

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

	X	
Wenyong Yue, Huizhoushi Huifangyuan Nongye	:	
Keji Youxian Gongsì a/k/a Botail, and yidiandian	:	
Shenzhen wenhuachuanmeiyouxiangongsì a/k/a	:	
Cool Essential,	:	
	:	
Plaintiffs,	:	Civil Action No.: 24-cv-01125 DII
	:	
-against-	:	
	:	
John Nashed Hanna, Reaction Labs LLC a/k/a	:	
Lup, and Amazon.com, Inc.,	:	
	:	
Defendants.	:	
	X	

AMENDED COMPLAINT

Pursuant to the Civil Case Management Plan and Scheduling Order dated July 31, 2024, Plaintiffs Wenyong Yue, Huizhoushi Huifangyuan Nongye Keji Youxian Gongsì a/k/a Botail, and yidiandian Shenzhen wenhuachuanmeiyouxiangongsì a/k/a Cool-Essential, (hereinafter “Yue,” “Botail” and “Cool-Essential,” respectively and "Plaintiffs" collectively), by and through their undersigned attorney, hereby submit this Amended Complaint against Defendants John Nashed Hanna and Reaction Labs LLC a/k/a Lup (“Hanna” and “Lup” respectively and “Defendants” collectively) and allege as follows:

I. THE PARTIES

1. Yue has been engaged in the R&D, manufacturing and marketing of data cables and magnetic connectors since 2016. Yue is the owner of record of U.S. Patent No. 11,756,703 (“the ‘703 Patent” Exhibit A) entitled “Magnetic Data Cable,” issued to Plaintiff on September 12, 2023, from U.S. Patent Application No. 18/302,164 (“the ‘164 Application”), filed on April

18, 2023. The ‘703 Patent disclosed magnetic data cable which can be vertically stacked into the coils of a cylinder shape (“Cylinder Cable” see Column 4, Lines 54-55 of the ‘703 Patent) and magnetic data cable which can be horizontally stacked into the coils in a tape shape (“Tape Cable,” see Column 4, Lines 56-58 of the ‘703 Patent).

2. Botail is based in Jiangbei 14 Xiaoqu Guangyaocaifugongyu Xizuo Fifth Floor, Room 506, Huicheng District, Huizhou City, Guangdong 516000, P.R. China and operates an online internet store on Amazon under ID No. A1MTJUOTZL4B7Y. Botail sells magnetic data cables to consumers throughout the U.S under a license to the ‘703 Patent from Yue.

3. Cool-Essential is based in Baoanqu Xixiangjiedao Laodongshequ Baoshenggongyequ D Dong Huanyuankeji Chuangxinyuan D Zuo 128, Shenzhenshi, Guangdong 518100, P.R. China and operates an online internet store on Amazon under ID No. AQ892Q9QNAQYU. Cool Essential has established a warehouse at 127-17 20th Ave., Unit 2nd Floor, College Point, NY 11356 for distribution of its products since February 1, 2024. Cool-Essential sells magnetic data cables to consumers throughout the U.S. under a license to the ‘703 Patent from Yue.

4. Upon information and belief, Hanna is an individual residing at 5606 Shoalwood Ave., Austin, TX 78756 and is the owner of Lup.

5. Upon information and belief, Lup is a business organized by Hanna under the laws of the State of Texas on February 24, 2023, at 5606 Shoalwood Ave., Austin, TX 78756.

II. JURISDICTION AND VENUE

6. This Court has original subject matter jurisdiction over this action pursuant to the provisions of 35 U.S.C. § 1, et seq., and 28 U.S.C. § 1331.

7. The Court has supplemental jurisdiction over State Claims pursuant to the provisions of 28 U.S.C. §1367.

8. This Court has personal jurisdiction over Hanna and Lup as they submitted to the jurisdiction of this Court.

9. Venue is proper in this Court pursuant to 28 U.S.C. §1391.

III. INTRODUCTION

10. Hanna has been engaged in marketing of watering systems for gardens and lawns since December 30, 2019 through Zilker Watering Systems, LLC. with an official business address at 5606 Shoalwood Ave., Austin, TX 78756.

11. LS Global Trading LLC (“LS Global”) is a third-party data cable seller located at 27 Waverly Place, Monsey, NY 10952. Since April 16, 2021, LS Global has been selling the MutecPower data cable as shown in the table below.

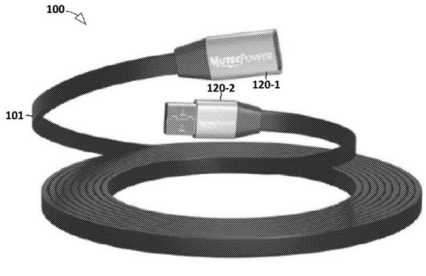
MutecPower Data Cable (Since April 16, 2021)

Item model number : FUB3-1M Date First Available : April 16, 2021 Manufacturer : MutecPower ASIN : B092R9M2W5 Best Sellers Rank: #24,973 in USB Cables

12. On or about January 27, 2023, more than one year after the sale of MutecPower data cable by LS Global, Hanna copied the MutecPower data cable from LS Global in its U.S. Provisional Application No. 63/482,006 (“the ‘006 Application”), which it filed on January 27, 2023.

13. The ‘006 Application became the priority document for U.S. Patent Application No. 18/339,272 (“the ‘272 Application”), filed on June 22, 2023, which issued as U.S. Patent No. 11,972,881 (“the ‘881 Patent” Exhibit B) on April 30, 2024.

14. Hanna’s switch from selling watering systems for farms and gardens to a business that sells magnetic data cable (“Hanna’s Invention”) coincided with Hanna’s copying of the MutecPower data cable from LS Global. The table below clearly shows Hanna’s copying of the MutecPower data cable from LS Global:

MutecPower Data Cable from the ‘881 Patent by Hanna (Alleged Priority Date: January 27, 2023)	MutecPower Data Cable Offered for Sale from Rockland County in the State of New York (First Date of Public Sale: April 16, 2021)
 Figure 1	

15. Hanna admitted in his patent application that the cable of Figure 1 (the MutecPower data cable) is a magnetized cable (see ‘881 patent, col. 3, lines 11-12), and that Figure. 2 depicts a sectional view of the MutecPower data cable as shown in Figures 2 and 3 of the ‘272 Application and further described the MutecPower data cable as containing an

elongated flexible magnetized component (EFMC) 201 (see Column 4, Lines 10-20 of the '881 Patent). Figures 2 and 3 of the '881 patent are reproduced below:

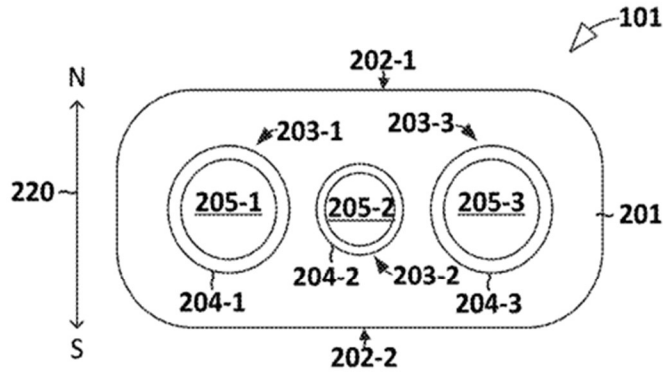


FIG. 2

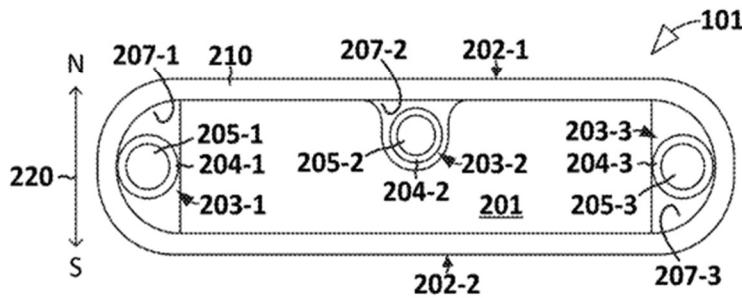
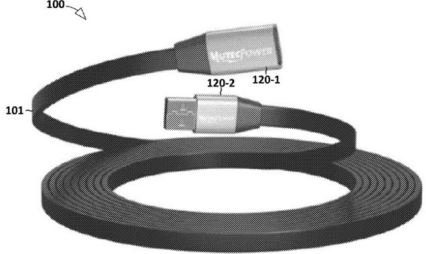
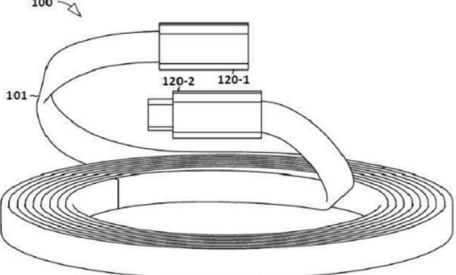


FIG. 3

16. Hanna did not know the composition and the properties of MutecPower data cable and yet affirmatively presented it to the Patent Examiner as including an elongated flexible magnetic component (EFMC).

17. After the Plaintiffs raised the issue of Hanna's material misrepresentation/omission to the Patent Office in this case, Hanna and/or Lup filed a fraudulent request for a Certificate of Correction (Exhibit C) to the Patent Office to replace the MutecPower data cable in Figure 1 of the '881 Patent with a new replacement data cable. A direct comparison of the

original MutecPower data cable and the new replacement data cable are compared in the table below.

MutecPower Data Cable from the '881 Patent by Hanna (Alleged Priority Date: January 27, 2023)	New substitute data cable in new Figure 1 in the Certificate of Correction (see Exhibit C) (September 11, 2024)
 Figure 1	 FIG. 1

18. Hanna intentionally failed to inform the Patent Office that he copied the MutecPower data cable from LS Global and that the MutecPower data cable has been for sale more than one year before Hanna's copying. Hanna also filed the Certificate of Correction with the Patent Office to attempt to replace the MutecPower data cable with the new substitute data cable in Figure 1 of the '881 Patent¹.

¹ 37 C.F.R. 1.121(f) states that "No amendment may introduce new matter into the disclosure of an application.***** In establishing a disclosure, applicant may rely not only on the specification and drawing as filed but also on the claims present on the filing date of the application if their content justifies it." See [MPEP § 608.01\(I\)](#).

Hanna shall not be allowed to introduce new matter to the '881 Patent by substitute the MutecPower data cable in Figure 1 with the substitute data cable, which violates [MPEP § 608.02\(h\)](#) which states that A "new matter" amendment of the drawing is ordinarily not entered; neither is an additional or substitute sheet containing "new matter" even though provisionally entered by the TC technical support staff.

Additionally, Hanna introduced "new matter" in the Certificate of Correction to hide his misappropriation of the MutecPower data cable from LS Global and such misrepresentation constitutes fraud and inequitable conduct.

19. Hanna's misappropriating the data cable from LS Global fraud and inequitable conduct and Hanna's attempt to hide the misappropriation from the Patent Office also constitute fraud and inequitable conduct.

20. Hanna's fraud and inequitable conduct violated his duty of disclosure and candor toward the Patent Office under 37 C.F.R. Sec. 1.56, which renders the '881 Patent unenforceable.

21. Hanna knew the unenforceability of the '881 Patent due to his own fraud and inequitable conduct before the USPTO and due to the fact that he was not the first to invent the MutecPower data cable.

22. Hanna also knew that the '703 Patent has an effective priority which predates that of the '881 Patent so as to make any assertion of infringement claims against Botail and Cool-Essential without merit.

23. Hanna further knew that the '881 Patent is invalid over the disclosures in U.S. Patent Application Publication No. 2015/0171798 A1, published on June 18, 2015 ("the '798 Publication"); in CN 106711725 ("the 'CN725 Patent") and in CN 203673868 ("the 'CN868 Patent").

24. With the knowledge that '881 Patent is invalid and/or unenforceable, Hanna filed baseless complaints to Amazon to lock down more than eighty e-commerce store links of Botail and Cool-Essential for allegedly infringing the '881 Patent. A list of locked down ASINs are shown below.

Store Name	Botail	Cool-Essential
Amazon Infringement Complaint Number	15359308721	15359144171; 15365441441; 15359207621; 15208567441.

ASINs Being Locked Down	B0CHMKRQ2Q; B0CG5CPJCY; B0CCYLVW53; B0CD3CN9TB; B0CG5BZRBL; B0CHNTNPETH; B0CG5TJ4K1; B0CG5VYLSB.	B0CWCXCYHG; B0CWCSMF6T; B0CWCW3TPM; B0CWDBGQG9; B0CWD2BQD5; B0CWCVXW1P; B0CWDBVB6X; B0CKZ6ZF9G; B0CWCSF1N5; B0CWD3M2VK; B0CWDBVRTD; B0CWDFJ4N4; B0CWD6BXS2; B0CWD3M2VZ; B0CWDH2T4V; B0CXPLQPCC; B0D3PZXN3F; B0D1XJYSTL; B0CWTLT5DR; B0D1XN794D; B0CXPN5NGZ; B0CWSMTVZW; B0CQXJ9ZJ6; B0CH9ML49B; B0CQXLCSPJ; B0CPBQ8FXL; B0CKZKCN3Q; B0CWD1HZ3X; B0CKZ842G6; B0CT8GXKNL; B0CPBPZVP4; B0CKZJB1GK; B0CKYVRX15; B0CH9LKM5B; B0CKZWFMST; B0CKZKYPKT; B0CKZKD2BR; B0CQXFV27N; B0CW9PJ1W7; B0CWD3CTW2; B0CKZKHHTJ; B0CKR6TQ8J; B0CQXDYXLR; B0CQXF6JX6; B0CKZ9LXXB; B0CKYWJRHD; B0CL6H5MKM; B0CKZKYT62; B0CQXFYGYM; B0CQXKLN6; B0CKZ7T7NQ; B0CW9TJB5C; B0CKZKWSQP; B0CQXDH4ZL; B0CQXFYC3C; B0CKZ9D9JD; B0CQXDQMSL; B0CKZJ7ZY7; B0CKZK51BR; B0CWCTW9KV; B0CQXKTH4R; B0CWCWC3L2; B0CPP9SY9T; B0CQXFBVV8; B0CKZHTGZF; B0CKZ9652X; B0CQXDZWTP; B0CM5R13WB; B0CFDX5XJ1; B0CKZ6RRLH; B0CKR7PHQ3; B0CQXHZZTQ; B0CKYVXFY9; B0CH9LQB72; B0CD1FKSFJ; B0CQXL2Z5Q; B0CKYXQS5C; B0CKYXCKDF; B0CQXKWC6J; B0CQXDTS2C; B0CPBQ661L; B0CQXLJD4X; B0CM5R17V4; B0CQXFR4VT;
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		B0CQXLBQ1C; B0CH9KTV3X; B0CFDY51M3; B0CKYWSBFD.
Date of Amazon Infringement Complaints	May 30, 2024.	May 30, 2024, May 31, 2024, May 30, 2024, and May 29, 2024.
Filing Party Alias	Lup and/or Hanna	Lup and/or Hanna
Alleged IP Infringed	The'881 Patent	The'881 Patent
Email for Filing Amazon Infringement Complaint	john.n.hanna@gmail.com	john.n.hanna@gmail.com , john@reactionlabs.com

25. After the present case was filed on June 13, 2024, Hanna assigned the '881 Patent to Lup for it to continue to file baseless complaints with Amazon and to continue the lockdown of Botail's and Cool Essential's accounts. These complaints constitute patent misuse because they were based on an invalid and/or unenforceable patent.

26. Hanna's and Lup's misuse of the '881 Patent against Botail and Cool-Essential caused substantial damages and affected their sales of magnetic data cables to consumers.

27. Contrary to Hanna's and Lup's abuse of the Patent System and their inequitable conduct, Yue has been engaged in the business of R&D, manufacturing, marketing and sales of data cables and magnetic connectors since 2016. Over the last 8 years, Yue has invested hundreds of thousands of dollars in R&D for new data cables and new magnetic connectors.

28. Yue's R&D efforts produced numerous innovative products, including a new magnetic data cable and new electronic connectors, with four (4) U.S. Patents, including U.S. Patent Nos. 11,502,467 B2, 11,728,602 B2, US 11,929,191 B1, and D956,759S, and about 30 issued Chinese Patents.

29. In 2021, Yue was inspired by the stacking of the Chinese traditional mosquito repellant to produce similarly stacked magnetic data cable prototype (see Table below).



30. Over the course of a year, different magnetic strips were tested to make the new magnetic data cable in both round and rectangular shapes. By April 2023, Yue filed a patent application which matured into the ‘703 Patent.

31. The ‘703 Patent has an earlier priority date than the ‘881 Patent because the ‘881 Patent is not entitled to the priority of the ‘006 Application. The timelines of these two patents are shown in the table below:

	The ‘703 Patent	The ‘881 Patent
Claim of Priority Based on a Provisional Application	None	The ‘006 Application (filed on January 27, 2023)
Filing Dates of Regular Utility Patent Applications	Filed on April 18, 2023 as the ‘164 Application	Filed on June 22, 2023 as the ‘272 Application
Issue Dates	Issued on September 12, 2023	Issued on April 30, 2024

32. The ‘006 Application does not disclose any of the claimed novel features in the ‘881 Patent and does not support or enable the claims of the ‘881 Patent.

33. 35 U.S.C. 119 defines the right of priority or benefit of earlier filing date. 35 U.S.C. 119(e)(1) states that “An application for patent filed under [section 111\(a\)](#) or [section 363](#)

for an invention disclosed in the manner provided by [section 112\(a\)](#) (other than the requirement to disclose the best mode) in a provisional application filed under [section 111\(b\)](#), by an inventor or inventors named in the provisional application, shall have the same effect, as to such invention, as though filed on the date of the provisional application filed under [section 111\(b\)](#), if the application for patent filed under [section 111\(a\)](#) or [section 363](#) is filed not later than 12 months after the date on which the provisional application was filed and if it contains or is amended to contain a specific reference to the provisional application.”

34. The claimed subject matter in the ‘881 Patent are not “for an invention disclosed in the manner provided by [section 112\(a\)](#) (other than the requirement to disclose the best mode) in a provisional application filed under [section 111\(b\)](#)” because Section 112(a) requires the specification of the provisional application to “... contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same, and shall set forth the best mode contemplated by the inventor or joint inventor of carrying out the invention.”

35. The ‘006 Application does not “contain a written description of the magnetic data cable claimed in the ‘881 Patent,” does not describe “the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same.”

36. Therefore, the ‘881 Patent cannot legally claim the priority of the ‘006 Application. Accordingly, the ‘881 Patent has an effective filing date of June 22, 2023, two months after the effective filing date of the ‘703 Patent on April 18, 2023.

COUNT I. DECLARATORY JUDGMENT THAT THE ‘881 PATENT IS UNENFORCEABLE FOR INEQUITABLE CONDUCT

37. Plaintiffs hereby re-allege and incorporate by reference each of the allegations set forth in the foregoing paragraphs.

38. Hanna copied the MutecPower Data Cable from SL Global without giving credit to GL Global. As a result, the MutecPower Data Cable from SL Global is material to the patentability of the ‘881 Patent because it anticipates Hanna’s claims under 35 U.S.C. Sec. 102 or render Hanna’s claims obvious under 35 U.S.C. Sec. 103.

39. Hanna and/or Lup knew the source of the MutecPower Data Cable is SL Global and that the first public sale date of such MutecPower Data Cable is more than one year prior to the earliest alleged priority date of the ‘881 Patent.

40. Hanna and/or Lup knowingly hid the source and first date of public sale of the MutecPower Data Cable from the Patent Examiner during the prosecution of the ‘881 Patent with the intent to mislead the Patent Examiner into allowing the ‘881 Patent to be issued as a patent without considering the MutecPower Data Cable as a prior art reference.

41. But for Hanna’s and Lup’s breach of their duty of candor and material omission, the Patent Examiner would not have issued the ‘881 Patent.

42. In reliance on Hanna’s and Lup’s material omission, the Patent Examiner did allow the ‘881 Patent to be issued.

43. Hanna and Lup tried to cover up their earlier theft of MutecPower data cable with a replacement new data cable via fraudulent Certificate of Correction.

44. Hanna and Lup also intentionally to inform this Court of their fraudulent conduct and attempts to cover up their prior fraudulent conduct.

45. The actions of Hanna and Lup constitute inequitable conduct which renders the ‘881 Patent unenforceable.

WHEREFORE, Plaintiffs demand a declaratory judgment that (i) the ‘881 Patent is unenforceable for inequitable conduct; (ii) Hanna and Lup are enjoined from harassing Botail and Cool Essential with allegation of infringement of the ‘881 Patent; and (iii) Hanna and Lup pay damages for their wrongful restraints of the e-commerce store links, together with the costs, including attorney’s fees, for this action, and any other remedies which the Court deems necessary and just.

COUNT II. DECLARATORY JUDGMENT THAT THE ‘881 PATENT IS INVALID OVER PRIOR ART REFERENCES

46. Plaintiffs hereby re-allege and incorporate by reference each of the allegations set forth in the foregoing paragraphs.

47. “A person shall be entitled to a patent unless— the claimed invention was described in a patent issued under section 151, or in an application for patent published or deemed published under section 122(b), in which the patent or application, as the case may be, names another inventor and was effectively filed before the effective filing date of the claimed invention.” 25 U.S.C. §102(a)(2).

48. As the ‘881 Patent is not entitled to the filing date of the ‘006 Application for noncompliance to 25 U.S.C. Section 112(a), the ‘881 Patent cannot properly claim the priority of the ‘006 Application and as a result, the ‘703 Patent has an earlier priority date of April 18, 2023, two months before the June 22, 2023 filing date of the ‘881 Patent.

49. The ‘881 Patent is anticipated or rendered obvious by the ‘703 Patent.

50. The ‘881 Patent is also anticipated or rendered obvious by the MutecPower data cable which was for sale more than one year prior to priority date of the ‘881 Patent.

51. The '881 Patent is further anticipated or rendered obvious by one or more of the '798 Published Patent Application, the 'CN725 Patent and the 'CN868 Patent.

52. The '881 Patent is invalid as anticipated or obvious and is therefore not infringed by any product sold by Plaintiffs, since one cannot infringe an invalid patent.

WHEREFORE, Plaintiffs demand a declaratory judgment that (i) the '881 Patent is invalid as being anticipated by the '703 Patent and/or the MutePower data cable and/or the '798 U.S. Patent Publication and/or the 'CN725 Patent and/or the 'CN868 Patent under 35 U.S.C. §102(a)(2) and/or rendered obvious under 35 U.S.C. §103 by these prior art references; (ii) Hanna and Lup are ordered to release the restraints on all the e-commerce store links being blocked on Amazon platform, (iii) Defendants are enjoined from harassing Plaintiffs with allegation of infringement of the '881 Patent; and (iv) Defendants pay Plaintiffs' damages for their wrongful restraints of the accounts and e-commerce store links, together with the costs, including attorney's fees, for this action, and any other remedies which the Court deems necessary and just.

COUNT III. TORTIOUS INTERFERENCE WITH BUSINESS RELATIONSHIPS

53. Plaintiffs hereby re-allege and incorporate by reference each of the allegations set forth in the foregoing paragraphs.

54. Hanna and Lup knew that Plaintiffs have been doing business on Amazon.com through its e-commerce store under standard agreement between Amazon and its e-commerce stores.

55. Hanna and Lup are not parties to the Botail or Cool Essentials-Amazon agreements.

56. Hanna and Lup knew or should have known that the ‘881 Patent is not entitled to the priority of the ‘006 Application, that the ‘881 Patent is invalid in view of the prior art and that Plaintiffs’ magnetic data cables cannot infringe any valid claims of the ‘881 Patent as a matter of law.

57. Hanna and Lup fraudulently filed complaints to Amazon to stop Plaintiffs’ sale of their magnetic data cables for an extended period.

58. Hanna and Lup had no justification to stop Plaintiffs’ sale of their magnetic data cables.

59. Hanna and Lup tortiously interfered with Plaintiffs’ business relationship with Amazon through its wrongful and malicious conducts, causing substantial damages to Plaintiffs.

WHEREFORE, Plaintiffs demand:

Money damages against Hanna and Lup, jointly and severally, for tortiously interfering with the business relationships between the Plaintiffs and Amazon, including lost sales, the costs for this action; punitive and exemplary damages; for an injunction against further interference and any other relief the Court deems just and equitable.

Dated: October 16, 2024

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CERTIFICATE OF SERVICE

I hereby certify that on October 16, 2024, a copy of the foregoing document was filed electronically through the Court's CM/ECF NextGen system with notice of filing automatically sent electronically to counsel of record.

Dated: October 16, 2024

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