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8 Attorney for Plaintiffs  
9 Shenzhen Kelaisiman Trading Co., Ltd.,  
10 Yongkang Tiange Technology Co., Ltd.,  
11 Lishui Tianque New Energy Technology Co., Ltd.,  
12 Yongkang Dilaka Technology Co., Ltd.,  
13 Yongkang Health Freight Co., Ltd., and  
14 Hangzhou Linghui Intelligent Technology Co., Ltd.

15 UNITED STATES DISTRICT COURT  
16 CENTRAL DISTRICT OF CALIFORNIA, SOUTHERN DIVISION

17 Shenzhen Kelaisiman Trading Co., Ltd.,  
18 Yongkang Tiange Technology Co.,  
19 Ltd.,  
20 Lishui Tianque New Energy  
21 Technology Co., Ltd.,  
22 Yongkang Dilaka Technology Co., Ltd.,  
23 Yongkang Health Freight Co., Ltd., and  
24 Hangzhou Linghui Intelligent  
25 Technology Co., Ltd.,

26 Plaintiffs,

27 v.

28 HYPER ICE, INC., and HYPERICE IP  
SUBCO LLC,

Defendants.

CASE NO. :

**DECLARATORY JUDGMENT  
COMPLAINT**

**DEMAND FOR JURY TRIAL**

Trial Date: None Set

1 Plaintiffs Shenzhen Kelaisiman Trading Co., Ltd., Yongkang Tiange  
2 Technology Co., Ltd., Lishui Tianque New Energy Technology Co., Ltd., Yongkang  
3 Dilaka Technology Co., Ltd., Yongkang Health Freight Co., Ltd., and Hangzhou  
4 Linghui Intelligent Technology Co., Ltd. (“Plaintiffs”), hereby file this Amended  
5 Complaint against Defendants Hyper Ice, Inc. and Hyperice IP Subco, LLC  
6 (collectively, “HYPERICE”), and alleges as follows:

7 **NATURE OF THE ACTION**

8 1. This action arises under the Declaratory Judgment Act, 28 U.S.C. §  
9 2201 et seq., and the United States Patent Act, 35 U.S.C. § 1 et seq. Plaintiffs seek  
10 declaratory judgments that U.S. Patent No. 11,938,082 ( “the ’082 Patent”) is not  
11 infringed by Plaintiffs’ Accused Products. A true and correct copy of the ’082 Patent  
12 is attached hereto as Exhibit 1. Additionally, Plaintiffs seek declaratory judgments  
13 that U.S. Patent No. 11,857,482 (“the ’482 Patent”) is not infringed by Plaintiffs’  
14 Accused Products. A true and correct copy of the ’482 Patent is attached hereto as  
15 Exhibit 2.

16 2. This case is also a civil action for unfair competition under Cal. Bus. &  
17 Prof. Code § 17200.

18 3. Plaintiffs bring this action in view of the actual controversy created by  
19 HYPERICE under the ’082 Patent and ’482 Patent. HYPERICE has asserted a  
20 patent infringement claim against Plaintiffs’ products with Amazon, causing  
21 Amazon to remove Plaintiffs’ listings for those products on Amazon.com.

22 4. HYPERICE’s actions have caused Plaintiffs to lose sales on Amazon,  
23 their primary sales platform, and have harmed Plaintiffs’ reputation and goodwill.

24 **PARTIES**

25 5. Shenzhen Kelaisiman Trading Co., Ltd. is a Chinese company, with a  
26 principal place of business at 608, No. 27, You Song Comprehensive Market, You  
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1 Song Community, Longhua Street, Longhua District, Shenzhen, China..

2 6. Yongkang Tiange Technology Co., Ltd. is a Chinese company, with a  
3 principal place of business at Room 10, West Side, Second Floor, Building 2, No.  
4 222 Meilong Road, Xicheng Street, Yongkang, Jinhua, Zhejiang, China.

5 7. Lishui Tianque New Energy Technology Co., Ltd. is a Chinese  
6 company, with a principal place of business at Fifth Floor, Building 3, Xiaowei Park,  
7 Phase II, Hongshi Block, East Expansion Area, Lishui High-Tech Zone, Xinbi  
8 Street, Jinyun County, Lishui, Zhejiang, China.

9 8. Yongkang Dilaka Technology Co., Ltd. is a Chinese company, with a  
10 principal place of business at South Side, Fourth Floor, Building 1, No. 17 Jinshan  
11 East Road, Economic Development Zone, Yongkang, Jinhua, Zhejiang, China.

12 9. Yongkang Health Freight Co., Ltd. is a Chinese company, with a  
13 principal place of business at No. 199-28, Xueyuan North Road, Economic  
14 Development Zone, Yongkang, Jinhua, Zhejiang, China.

15 10. Hangzhou Linghui Intelligent Technology Co., Ltd. is a Chinese  
16 company, with a principal place of business at Room 905-3, Building 1, Meilai  
17 International Center, Nanyuan Street, Yuhang District, Hangzhou City, Zhejiang  
18 Province, China.

19 11. Upon information and belief, Hyper Ice, Inc. is a corporation  
20 organized under California law with its principal place of business at 525  
21 Technology Drive, Suite 100, Irvine, CA 92618.

22 12. Upon information and belief, Hyperice IP Subco, LLC is a limited  
23 liability company organized under Delaware law.

24 13. Upon information and belief, Hyperice IP Subco, LLC is a wholly-  
25 owned subsidiary of Hyper Ice, Inc.

26 **JURISDICTION AND VENUE**

27 14. This action arises under the Declaratory Judgment Act, 28 U.S.C. §  
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1 2201, et seq., the United States Patent Act, 35 U.S.C. § 1, et seq., and the laws of the  
2 state of California. This Court has subject matter jurisdiction over this action  
3 pursuant to 28 U.S.C. §§ 2201, 2202, 1331, and 1338(a) because an actual case or  
4 controversy currently exists between the Parties regarding the subject matter of this  
5 action, and the Court would have subject matter jurisdiction over this action if  
6 Defendants initiated suit for patent infringement.

7 15. This court has subject matter over the state law claims asserted in this  
8 action pursuant to 28 U.S.C. § 1367(a) because they are so related to the declaratory  
9 judgment claims that they form part of the same case or controversy.

10 16. The Court has personal jurisdiction over Hyper Ice, Inc. because,  
11 upon information and belief, Hyper Ice, Inc. resides in California and in this judicial  
12 district.

13 17. The Court has personal jurisdiction over Hyperice IP Subco, LLC  
14 because, upon information and belief, Hyperice IP Subco, LLC is wholly owned by  
15 Hyper Ice, Inc. and functions purely as a holding company for patents acquired by  
16 Hyper Ice, Inc.

17 18. Upon information and belief, Hyper Ice, Inc. and Hyperice IP Subco,  
18 LLC have filed multiple patent enforcement lawsuits in various jurisdictions as joint  
19 co-plaintiffs.

20 19. Venue is proper in this Court under 28 U.S.C. § 1391(b)(1), because  
21 Hyper Ice, Inc. and Hyperice IP Subco, LLC both reside in this district as residency  
22 is defined in 28 U.S.C. § 1391(c)(2).

23 **THE PLAINTIFFS' ACCUSED PRODUCTS**

24 20. Plaintiff Shenzhen Kelaisiman Trading Co., Ltd. sells Massage Guns  
25 on Amazon under the storefront “shenzhenkelaisimanshangmaoyouxiangongsi,”  
26 which has earned a lifetime rating of 4.8 out of 5 stars. The model of the Massage  
27 Guns sold by Shenzhen Kelaisiman Trading Co., Ltd. at issue is M68-7. The  
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1 corresponding Amazon Standard Identification Numbers (“ASINs”) are  
2 B08TLWYKLS and B0BJDL4HJN.

3 21. On or about June 11, 2024, Shenzhen Kelaisiman Trading Co., Ltd.  
4 received a notification from Amazon. See Exhibit 3. This notice informed Shenzhen  
5 Kelaisiman Trading Co., Ltd. that Amazon removed  
6 shenzhenkelaisimanshangmaoyouxiangongsi’s listing, ASIN B08TLWYKLS and  
7 B0BJDL4HJN, because of the alleged infringement of the ’082 Patent. The rights  
8 owner’s name is HYPERICE and its email address is barnold@hyperice.com. *Id.*

9 22. Plaintiff Yongkang Tiange Technology Co., Ltd. sells Massage Guns  
10 on Amazon under the storefront “APHERMA,” which has earned a lifetime rating  
11 of 4.9 out of 5 stars. The model of the Massage Guns sold by Yongkang Tiange  
12 Technology Co., Ltd. at issue is X8. The corresponding ASINs are B0BG4HY4PX  
13 and B09P1DV7D8.

14 23. On or about June 11, 2024, Yongkang Tiange Technology Co., Ltd.  
15 received a notification from Amazon. See Exhibit 4. This notice informed  
16 Yongkang Tiange Technology Co., Ltd. that Amazon removed APHERMA’s  
17 listings, ASIN B0BG4HY4PX and B09P1DV7D8, because of the alleged  
18 infringement of the ’082 Patent. The rights owner’s name is HYPERICE and its  
19 email address is barnold@hyperice.com. *Id.*

20 24. Plaintiff Lishui Tianque New Energy Technology Co., Ltd. sells  
21 Massage Guns on Amazon under the storefront “tianquexinnengyuan.” The model  
22 of the Massage Guns sold by Lishui Tianque New Energy Technology Co., Ltd. at  
23 issue is X6. The corresponding ASINs are B0BFF5Y4F2 and B0BFF9N6QQ.

24 25. On or about June 11, 2024, Lishui Tianque New Energy Technology  
25 Co., Ltd. received a notification from Amazon. See Exhibit 5. This notice informed  
26 Lishui Tianque New Energy Technology Co., Ltd. that Amazon removed  
27 tianquexinnengyuan’s listings, ASIN B0BFF5Y4F2 and B0BFF9N6QQ, because of  
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1 the alleged infringement of the '082 Patent. The rights owner's name is HYPERICE  
2 and its email address is barnold@hyperice.com. *Id.*

3 26. Plaintiff Yongkang Dilaka Technology Co., Ltd. sells Massage Guns  
4 on Amazon under the storefront "USAYURA," which has earned a lifetime rating of  
5 4.9 out of 5 stars. The model of the Massage Guns sold by Yongkang Dilaka  
6 Technology Co., Ltd. at issue is X8. The corresponding ASINs are B0CGNPVTCZ  
7 and B0CGNNTN33.

8 27. On or about June 11, 2024, Amazon removed USAYURA's listing,  
9 ASIN B0CGNPVTCZ and B0CGNNTN33 which belong to Plaintiff Yongkang  
10 Dilaka Technology Co., Ltd., because of the alleged infringement of the '082 Patent.

11 28. Plaintiff Yongkang Health Freight Co., Ltd. sells Massage Guns on  
12 Amazon under the storefront "JQX-US," which has earned a lifetime rating of 4.9  
13 out of 5 stars. The model of the Massage Guns sold by Yongkang Health Freight  
14 Co., Ltd. at issue is M68-7. The corresponding ASINs are B0CGN8SYDQ and  
15 B0CGN8FM2T.

16 29. Amazon removed JQX-US's listing, ASIN B0CGN8SYDQ and  
17 B0CGN8FM2T belong to Yongkang Health Freight Co., Ltd., because of the  
18 alleged infringement of the '082 Patent.

19 30. Plaintiff Hangzhou Linghui Intelligent Technology Co., Ltd. sells  
20 Massage Guns on Amazon under the storefront "Lnhui," which has earned a lifetime  
21 rating of 4.9 out of 5 stars. The models of the Massage Guns sold by Hangzhou  
22 Linghui Intelligent Technology Co., Ltd. at issue are EM17 and EM13. The  
23 corresponding ASINs are B0BQ2YRWX8, B0BQ2YJY7H, B08MLB2B4H,  
24 B0BDWH4LQ2, B0CR7LPW4L, B0CTFV1T5Q and B0CTG678VS.

25 31. On or about June 12, 2024, Hangzhou Linghui Intelligent Technology  
26 Co., Ltd. received several notifications from Amazon. See Exhibit 6. These notices  
27 informed Hangzhou Linghui Intelligent Technology Co., Ltd. that Amazon removed  
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1 Lnhui’s listing, ASIN B0BQ2YRWX8, B0BQ2YJY7H, B08MLB2B4H,  
2 B0BDWH4LQ2, B0CR7LPW4L, B0CTFV1T5Q and B0CTG678VS, because of the  
3 alleged infringement of the ’082 Patent. The rights owner’s name is HYPERICE and  
4 its email address is barnold@hyperice.com. *Id.*

5 32. The Amazon marketplace constitutes Plaintiffs’ primary sales channel  
6 into the United States. To remain competitive in the United States market for  
7 Massage Guns, Plaintiffs need their products listed in the Amazon marketplace.  
8 Amazon has removed Plaintiffs’ Massage Guns from the marketplace, preventing  
9 Plaintiffs from accessing their largest channel of trade because of Defendants’  
10 alleged infringement complaint to Amazon. Thus, Defendants’ submission of  
11 Amazon infringement complaint has caused immediate harm to Plaintiffs.

12 **U.S. PATENT NO. 11,938,082**

13 33. The face of the ’082 Patent lists HYPERICE IP SUBCO, LLC, as the  
14 applicant and assignee, attached as Exhibit 1.

15 34. The ’082 Patent is entitled “Massage Device Having Variable Stroke  
16 Length” and claims “A percussive massager comprising: [ ] drive mechanism that  
17 controls a predetermined stroke length of the piston; and quick-connect system [ ] is  
18 configured to have a proximal end of the first massaging head inserted into or  
19 removed from the bore while the piston reciprocates the predetermined stroke length  
20 at the first speed.” See Exhibit 1, at 10:4-11.

21 35. The application for the ’082 Patent was filed on November 20, 2023.  
22 The ’082 Patent issued on March 26, 2024.

23 36. Claims 1 and 18 are the only independent claims of the ’082 Patent.

24 37. Claim 1 requires:  
25 a drive mechanism that controls a predetermined stroke length of the  
26 piston  
27 ’082 Patent at column 10, lines 4-5.

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1           45.       The '482 Patent is entitled "Massage Device Having Variable Stroke  
2 Length" and claims "A percussive massager comprising: [ ] drive mechanism that  
3 controls a predetermined stroke length of the piston; and quick-connect system [ ] is  
4 configured to secure the first massaging head to the percussive massager by a  
5 proximal end of the massaging head being slid into the bore while the piston  
6 reciprocates the predetermined stroke length at the first speed." See Exhibit 2, at  
7 10:8-16.

8           46.       The application for the '482 Patent was filed on February 25, 2022.  
9 The '482 Patent issued on January 2, 2024.

10          47.       Claims 1, 32, 34 are the only independent claims of the '482 Patent.

11          48.       Claim 1 requires:

12                   a drive mechanism that controls a predetermined stroke length of the  
13                   piston

14 '482 Patent at column 10, lines 8-9.

15          49.       Claim 32 requires:

16                   positioning a drive mechanism that controls a predetermined stroke  
17                   length of the piston within the housing, wherein the quick release  
18                   connector is configured to secure a first massaging head by sliding  
19                   the first massaging head into the bore while the piston reciprocates  
20                   the predetermined stroke length at the first speed.

21 '482 Patent at column 11, lines 54-59.

22          50.       Claim 34 requires:

23                   a drive mechanism between the motor and the piston that controls a  
24                   predetermined stroke length of the piston; and

25 '482 Patent at column 12, lines 5-6.

26          51. Accordingly, all claims in the '482 Patent require a drive mechanism that  
27 controls a predetermined stroke length of the piston.

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1           52.     Claim 1 also requires:  
2                     a quick-connect system comprising the distal end of the piston and a  
3                     first massaging head, wherein the quick-connect system is configured  
4                     to secure the first massaging head to the percussive massager by a  
5                     proximal end of the massaging head being slid into the bore while the  
6                     piston reciprocates the predetermined stroke length at the first speed.

7     '482 Patent at column 10, lines 10-16.

8           53.     Claim 32 also requires:  
9                     operatively connecting the motor to a proximal end of a piston,  
10                    wherein the motor is configured to cause the piston to reciprocate at a  
11                    first speed, wherein a distal end of the piston has a quick release  
12                    connector, wherein the quick release connector has a bore having a  
13                    substantially cylindrical structure; and

14     '482 Patent at column 11, lines 47-53.

15           54.     Claim 34 also requires:  
16                     a quick release connector at the distal end of the piston, wherein the  
17                     quick release connector is configured to secure a first massaging head  
18                     while the piston reciprocates a predetermined stroke length at the first  
19                     speed, wherein the first massaging head has a substantially  
20                     cylindrical pocket to receive the quick release connector.

21     '482 Patent at column 12, lines 8-14.

22           55.     Accordingly, all claims in the '482 Patent require a quick-connect  
23     system at a distal end of the piston and a first massaging head.

24           56.     Upon information and belief, sometime in March or April 2024,  
25     shortly after the '082 Patent issued, HYPERICE initiated an Amazon dispute  
26     resolution procedure under the '082 Patent against certain third-party (not Plaintiffs)  
27     massage products on Amazon.com.

28     -

1           57.       Upon information and belief, HYPERICE obtained a decision in the  
2 dispute resolution procedure that it was likely to prove infringement under the '082  
3 Patent against the third-party massage products.

4           58.       Upon information and belief, as a result of the decision from the  
5 dispute resolution procedure, the third-party massage products were delisted from  
6 Amazon.

7           59.       Upon information and belief, because HYPERICE successfully  
8 delisted the third-party massage products, if HYPERICE submits an infringement  
9 report under the '082 Patent against any other massage products that are allegedly  
10 similar in relevant respects to the third-party delisted massage products, Amazon  
11 delists the product without prior notice to the accused seller.

12           60.       Upon information and belief, on or about June 11, 2024, HYPERICE  
13 submitted an infringement report under the '082 Patent against various Plaintiffs  
14 massage products (“the Accused Products”).

15           61.       The Accused Products do not infringe the '082 Patent and '482 Patent  
16 because they do not include a drive mechanism that controls a predetermined stroke  
17 length of the piston, as required by all of the '082 claims and '482 claims.

18           62.       The Accused Products also do not infringe the '082 Patent and '482  
19 Patent because they do not include a quick-connect system at a distal end of the  
20 piston and a first massaging head, as required by all of the and '482 claims.

21           63.       HYPERICE submitted an Amazon infringement report under the '082  
22 Patent even though the accused Plaintiffs massage products do not infringe any  
23 claim of that patent.

24           64. Amazon removed the Plaintiffs' Accused Products without any prior  
25 notice, based on HYPERICE' s infringement complaints.

26           65.       Under the Amazon Patent Evaluation Express Procedure (“APEX”),  
27 “If there is litigation pending on a patent subject to a proposed or pending  
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1 Evaluation, Amazon may decide not to initiate or suspend an Evaluation until the  
2 completion of that litigation.” Amazon Patent Evaluation Express Procedure  
3 (V220321) at 1. In practice, Amazon will not initiate or suspend an Evaluation until  
4 the completion of that litigation.

5 66. To circumvent that rule, HYPERICE has exploited the Amazon  
6 delisting procedure against Plaintiffs (and many other massage gun sellers) using  
7 the '082 Patent while pursuing district court patent litigation against many other  
8 massage gun competitors under the '482 Patent, which is patentably indistinct to  
9 the '082 Patent (both derive from the same “parent” patent application) and which  
10 contains the same key claim limitations.

11 67. HYPERICE’s complaints to Amazon have caused substantial  
12 damages and reputational harm to Plaintiffs.

13 68. On June 28, 2024, Plaintiffs submitted a petition to Amazon  
14 requesting that Amazon acknowledge non-infringement and reinstate the Accused  
15 Products.

16 69. On June 28, 2024, Amazon replied to Plaintiffs, acknowledging that  
17 the Accused Products do not infringe and deciding to reinstate the Accused Products  
18 within 3-5 days.

19 70. On July 1, 2024, HYPERICE sent a warning email that HYPERICE  
20 intent to ask Amazon to take down plaintiffs’ Accused Product and threatening to  
21 sue Plaintiffs if Amazon does not remove the listings after they reach out.  
22 HYPERICE also intend to obtain court orders instructing Amazon to permanently  
23 take down plaintiffs’ Accused Products. See Exhibit 7.

24 **COUNT I**  
25 **(DECLARATORY JUDGMENT OF NON-INFRINGEMENT - '082 and '482**  
26 **PATENTS)**

27 71. The allegations of each of the foregoing paragraphs are incorporated  
28

1 by reference as if fully set forth herein.

2 72. An actual, justiciable, and continuing controversy exists between the  
3 Plaintiffs and the Defendants concerning whether the Accused Products infringe  
4 the '082 and '482 Patents.

5 73. The Accused Products do not infringe any claim of the '082 and '482  
6 Patents.

7 74. Plaintiffs seek a declaration that the Accused Products do not infringe  
8 the '082 or the '482 Patents.

9 **COUNT II**

10 **(UNFAIR COMPETITION - CAL. BUS. & PROF. CODE §17200)**

11 75. The allegations of each of the foregoing paragraphs are incorporated  
12 by reference as if fully set forth herein.

13 76. California statutory law prohibits acts of “unfair competition”  
14 including any “unlawful, unfair and fraudulent business act or practice.” Cal. Bus. &  
15 Prof. Code § 17200.

16 77. Hyper Ice, Inc., acting in concert with its wholly-owned subsidiary,  
17 Hyperice IP Subco, LLC, has acted unlawfully and unfairly by manipulating  
18 Amazon’s IP enforcement procedures to procure, in effect, a wrongful injunction  
19 that prevents its competitors, Plaintiffs, from selling competing Accused Products  
20 on Amazon.com.

21 78. Hyper Ice, Inc., acting in concert with its wholly-owned subsidiary,  
22 Hyperice IP Subco, LLC, has abused Amazon’s IP enforcement procedures by  
23 asserting the '082 Patent to delist the Accused Products when it knows or  
24 reasonably should know that these products do not infringe any valid claim of  
25 the '082 Patent and '482 Patent.

26 79. In effect, Hyper Ice, Inc., acting in concert with its wholly-owned  
27 subsidiary, Hyperice IP Subco, LLC, manipulated Amazon’s IP enforcement  
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1 procedures to wrongfully interfere with Plaintiffs’ lawful sales on Amazon.com,  
2 which is the primary market through which Plaintiffs sell the Accused Products.

3 80. Upon information and belief, HYPERICE is aware that Amazon  
4 typically will not allow patent owners to engage in Amazon’s IP enforcement  
5 procedures to enforce a patent that is the subject of a federal district court patent  
6 litigation.

7 81. To circumvent this rule, HYPERICE obtained two patents from the  
8 U.S. Patent Office that are identical in all relevant respects, and launched a district  
9 court lawsuit with one (the ’482 Patent) while asserting the second (the ’082 Patent)  
10 in an expedited Amazon enforcement action in which it knew that Amazon would  
11 delist the Accused Products—effectively imposing a preliminary injunction against  
12 Plaintiffs’ Amazon sales—without first offering Plaintiffs an opportunity to assert  
13 any defenses and without allowing Plaintiffs to show that the ’082 Patent is invalid.

14 82. Plaintiffs have suffered substantial economic losses as well as  
15 reputational harms resulting from HYPERICE’s actions.

16 83. HYPERICE’s actions constitute unfair competition under Cal. Bus. &  
17 Prof. Code § 17200.

18 **PRAYER FOR RELIEF**

19 WHEREFORE, Plaintiffs pray for the following relief:

20 A. A judgment declaring that the manufacture, use, offer for sale, sale,  
21 and/or importation of Plaintiffs’ products have not infringed and will not  
22 infringe, directly or indirectly, literally or under the doctrine of equivalents, any  
23 valid claim of the ’082 and ’482 patent;

24 B. A permanent injunction enjoining HYPERICE from asserting the ’082  
25 Patent and ’482 Patent against Plaintiffs’ Accused Products;

26 C. A declaration that this case is an “exceptional case” under 35 U.S.C. §  
27 285 and that Plaintiffs are entitled to their attorney fees;

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D. An award to Plaintiffs for actual damages caused by HYPERICE’s tortious actions under the California unfair competition statute;

E. Such other and further relief as this Court may deem just and proper.

DATED: July 3 , 2024

**SHM LAW FIRM**

By: /s/ Qianwu Yang

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Co., Ltd.,  
Yongkang Dilaka Technology Co., Ltd.,  
Yongkang Health Freight Co., Ltd., and  
Hangzhou Linghui Intelligent  
Technology Co., Ltd.



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**DEMAND FOR JURY TRIAL**

Plaintiffs request a trial by jury under Rule 38 of the Federal Rules of Civil Procedure of all issues that may be determined by a jury.

DATED: July 3 , 2024

**SHM LAW FIRM**

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Yongkang Health Freight Co., Ltd., and  
Hangzhou Linghui Intelligent  
Technology Co., Ltd.