

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

SHENZHEN TIANFAN TECHNOLOGY
CO. LTD. d/b/a DETECTTREK-DIRECT;
QUANZHOU FENGZE
YANSHUANGYING NET TECH CO., LTD
d/b/a MD-GBNRYG; and SHENZHEN
KETONG TECHNOLOGY CO., LTD. d/b/a
DMYOND

Plaintiff,

v.

MINELAB ELECTRONICS PTY. LTD.,

Defendant.

Civil Action No. 3:24-cv-2963

ORIGINAL COMPLAINT

Plaintiff Shenzhen Tianfan Technology Co. Ltd. d/b/a DetectTrek-Direct; Quanzhou Fengze Yanshuangying Net Tech Co., Ltd d/b/a Md-Gbnryg; and Shenzhen Ketong Technology Co., Ltd. d/b/a Dmyond (collectively “Plaintiffs”) file this Complaint for Declaratory Judgment against Defendant Minelab Electronics Pty. Ltd. (“Defendant” or “Minelab”) of non-infringement of United States Patent No. 12,007,525 (“the ’525 Patent”).

INTRODUCTION

1. Over the past twenty years, online retailing has revolutionized how foreign companies reach American consumers. The rise of electronic marketplaces combined with a dramatic increase in transport speed and improved logistic networks has allowed even relatively small companies to compete globally. These developments have generally increased competition and lowered prices.

2. The web domain “Amazon.com” hosts the Amazon Marketplace and its millions of product listings; it is United States specific and targets American consumers. For an online retailer to effectively compete in the United States, it must sell on the Amazon Marketplace. According to bigcommerce.com, “Each month more than 197 million people around the world get on their devices and visit Amazon.com. That’s more than the entire population of Russia. In 2018, Amazon’s share of the US e-commerce market hit 49%... that is more than Amazon’s top three competitors combined, with eBay coming in at 6.6%, Apple at 3% and Walmart at 3.7%.”

3. Nine out of ten American consumers use Amazon to price check products they find elsewhere, and roughly 95 million people have Amazon Prime memberships in the United States. Facing the considerable challenges of managing this sprawling hive of commercial activity, Amazon, Inc. established intellectual property complaint and enforcement systems for Amazon.com primarily designed to protect itself from contributory infringement liability. These include a patent infringement reporting mechanism and a binding pseudo-arbitration evaluation procedure currently known as the Amazon Patent Evaluation Express (“APEX”).

4. In sum, after Amazon receives a patent infringement complaint, it contacts the accused sellers and urges them to negotiate with the patent owner. If the patent owner initiates an APEX proceeding, the seller may opt not to participate, but that refusal means Amazon will remove, *i.e.*, de-list, the accused product from the Amazon Marketplace.

5. An Amazon APEX is decided by a single neutral evaluator chosen by Amazon. Once begun, the process lasts only a few weeks. The evaluator is paid a fixed fee for the APEX, borne by the losing side. The patent owner identifies the accused products by ASIN No. and a single claim of one patent allegedly infringed. Each side is permitted one brief on infringement.

The evaluator may not consider validity unless the asserted patent claim has already been ruled invalid by a court or by the USPTO, making the procedure exceedingly patent owner friendly.

6. Amazon's procedures require the evaluator to determine whether the patent owner is "likely to be able to prove" the accused products infringe the asserted claim. The evaluator does not explain their reasoning if they find for the patent owner but must provide a brief explanation if they rule against the patent owner. If the patent owner wins, Amazon de-lists the accused products until the parties notify Amazon that the dispute has been resolved and the infringement complaint withdrawn. There is no appeal.

7. Amazon APEX proceedings are heavily weighted in favor of patent owners. They are not suited to evaluating complex technical issues, and the speed, limited scope, high stakes, and inability to appeal all place tremendous pressure on accused sellers to capitulate, particularly online retailers deriving most of their revenue from Amazon sales.

8. It is against this backdrop that Defendant Minelab Electronics Pty. Ltd. has reported to Amazon meritless "Intellectual Property Violations" against the Accused Product, specifically alleging infringement of the Patent, and resulting in the potential delisting of the Accused Product.

NATURE OF THE ACTION

9. This is an action for Declaratory Judgment of patent non-infringement arising 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.*

PARTIES

10. Plaintiff Shenzhen Tianfan Technology Co., Ltd. d/b/a DetectTrek-Direct ("DetectTrek") is a foreign limited company organized under the laws of the People's Republic of

China. DetectTrek sells metal detectors and accessories on Amazon under the store and brand name “DetectTrek,” including the product under the ASIN: B0CH7QGX5K.

11. Plaintiff Quanzhou Fengze Yanshuangying net tech Co., Ltd. d/b/a MD-Gbnryg (“Gbnryg”) is a foreign limited company organized under the laws of the People’s Republic of China. Gbnryg sells metal detectors and accessories on Amazon under the store and brand name “Gbnryg,” including the product under the ASIN: B0D3C25SX8.

12. Plaintiff Shenzhen Ketong Technology Co., Ltd. d/b/a Dmyond (“Dmyond”) is a foreign limited company organized under the laws of the People’s Republic of China. Dmyond sells metal detectors and accessories on Amazon under the store and brand name “Dmyond,” including the product under the ASIN: B0CWNVG6WW.

13. Upon information and belief, Defendant Minelab is a foreign liability company organized under the laws of the Commonwealth of Australia. Minelab has a principal place of business at Technology Park, 2 Second Avenue, Mawson Lakes, SA 5095, Australia. Additionally, upon information and belief, based on agreements with Amazon on the Amazon dispute resolution process, a lawsuit may be filed in any jurisdiction where Amazon.com has a physical location and the counterparty may be served by email at riley.berry@codan.com.au.

JURISDICTION AND VENUE

14. This Court has jurisdiction over the subject matter of this action 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.

15. Minelab is subject to this Court’s personal jurisdiction pursuant to the due process clause of the Constitution and/or the Texas Long Arm Statute, due at least to Minelab’s substantial

business in this State and District, including: regularly conducting and soliciting business, engaging in other persistent conduct, and/or deriving substantial revenue from Texas residents.

16. Alternatively, Minelab is subject to this Court's personal jurisdiction pursuant to Fed. R. Civ. P. 4(k)(2).

17. Venue is proper in this District pursuant to 28 U.S.C. 1391.

THE ACCUSED PRODUCT

18. DetectTrek is an e-commerce company selling metal detectors and accessories on Amazon under the storefront and brand name "DetectTrek" (Seller ID: A30337SOTRGP38).

19. DetectTrek believes that every journey is unique, and their mission is to empower their customers with the tools on exciting expeditions. DetectTrek specializes in crafting high-quality and innovative metal detectors that deliver exception performance and reliability.

20. The DetectTrek storefront has earned a lifetime customer rating of 4.9 out of 5 stars.



21. The DetectTrek Accused Product at issue is the DetectTrek Z100 Metal Detector identified by ASIN No. B0CH7QGX5K. The listing for the Accused Product has earned a customer rating of 4.3 out of 5 stars.



Metal Detector for Adults
Professional, High Accuracy
Waterproof Gold Detector, Exclusive
Memory & Pinpoint Mode, Quicker
Assembly 6 Modes 5 Sensitivity,
Z100

[Visit the DetectTrek Store](#)

4.3 ★★★★★ 78 ratings

100+ bought in past month

-46% \$69⁹⁹

List Price: \$129.99

FREE Returns

Get \$60 off instantly: Pay \$9.99 upon approval for Amazon Visa. No annual fee.

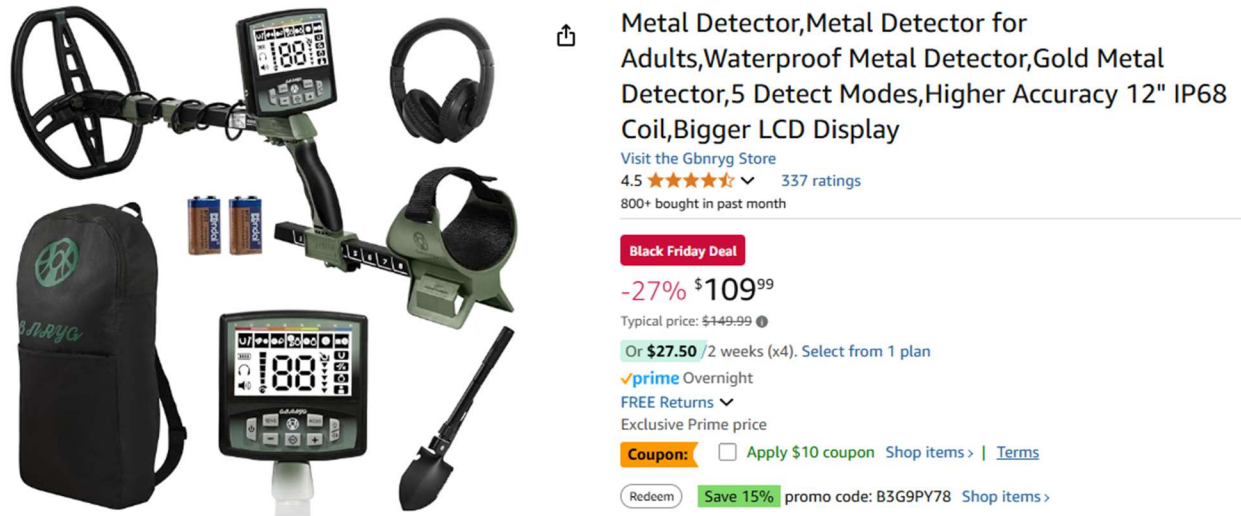
Extra Savings Save 10% on San... 1 Applicable Promotion

22. The Amazon marketplace constitutes DetectTrek’s primary sales channel into the United States. To remain competitive in the United States market for metal detectors, DetectTrek needs their products listed in the Amazon marketplace.

23. Gbnryg is an e-commerce company selling metal detectors and accessories on Amazon under the storefront and brand name “Gbnryg” (Seller ID: A2BZ1IVC2SZHY6).



24. The Gbnryg Accused Product at issue is the Gbnryg Z100 Metal Detector identified by ASIN No. B0D3C25SX8. The listing for the Accused Product has earned a customer rating of 4.5 out of 5 stars.

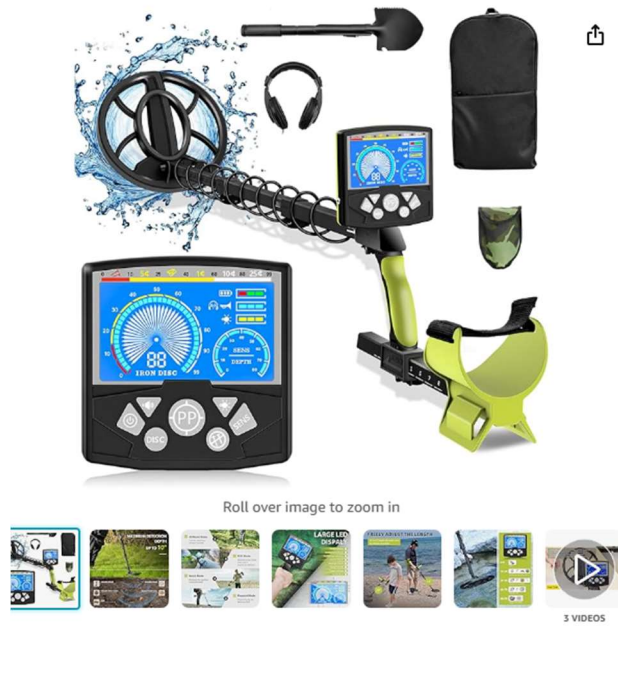


25. The Amazon marketplace constitutes Gbnryg’s primary sales channel into the United States. To remain competitive in the United States market for metal detectors, Gbnryg needs their products listed in the Amazon marketplace.

26. Dmyond is an e-commerce company selling metal detectors and accessories on Amazon under the storefront and brand name “Dmyond” (Seller ID: A2ZRE38T4WUQ5Q).



27. The Dmyond Accused Product at issue is the Gbnryg Z100 Metal Detector identified by ASIN No. B0CWNVG6WW. The listing for the Accused Product has earned a customer rating of 3.9 out of 5 stars.



Metal Detectors for Adults Waterproof, Professional Higher Accuracy Gold Detector with LED Display, 5 Mode, DSP Chip 10" Coil Lightweight Metal Detectors

Visit the Dmyond Store
3.9 ★★★★★ 26 ratings

\$69⁹⁹

Or **\$17.50** / 2 weeks (x4). Select from 1 plan

✓ **prime** Two-Day
FREE Returns
Up to 8% off if you qualify Shop items >

Pay **\$11.67/month for 6 months, interest-free upon approval for Prime Visa**

Color: **Green**

\$69.99 FREE Delivery Wednesday	\$69.99 FREE Delivery Saturday

Brand	Dmyond
Color	Green
Batteries Required?	Yes
Material	Metal
Power Source	Battery Powered

28. The Amazon marketplace constitutes Dmyond’s primary sales channel into the United States. To remain competitive in the United States market for metal detectors, Dmyond needs their products listed in the Amazon marketplace.

29. Minelab’s ability to use the APEX as an inequitable injunction significantly harmed Plaintiffs. In addition to the direct effects of monetary losses, the delisting of products immediately results in lost sales numbers, product reviews, and product ratings, which are all important factors in determining their Amazon ranking. Amazon ranking is in turn important to product visibility in consumer searches and to Amazon’s award of the “Amazon Choice” badge or the “Amazon Bestseller” designations which create a significant sales boost.

UNITED STATES PATENT NO. 12,007,525

30. Minelab is the applicant and assignee of record of the Patent, attached as Exhibit A.

31. The Patent is entitled “Metal Detector” and generally discloses: “A body for a handheld metal detector includes a lower end configured to engage with a sensor head; an upper end including an armrest connected to an upper shaft element; and a grip element intermediate to the lower end and the upper end, the grip element including a grip portion configured to allow a user to hold the body, and a first retaining means for slidably retaining the upper shaft element such that the distance between the armrest and the grip element is able to be adjusted.” Exhibit A at Abstract.

32. The sole named inventor of the Patent is Liam Ronald Cameron Gall of Mawson Lakes, Australia. *Id.*

33. The Patent issued on June 11, 2024 and has a purported effective filing date of April 18, 2019 through PCT/AU2020/000034 and AU2019901361. *Id.*

34. The Patent has two independent claims and fourteen dependent claims, each claiming a body for a handheld metal detector and/or a metal detector. *Id.*

DEFENDANT MINELAB

35. Upon information and belief, Minelab is a division of Codan Limited.

36. On or around November 7, 2024, Minelab lodged an Amazon infringement complaint (Complaint ID: 16581247311) against DetectTrek and the ASIN: B0CH7QGX5K Product. See Exhibit B, Amazon Infringement Complaint Email.

37. Minelab further initiated an APEX procedure against Plaintiffs and the Accused Products, among others, therein asserting claim 1 of the Patent. *See* Exhibit C, Amazon Patent Evaluation Express Agreement.

**CLAIM I:
DECLARATORY JUDGMENT OF NON-INFRINGEMENT**

38. Plaintiffs incorporate by reference the preceding paragraphs as though fully set forth herein.

39. An actual, continuing and justiciable controversy exists between Plaintiffs and Minelab as to the non-infringement of the Patent, as evidenced by Minelab's allegations of infringement on Amazon, as set forth above.

40. Pursuant to the Declaratory Judgment Act, Plaintiffs request a judicial determination and declaration that the Accused Product does not infringe and has not infringed, either directly or indirectly, literally or under the doctrine of equivalents, any presumably valid claim of the Patent.

41. For example, none of the Accused Products meets each and every limitation of independent claims 1 and 9. 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).

42. Regarding independent claims 1 and 9, the Accused Products do not comprise at least "a lower shaft element," "an upper shaft element," and "a grip element." Each of these limitations is subject to means-plus-function treatment under 35 U.S.C. § 112(f). Specifically, each of these limitations shall be construed to cover the corresponding structure, material, or acts

described in the specification, if any, and equivalents thereof. The Accused Products do not have the corresponding structures for these elements.

43. Further, the Accused Products do not have the claimed element of a body with “an s-shape configuration.”

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 Minelab to withdraw all Amazon infringement complaints lodged against the Accused Product regarding the Patent, and to refrain from lodging any further infringement complaints regarding the same.
- B. A declaration that the Accused Products do not infringe any of the presumably valid claims of the Patent; and
- C. A declaration that this case is exceptional and an award to Plaintiffs of their 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: November 25, 2024

Respectfully submitted,

/s/ Hao Ni
Hao Ni

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Nicholas Najera
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