar and to close said lid engaging gripping members onto a lid, and to move said lid engaging gripping members with respect to said jar engaging gripping members to open a jar." However, Plaintiffs' jar opener products do not include "a motor operably linked through a planet gear system" as properly construed.

30. Furthermore, claim 1 of the '714 Patent specifically recites "a battery power supply." However, as sold, Plaintiffs' Jar Opener products do not include "a battery power supply" as properly construed.

31. Pursuant to the Federal Declaratory Judgment Act, Plaintiffs seek a judicial declaration that Plaintiffs' accused Jar Opener products do not infringe the '714 Patent.

DEMAND FOR JURY TRIAL

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

PRAYER FOR RELIEF

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

- a. a declaration that Plaintiffs' Jar Opening products do not infringe the '714 Patent;
- b. a declaration that this case is exceptional and an award to Plaintiffs of their costs, expenses, and reasonable attorneys' fees incurred in this action pursuant to 35 U.S.C § 285; and
- c. Further relief as the Court may deem just and proper.

DATED: April 21, 2024

Respectfully submitted,

/s/ Hao Ni

Hao Ni

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