

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT OF TEXAS

MAR 14 2022

BY
DEPUTY

General Complaint

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS

FRANK L. CARTER

c/o DRIPTITE

Case Number : 6:22-cv-94 JDK/JDL

List the full name of each plaintiff in this action.

VS.

① EZ FLO INTERNATIONAL

aka; EASTMAN

List the full name of each defendant in this action.
Do not use "et al".

Attach additional pages if necessary.

I. ATTEMPT TO SECURE COUNSEL:

Please answer the following concerning your attempt to secure counsel.

A. In the preparation of this suit, I have attempted to secure the aid of an attorney as follows: (circle one)

- ① Employ Counsel
- 2. Court - Appointed Counsel
- ③ Lawyer Referral Service of the State Bar of Texas,
P. O. Box 12487, Austin, Texas 78711.

B. List the name(s) and address(es) of the attorney(s):

- ① CHARLES AINSWORTH; 100 E FERGUSON, 1114 TYLER, TX. / (903) 534-0477
- ② FLOWERS DAVIS PLLC, PRESTON MCGEE; 1021 E SOUTH LOOP 323 TYLER, TEXAS / (903)
- ③ Tindel Andy Attorney's; 112 E. LINE ST., STE# 304 TYLER, TX / 596-0900
- ④ JAN ROWAN (LAWYER REFERRAL SERVICE) "NO RETURN PHONE CALL" (903) 590-4330 TEXAS

C. Results of the conference with counsel:

- ① Conflict of Interest check / we never Heard Back from THEM.
- ② CONFLICT of Interest(s)
- ③ For SOME Reason, "THEY were not ACCEPTING New CASE AT THIS Time."
- ④ "No RETURN CALLS" From JON ROWAN ??

II. List previous lawsuits:

A. Have you filed other lawsuits in state or federal court dealing with the same facts involved in this action or any other incidents? X Yes No

B. If your answer to "A" is "yes", describe the lawsuit in the space below.
If there is more than one lawsuit, attach a separate piece of paper describing each.

1. Approximate file date of lawsuit: 3/12/2019

2. Parties to previous lawsuit(s):

Plaintiff ULTIMATE HOME PROTECTOR PANS, INC. dba; DRIPTITE

Defendant CAMCO MFG INC. AND HAIRE US APPLIANCE Operations,
(Consolidated BOTH INFRINGING COMPANIES)

Attach a separate piece of paper for additional plaintiffs or defendants.

3. Identify the court the lawsuit was filed. If federal, name the district. If state, name the county.

United STATES District COURT, Middle District of NORTH
CAROLINA

4. Docket number in other court. CASE; 1:19-cv-00280-WO-LPA

5. Name of judge to whom the case was assigned.

William L. Osteen, JR.

6. Disposition: Was the case dismissed, appealed or still pending?

This CASE WAS DISMISSED on; AUG 24TH 2020

7. Approximate date of disposition. 8/24/2020

III. Parties to this suit:

A. List the full name and address of each plaintiff:

Pla #1 FRANK L. CARTER
538' CENTER ROAD
CONNEAUT, OHIO, 44030

Pla #2 c/o ULTIMATE HOME PROTECTOR PANS, Inc.
d/b/a ; DRIPTITE
5605 Riggins COURT, STE 200, RENO. NV 89502

B. List the full name of each defendant, their official position, place of employment and full mailing address.

Dft #1: EZ FLO INTERNATIONAL ; a/k/a EASTMAN
1605 RESEARCH CIRCLE, ROCKWALL, TX. 75032
* MANUFACTURES THE INFRINGING PRODUCT IN NINGBO, CHINA.

Dft #2: CAMCO MANUFACTURING.
121 LANDMARK DRIVE, GREENSBORO, NC. 27409 (AND)
* ALSO MANUFACTURES THE INFRINGING PRODUCT IN NINGBO, CHINA.

Dft #3 HAIER US APPLIANCE OPERATIONS ; AKA GE APPLIANCES
4000 BUECHEL BANK RD, STE AP2-225, LOUISVILLE, KY.
* ALSO MANUFACTURING THE INFRINGING PRODUCT IN NINGBO, CHINA,

Attach a separate sheet for additional parties.

(CONT.)

III B. Parties to the Suit: List Full Names of Each Defendant....(continued)

- DFT #4 Lambro Industries, Inc.
115 Albany Ave.
Amityville, NY 11701
*Also; manufactures and imports the infringing product from NINGBO, CHINA
- DFT #5 Whirlpool Mfg.
200 N.M. 63
Benton Township, MI 49022
*Also; manufactures and imports the infringing product from NINGBO, CHINA
- DFT #6 Walmart Super Store(s)
782 E Interstate 30, Rockwall, TX 75087
(Customers can order online to pick up at any of the 4,743 Walmart Stores or shipped to their home)
- DFT #7 Lowes Companies Inc. / Retail Stores (2,197 Stores)
1000 Lowes Blvd.
Mooresville, NC. 28117
*Matt Varnell is the buyer and decision maker for of all Lowes Stores
At Total Marking Inc. which is the under the umbrella of Lowes Company
Please see email letters and phone conversations under EXHIBIT B
For proof of the willful infringement from the very begging to NINGBO, CHINA
- DFT: #8 Home Depot, Inc. (2,300 Stores)
2455 Paces Ferry Rd. SE
Atlanta, GA 30339
- DFT #9 Tractor Supply Store (online)
200 Powell Place
Brentwood, TN, 37027
- DFT #10 Menards Retail Company (300 Stores)
4777 Menards Dr.
Eau Clair, WI 54703
- DFT #11 Amazon (on line)
410 Terry Ave.
North Seattle, WA 98109
- DFT #12 EBay (on line)
2025 Hamilton Ave.
San Jose, CA 95125

(Cont.)

DFT #13	Famous Supply (31 Stores) 2620 Ridgewood Akron, Ohio 4413
DFT #14	Ferguson Enterprise Inc. (1,470 Stores) 12500 Jefferson Avenue Newport News, VA 23602
DFT #15	HAJOCA Corp, (400 Stores) 2001 Joshua Road Lafayette Hill, PA 19444
DFT #16	Winn Supply (57 Stores) 3110 Kettering Blvd. Dayton, OH 45439
DFT #17	Mustee & Son Incorporated Mfg. 5431 W. 164 th Street St. Brook Park, OH 44142
DFT #18	Dura Flex Products Mfg. 1088 Industrial Park Road Orem, UT 84057

IV: Statement of Claim:

State as briefly as possible the fact of your case. Describe how each defendant is involved. Include the names of other persons involved with dates and places. Do not give any legal arguments or cite cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Use as much space as you need, attaching additional pages if necessary.

MY NAME IS FRANK L. CARTER I AM A 3rd GENERATION BIG HOME BUILDER AND NOW INVENTOR OF BIG PRODUCTS USED IN THE LARGE HOUSING DEVELOPMENT INDUSTRY. "BUILDING CODE" PRODUCTS WE USE EVERY DAY IN MY INDUSTRY. (I INVENT PRODUCTS FOR CAL ATLANTIC, STANDARD PACIFIC'S HOMES BUILDER, NOW WE MERGED WITH LENNAR HOMES #2 PUBLICLY TRADED ON THE NYSE.) ON APRIL 10, 2008 I WAS APPROACHED AND ASKED TO INVENT, AND DO THE LAYOUT AND DESIGN FOR ONE OF OUR NEW PRODUCTS FOR THE NEW FRONT LOADING WASHERS AND DRYERS WITH AND WITHOUT THE PEDESTAL DRAWERS WHICH I CALL AND NAMED THIS INVENTION THE "LOW PROFILE" WASHER AND/OR DRYER PAN. (SEE EXHIBIT A) THIS NEW ASPIRATES INVENTION WAS TO BE MADE LOW ENOUGH TO ACCOMMODATE THE PEDESTAL DRAWERS FOR THE NEW FRONT LOADING WASHERS AND/OR DRYERS AND TO PROTECT ANY HOME FROM LEAKS AND FLOOD DAMAGE AS WELL AS BEING STRONG ENOUGH TO PHYSICALLY "STACK" THE "FRONT LOADING" WASHERS AND DRYERS "ON TOP" OF ONE ANOTHER

IV: Statement of Claim...(continued)

...and fit them in a single pan for apartment and condo size laundry rooms as well as a single family homes. After extensive research and development I was able to create and invent what we know now as the Single and/or Stackable Washer and Dryer Pan, as well as the Combination Washer and Dryer Pan. On March 12, 2013 we achieved our US "Utility" Patent under the name Dual Automatic Dryer and Washer Machine Pan Protective Basin. Just before we received my final Utility Patent Book from the USPTO that all Inventors receive after achieving their patent.

On November 2, 2010, a man in the Lowes home improvement industry by the name of **Matt Varnell** called me and introduced himself as Matt Varnell the #1 buyer and man in charge for all products that get stocked and sold at all Lowes retail stores. **(Please see Exhibit B – the original email chain and memo letter and the written summary of the phone conversation in between emails that were sent between Matt Varnell and myself as proof of willful infringement.)** Mr. Varnell proceeded to explain that I have the only new low profile pan patent product that covered and fit with, and fit under the new Front Loading "Low Profile" Washer and Dryers with the Pedestal Drawers that can be used with a Single Washing Machine, a Stackable Pair of Front Loading Washers and Dryers, and/or a combination pair of Front Loading Washers and Dryers and that my low profile Washing Machine Pans are the only pans that will fit with the above aforementioned front loading washing and dryers on the market. He continued to explain that he already had a manufacturing company that was set up in Ningbo China that could mass produce my Patented Low Profile Washing Machine Pans for cheaper labor and material costs. He proceeded to explain that if I didn't sign a licensing agreement with him, "he would have to take my product, and knock it off in China and manufacture it any way."

I immediately explained that he could not do that, and that I would never allow anyone or any company to take any of my patented products that I invent here in the USA for our large housing development industry, to China. I Continued to explain and in great detail that I invent and manufacture all of my products here in the USA. **(Please see Exhibit A – I, Frank Carter invent products for Cal Atlantic Homes, now Lennar homes #2 Builder in the USA)**

After Mr. Varnell asked for the absolute best manufacturing and wholesale price that could quote him on a national level, and as well, his asking for me to mail him a "sample" of my product(s). on November 18, 2010, in addition to several emails and phone conversation, I never heard back from him.

Approx. 12 to 16 months after our exchange of conversations and emails I was informed by one of my employees that he had seen that Lowes was now stocking and offering for sale and resale their infringing version of my US Panted "Low Profile" Single and/or Stackable Washing Machine Pans for Front Loading Washers and Dryers, in which that he had manufactured in Ningbo China under the name(s) **(Please see III parties to this suit "B")**

- DFT #1 EZ Flo International aka Eastman
- DFT #2 Camco Manufacturing
- DFT #3 Haier US Appliance Operations aka GE Appliances
- DFT #4 Lambro Industries Inc.
- DFT #5 Whirlpool Mfg.

After extensive research and proof Matt Varnell is having the Big Injections Mold Company in Ningbo, China mass produce my US Patented Product US Pat #8,393,351 and having them package the infringing product with 5 different Company Labels as well as importing my invention offering it for sale and resale here in the United States to Lowes, Home Depot, Walmart, Menards Retail Stores, Tractor Supply Store, Famous Plumbing Supply, Winn Supply, Hajoca Corp. Store, Ferguson Ent. Stores, as well as Amazon and Ebay online stores.

It appears he and these companies are trying to put me out of business by making all the dyes to my specs (including all dimensions both width, length and depth including our patented ¼ inch safety corner radiuses on all 4 corners) and mass producing and manufacturing the infringing product in Ningbo China, putting forth so many different companies that distribute them from their warehouses here in the United States.

On approx. 2/22/19 after putting together all of the proof of infringement(S) of the parties that are involved (**Please see III parties to this suit "B" List of DFT1 – DFT 18**) I extensively researched for a competent IP Attorney. I then found an attorney by the name of Gilbert Andia, Jr., of Higgins & Benjamin. He informed me he was familiar with the new IP policies and rules for my case. He seemed like he knew all the IP laws that were put in place in 2017 & 2018 that now allow the Federal Government and/or USPTO Office that are now put in place to protect our American Inventors and our Intellectual property here in the United States.

After giving Gilbert Andia Jr., all of the proof of infringement and willful infringement for my case, we then signed a contract and moved forward with my case.

We then shortly after caught Mr. Andia Jr. - after filling my case, "the Complaint" but he filed it "without" my artwork which shows all of the proof of brochures and pictures of the "proof of infringement" from CAMCO. (It is very important when proving your Infringement Case that your IP attorney ALWAYS file your artwork with the Complaint. If not, your attorney is break all ethics violations within the court and with the client as well as with the Federal Government). Because Mr. Andia, Jr. he did not file my "artwork" it allowed the Defending team for Camco to lie on their first motion and file "art work," of theirs, from another products prior art work that they also "did not" and "do not" own the patent on. In which was a completely different written claims from another inventors Invention, that I had already written and over came on our "references sited" of my Invention and/or US Utility Patent. Again, as previously mentioned that breaks all ethics violations and ip rules. After we caught Gilbert Andia, Jr. breaking ethics violations I immediately reached out to Pres. Trump and his Administration (Please see Exhibit C - letter to Pres. Trump as well as the letter from Pres. Trump to the USPTO office sharing our contact information as well as reaching back out to us offering there full help on our ip case.)

On May 7th 2019 I immediately asked for Pres. Trump and his administration for their help with my IP case that the attorneys were breaking Federal laws and ethics violations on my case. His administration then replied they are there to help me with my IP case and they again forwarded my contact information to the top Senior Council Members (attorneys) at the USPTO office that were under him "the President" and they would be there to help me with my intellectual property case. (Please see Exhibit C, there are copies of the letters to Pres. Trump as proof of receiving his help and the great help of the USPTO office and there team.) On May 23rd 2019 I was contacted by Lubing (Larry) Lian, Assistant Council Member to Elisa Jackson- Thomas and Elaine Wu, Chief Council Members of The United States Patent and Trademark Office. After several emails and phone conversations he

reminded me that his team was here to help protect my intellectual property and would help me with everything I needed with regard to the new IP policy laws and new ip rule(s).

He was able to review the case and the motions and the very bad ethics violations that were being committed by my attorneys. In response to reviewing the case, he spoke to President Trump and he articulated to me that related the message that he wanted me to tell you to take note of everything I'm explaining to you right now and everything these bad attorneys are doing right now to your case(s). Larry Lian sent a letter and said to show this letter to your new attorney as well as the new judge. He articulated that you will not be going back into that Court as they are breaking ethics violations against you and the Federal Government. He suggested I research and find a new Federal Court to file my Complaint in (such as East District of Texas in Tyler.) and that I had a choice to also prosecute my Federal IP Case which is now under new policy and new IP Rule. He also explained that by just looking at your case right now and on 3/11/20, again after reviewing your case against the Defendants "Camco Manufacturing" and "Haier US Appliances you are favored win. With the (2) aforementioned new IP Rule(s) that are in place to protect your intellectual property, the Defendants have absolutely have no where to go. Your going to win this case. He also informed me that they would be trying to dismiss my case very soon. He also related that the attorneys will be looking for any reason to try to find a way to dismiss your case. Therefore, I listened and took note and/recorded everything that pertained to my ip case(s) that way I would have proof of them trying to hurt my case.

I explained this to my other new IP Attorney, Michael Vallenti that was working on another IP case for me in Louisville Kentucky. Mr. Valenti, Esq., talked me into taking the "case over" from Gilbert Andia, Jr. Mr. Valenti also seemed to have checked all the right boxes "so to speak."

On 3/15/19 he took over my case against DFT #2 Camco Mfg. in North Carolina as well as Manufacturing in Ningbo China. He then took the case over and then proceeded to not move the case forward.... Very strangely He kept trying to bill me out, lengthening my case by creating Motions that did not need to be filed and in addition trying to use old IP case law. Larry Lian at the USPTO Office team explained that they could not use old case law. Larry continued to explain that there were only two (2) IP rules in place for my case and that they were there to benefit me, the Plaintiff and/or me the Inventor. He continued to explain that they cannot use any other "old case law". As I immediately called my new attorney Mr. Micheal A. Valenti and explained in detail that he nor the defendants could not use old case law on my case, he argued with me and said for me not to tell him what to do. He stated he is the attorney and he would do whatever he wants to. He then hung up on me.

I finally emailed the letter that I received from President Trumps & the USPTO directly to this new IP Attorney Michael A. Valetini as proof that they "the Federal Government" were there to help me with my ip case(s), to win and get my damages.

After explaining to him why he should listen and to make sure this case stays on schedule and not to use old case law, as it is an ethics violation to do so after the new rules for IP Law went into place on approx. 8/27/18.

Michael A. Valenti argued again, and said he would do whatever he wants to and that he does not want to move the case forward. He finally admitted and said he took a bribe from the defendants and there was nothing I could do about it. He continued to say that he could quit my case and he can work even work for the other side if he wants to, and he will do whatever he wants to, there is nothing I can do about it.

On 3/26/20 He did just that. He took and/or stole \$80,000. from my case and filed a LR83.1 and left the case saying I argued with him. (The Judge actually granted it.....)

He only did this after he was caught breaking ethics violations on my case.

Shortly after I contacted my team at the USPTO office and they asked if I had researched and looked up any previously ethics violations on this attorney Michael A. Valenti that he had been guilty from in the past. On 7/9/20 I contacted the Kentucky Bar Association of bar council and Yes, sure enough he has a ethics violation he is and/or was guilty from on 5/17/2016 from a formal client.

(Please see Exhibit D, Proof of the Final Guilty Verdict for attorney Michael A. Valenti's Ethics Violation)

I was also forwarded the contact information for the IPEC (Intellectual Property Enforcement Coordinator Team) and it was explained that our Federal Government had put this team together to also help better protect our US patents and/or Intellectual Property here in the United States. After contacting the IPEC team he confirmed and explained that you will have to file your IP case first due to latches (you only have 6 years) and in a new court (such as Eastern District of Texas in Tyler, TX.) Then after, and only after you win and receive your damages, then you will file the Federal Criminal Case against the bad ip attorney. He also explained not to be afraid to turn in the very bad actor attorneys, for committing ethics violations and/or fraud against our federal government and/or our inventors such as you here in the United States .

- V. Relief: State Briefly exactly what you want the court to do for you. Make no legal arguments and do not cite cases or statutes. Attach additional pages if necessary.

I FRANK L. CARTER (INVENTOR) and
PLAINTIFF WOULD LIKE FOR THE COURTS OF THE
UNITED STATES DISTRICT COURT FOR THE EASTERN
DISTRICT OF TEXAS IN THE CITY OF TYLER TO
APPOINT ME THEIR BEST CHOSEN IP ATTORNEY AND
TO PROCEED IN "FORMA PAUPERIS." DUE TO THE
"HARD SHIP" THAT THE INFRINGING PARTIES CAUSED.

Signed this 14 day of MARCH, 20 22.
(Month) (Year)

(CONT.)

FRANK L. CARTER

538 CENTER ROAD

CONNEAUT, OHIO 44030

I declare (certify, verify or state) under penalty of perjury that the foregoing is true and correct.

Executed on: 3/14/22
Date



Signature of each plaintiff

V: Relief...(continued)

Please see attached "Motion to Proceed in Forma Pauperis" as well as my 3 years of personal 1099K Taxes and the losses I have been forced to take and pay from my own personal salary. Attached is proof of my losses shown in my personal 1099K taxes from 2021, 2020, 2019 that shows I am forced to pay and/or reinvest this money over the past few years in order to keep my employees paid and working, as well as any overhead, to cover my material accounts as well as advertising, marketing, and any new dyes or trim fixtures that are needed to manufacture my US Patented product(s) (ie; our Driptite "Low profile" Single and/or Stackable washing machine and dryer pans for "front loading" Washers and dryers.)

Please also see the list of full names of each defendant on III B. DFT #1 Thru DFT #18:

And to have our new appointed IP Attorney who again is familiar with the new IP rules that were and are in place now in order for the Federal Courts in The Eastern District of Texas, City of Tyler, to protect my and/or our intellectual property rights as well as win our IP Case against the aforementioned infringers as well as proceeding with the "Damages" phase so I can receive all of my monetary damages back that I have suffered from over the past 5 years.

First and foremost I would like for our new IP attorney to put forth my Complaint against DFT #1; EZ Flo International, aka; Eastman.

After we show The Court and prove and win our case I would like to put forth all of the other infringing parties from **DFT #2 thru DFT #17** and ask the District Courts for Eastern District of Texas to move forward and to "enter into the courts" the aforementioned above Defending parties and win the other Infringing cases by "Merritt", due to the facts and the proof that the infringing parties have and had made, manufactured and offered for sale and/or resale as well as distributing all of the infringing products that embody all of my US Patented Product, Patent #8,393,351. All of the infringing product(s) were made in Ningbo, China and all manufactured from the same dyes and/or molds that were created and spec'd out in all dimensions from my Patented Product in both width, depth, height in addition to our patented $\frac{1}{4}$ " radius safety corners. They also copied some of our "copy written" brochures for our products about our benefits & advantages of our patented product. I have all the proof and proof of purchase receipts from all of the big box retail store chains to share with the new IP attorney, providing The Court appoint us one. In addition I would like to show the new attorney all of my research that shows proof of "Willful Infringement" as well.

I feel that by entering our particular IP Case with The Courts in The Eastern District of Texas, city of Tyler, and the other proof of infringement, that we can save The Courts time and money by winning the **DFT #2 – DFT #17 "By Merritt"**. Again, because the "infringing product" is spec'd out and is exactly the same size(s) as my US Patented Product in addition to the proof of willful infringement that took place. Please see Exhibit B Proof of Willful Infringement that started with Matt Varnell, and at that time The Buyer & Decision Maker of all products that were stocked and sold at Lowes. I also have a copy of each infringing product to present to The Courts for their review in person.