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February 13, 2023

VIA EDIS

The Honorable Lisa R. Barton
Secretary to the Commission
U.S. International Trade Commission
500 E Street S.W.
Washington, DC 20436

Re: *Certain Portable Battery Jump Starters and Components Thereof, Inv. No. 337-TA-*

Dear Secretary Barton:

In accordance with the Commission's Temporary Change to Filing Procedures dated March 16, 2020, Complainant, The NOCO Company ("NOCO") is e-filing the following documents in support of Complainant's request that the Commission commence an investigation pursuant to Section 337 of the Tariff Act of 1930, as Amended:

1. A verified non-confidential Complaint with non-confidential exhibits and public versions of the confidential exhibits, pursuant to Commission Rule 210.8(a)(1)(i);
2. Copies of the Confidential Exhibits 11C-20C, 39C, 50C, 61C, 67C, and 93C, pursuant to Commission Rule 210.8(a)(1)(ii) and 201.6(c);
3. A non-confidential Statement of Public Interest, pursuant to Commission Rule 210.8(b);
4. Certified copies of the asserted United States Patent Nos. 9,770,992 ("the '992 patent"), 10,328,808 ("the '808 patent"), 10,981,452 ("the '452 patent"), 11,254,213 ("the '213 patent"), and 11,447,023 ("the '023 patent") listed as Exhibits 1-5 in the Complaint, pursuant to Commission Rules 210.8(a)(1)(i) and 210.12(a)(9)(i);
5. Certified copies of each of the assignments for the '992, '802, '452, '213, and '023 patents listed as Exhibits 6-10 in the Complaint, pursuant to Commission Rules 210.8(a)(1)(i) and 210.12(a)(9)(ii);
6. Certified copies of the prosecution histories of the '992, '802, '452, '213, and '023 patents listed as Appendices A, C, E, G, and I in the Complaint, pursuant to Commission Rules 210.8(a)(1)(i) and 210.12(c)(1);

February 13, 2023

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7. Reference documents identified in the prosecution histories of the '992, '802, '452, '213, and '023 patents listed as Appendices B, D, F, H, and J in the Complaint, pursuant to Commission Rules 210.8(a)(1)(i) and 210.12(c)(2);

8. A letter of certification, pursuant to Commission Rules 201.6(b) and 210.5(d), requesting confidential treatment of information appearing in Confidential Exhibits 11C-20C, 39C, 50C, 61C, 67C, and 93C to the verified non-confidential Complaint.

Please contact me if you have any questions about this request. Thank you for your attention to this matter.

Respectfully submitted,

/s/ Meredith M. Wilkes

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David B. Cochran

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500 E Street S.W.
Washington, DC 20436

Re: *Certain Portable Battery Jump Starters and Components Thereof, Inv. No. 337-TA-*

Dear Secretary Barton:

Jones Day represents Complainant, The NOCO Company (“Complainant”) in its action pursuant to Section 337 of the Tariff Act of 1930, as Amended.

Pursuant to Commission Rules 201.6(b) and 210.5(d), Complainant respectfully requests confidential treatment of Confidential Exhibits 11C-20C, 39C, 50C, 61C, 67C, and 93C to the Complaint.

The information for which confidential treatment is sought is propriety and not otherwise publicly available. Specifically, Confidential Exhibits 11C-20C, 39C, 50C, 61C, 67C, and 93C contain proprietary commercial information regarding the jump starter devices at issue, Complainants’ patented technology and its infringement by the proposed Respondents, as well as Complainant’s investments and employment activities made in furtherance of its domestic industry under 19 U.S.C. § 1337(a)(3).

The Commission has routinely held that this type of information qualifies as confidential business information pursuant to Rule 201.6(a) because:

- 1) It is not publicly available;
- 2) Unauthorized disclosure of such information could cause substantial harm to the competitive position of Complainants; and
- 3) The disclosure of such information could impair the Commission's ability to obtain information necessary to perform its statutory function.

February 13, 2023

Page 2

Please contact me if you have any questions concerning this request. Thank you for your attention to this matter.

Respectfully submitted,

/s/ Meredith M. Wilkes

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Counsel for Complainant The NOCO Company

**UNITED STATES INTERNATIONAL TRADE COMMISSION
WASHINGTON, DC**

In the Matter of

CERTAIN PORTABLE BATTERY JUMP
STARTERS AND COMPONENTS
THEREOF

Inv. No. 337-TA-_____

CERTIFICATION REGARDING REQUEST FOR CONFIDENTIAL TREATMENT

I, Meredith M. Wilkes, counsel for The NOCO Company (“Complainant”), declare:

1. I am duly authorized by Complainant to execute this certification.
2. I have reviewed the Confidential Exhibits 11C-20C, 39C, 50C, 61C, 67C, and 93C, for which confidential treatment has been requested.
3. To the best of my knowledge, information, and belief, founded after reasonable inquiry, substantially identical information to that contained in the exhibits is not available to the public.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 13th day of February, 2023 in Cleveland, Ohio.

/s/ Meredith M. Wilkes

Meredith M. Wilkes
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901 Lakeside Ave.
Cleveland, OH 44114
(216) 586-3939

Counsel for Complainant The NOCO Company

**UNITED STATES INTERNATIONAL TRADE COMMISSION
WASHINGTON, DC**

In the Matter of

CERTAIN PORTABLE BATTERY JUMP
STARTERS AND COMPONENTS
THEREOF

Inv. No. 337-TA-_____

**STATEMENT ON PUBLIC INTEREST
BY COMPLAINANT THE NOCO COMPANY**

Pursuant to U.S. International Trade Commission (“Commission”) Rule 19 C.F.R. § 210.8(b), Complainant The NOCO Company (“NOCO” or “Complainant”) respectfully submits this Statement on Public Interest with respect to the remedial orders they seek against proposed Respondents Shenzhen Carku Technology Co., Ltd.; Aukey Technology Co., Ltd.; Metasee LLC; Ace Farmer LLC, Shenzhen Gooloo E-Commerce Co., Ltd.; Gooloo Technologies LLC; Shenzhen Konghui Trading Co., Ltd., d/b/a Hulkman Direct; Hulkman LLC Limited; Tacklife Tools (Kushigo Limited); Shenzhenshi Daosishangmao Youxiangongsi d/b/a Fanttik Direct; Shenzhenshi Dianjia Technology Co., Ltd. d/b/a Yesper Direct (Hong Kong Haowei Technology Co. Ltd.); Shenzhenshi Xinmeitemuxiangbao Zhuangyouxiangongsi d/b/a Thikpo; Guangzhou Sihao Trading Co., Ltd d/b/a Snailhome; ChangShaHongMaoKai KeJiYouXianGongSi d/b/a TopdonStarter; Shenzhenshi Shoudiankejiyouxiangongsi d/b/a Solvtin; Shenzhen Winplus Technology Co., Ltd., Winplus North America, Inc.; Winplus NA, LLC; and Type S Auto (collectively, “Proposed Respondents”).

NOCO was founded in the United States over 100 years ago. Today, NOCO is a leading innovator in the automotive battery industry, and designs and manufactures premium consumer battery chargers, jump starters, and portable power devices as well as a wide range of related battery products and accessories. NOCO has facilities in Ohio and Arizona.

NOCO seeks a permanent, limited exclusion order, specifically directed to Respondents and their agents, prohibiting from entry into the United States certain portable battery jump starters and components thereof that infringe one or more of U.S. Patent Nos. 9,770,992 (“the ’992 patent”), 10,328,808 (“the ’808 patent”), 10,981,452 (“the ’452 patent”), 11,254,213 (“the ’213 patent”), and 11,447,023 (“the ’023 patent”) (collectively, “the Asserted Patents”); that infringe NOCO’s X Design Trade Dress, and that unfairly compete with the NOCO BOOST® jump starter products through false advertising and unfair competition. NOCO also seeks a cease and desist order pursuant to 19 U.S.C. § 1337(f). The Commission’s grant of these remedial orders will serve the public interest.

I. THE REQUESTED REMEDIAL ORDERS ARE IN ACCORD WITH THE PUBLIC INTEREST

There is a strong public interest in protecting intellectual property rights. *Certain Baseband Processor Chips and Chipsets, Transmitter and Receiver (Radio) Chip, Power Control Chips, & Products Containing Same, Including Cellular Telephone Handsets*, Inv. No. 337-TA-543, USITC Pub. 4258 (Nov. 2011). As the Commission has noted, “protection of intellectual property rights in the United States provides foreign and domestic businesses alike with a climate of predictability that fosters investment, innovation, and the exchange of technology and associated intellectual property rights.” *Certain Digital Televisions and Certain Products Containing the Same and Methods of Using the Same*, Inv. No. 337-TA-617, Comm’n Op., at 17 (April 2009). The public interest in protecting intellectual property rights can only be precluded in the rarest circumstances. *Certain Baseband Processor Chips*, Comm’n Op., at 153-54 (June 2007). Here, the strong public interest in protecting NOCO’s intellectual property rights outweighs any alleged adverse impact on the public.

A. How The Articles Potentially Subject To The Requested Remedial Orders Are Used In The United States

The Proposed Respondents' infringing products (the "Accused Products") are portable battery jump starters powered and components thereof. The Accused Products can be used by consumers to jump start batteries in a variety of vehicles, including cars, trucks, motorcycles, and boats, without requiring connection to another vehicle battery.

These products are sold for importation into the United States, imported into the United States, and/or sold in the United States after importation by the Proposed Respondents. The Accused Products are imported into the United States and sold to consumers through many channels, including retail stores and online outlets.

B. Identification Of Any Public Health, Safety, Or Welfare Concerns Relating To The Requested Remedial Orders

There are no public health, safety, or welfare considerations that weigh against the requested remedial relief. The Accused Products are common consumer goods, which the Commission has consistently found do not present public health, safety, or welfare concerns. *See Certain Elec. Digital Media Devices & Components Thereof, Inc. No. 337-TA-796, Comm'n Op. 114-15 (Sept. 6, 2013)*. There are no health or safety related features unique to the infringing products. Further, as discussed below, insofar as any of the Accused Products support the public health safety, or welfare, alternative products are readily available in the United States. Where competitive alternatives exist, remedial orders are unlikely to adversely impact the public health and welfare. *See Certain Elec. Digital Media Devices, Comm'n Op. 114-15 (Sept. 6, 2013)* (finding that the importance of an accused product to public welfare interests is irrelevant where such needs can be met by competitive non-infringing alternatives available to consumers).

C. Identification Of Like Or Directly Competitive Articles That NOCO, Its Licensees, Or Third Parties Make Which Could Replace The Subject Articles If They Were Excluded

Were the Commission to exclude the Accused Products from entry into the U.S., there are several similar products available in the U.S. that are directly competitive with the infringing products. NOCO offers competitive portable battery jump starters that would be available to satisfy demand for any excluded products.

In addition, portable jump starters by licensees or direct competitors of NOCO can also be used to replace any excluded products. There are a number of battery jump starters available in the United States that do not offer features claimed in the Asserted Patents.

Such products would continue to be available to consumers in the United States. Should the Commission enter an exclusion order in this Investigation, a variety of ready replacement products would remain on the market for public consumption, and so no public harm would result.

D. Whether NOCO, Its Licensees, And/Or Third Parties Have The Capacity To Replace The Volume Of Articles Subject To The Requested Remedial Orders In A Commercially Reasonable Time In The United States

NOCO is a well-established manufacturer with the capacity to increase manufacturing to meet demand. NOCO and third parties have sold and will continue to sell portable battery jump starters in the U.S., unaffected by NOCO's requested relief. NOCO and third parties have the capacity to replace the volume of Accused Products subject to NOCO's requested relief. NOCO and third parties will be able to replace the Accused Products subject to the requested remedial orders in the U.S. within a commercially reasonable time.

E. How The Requested Remedial Orders Would Impact Consumers

As set forth above, U.S. customers will have available to them, a wide variety of alternative portable battery jump starters and components thereof if the relief sought by NOCO is

granted. Because there are numerous alternative products available in the United States, U.S. consumers will not be adversely impacted by the requested remedial orders. While the remedial orders may shift manufacture and production among directly competitive manufacturers of portable battery jump starters, such a shift should have minimal, if any, impact on U.S. consumers. It is unlikely that the requested relief would increase customer costs. The requested remedial orders in this matter will not significantly impact U.S. consumers.

II. CONCLUSION

For the foregoing reasons, there are no public interest concerns that should preclude the issuance of NOCO's requested remedies in this Investigation.

Dated: February 13, 2023

Respectfully submitted,

/s/ Meredith M. Wilkes _____

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Counsel for Complainant The NOCO Company

**UNITED STATES INTERNATIONAL TRADE COMMISSION
WASHINGTON, DC**

In the Matter of

CERTAIN PORTABLE BATTERY JUMP
STARTERS AND COMPONENTS
THEREOF

Inv. No. 337-TA-_____

**VERIFIED COMPLAINT OF THE NOCO COMPANY
UNDER SECTION 337 OF THE TARIFF ACT OF 1930, AS AMENDED**

COMPLAINANT

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d/b/a/ Fanttik Direct
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EXHIBIT LIST

Ex.	Description
1	Certified Copy of U.S. Patent No. 9,770,992
2	Certified Copy of U.S. Patent No. 10,328,808
3	Certified Copy of U.S. Patent No. 10,981,452
4	Certified Copy of U.S. Patent No. 11,254,213
5	Certified Copy of U.S. Patent No. 11,447,023
6	Certified Copy of Recorded Assignments for U.S. Patent No. 9,770,992
7	Certified Copy of Recorded Assignments for U.S. Patent No. 10,328,808
8	Certified Copy of Recorded Assignments for U.S. Patent No. 10,981,452
9	Certified Copy of Recorded Assignments for U.S. Patent No. 11,254,213
10	Certified Copy of Recorded Assignments for U.S. Patent No. 11,447,023
11C	Evidence of Importation for Gooloo Products (CONFIDENTIAL)
12C	Evidence of Importation for Hulkman Products (CONFIDENTIAL)
13C	Evidence of Importation for Tacklife Products (CONFIDENTIAL)
14C	Evidence of Importation for Fanttik Products (CONFIDENTIAL)
15C	Evidence of Importation for YES-PER Products (CONFIDENTIAL)
16C	Evidence of Importation for Spanarci Products (CONFIDENTIAL)
17C	Evidence of Importation for Audew Products (CONFIDENTIAL)
18C	Evidence of Importation for Topdon Products (CONFIDENTIAL)
19C	Evidence of Importation for Solvtin Products (CONFIDENTIAL)
20C	Evidence of Importation for Type S Products (CONFIDENTIAL)
21	Representative Infringement Claim Chart for the Hulkman Accused Products for U.S. Patent No. 9,770,992
22	Representative Infringement Claim Chart for the Fanttik Accused Products for U.S. Patent No. 9,770,992
23	Representative Infringement Claim Chart for the Spanarci Accused Products for U.S. Patent No. 9,770,992
24	Domestic Industry Claim Chart for U.S. Patent No. 9,770,992
25	Representative Infringement Claim Chart for the Hulkman Accused Products for U.S. Patent No. 10,328,808
26	Representative Infringement Claim Chart for the Fanttik Accused Products for U.S. Patent No. 10,328,808
27	Representative Infringement Claim Chart for the Spanarci Accused Products for U.S. Patent No. 10,328,808
28	Domestic Industry Claim Chart for U.S. Patent No. 10,328,808
29	Representative Infringement Claim Chart for the Gooloo Accused Products for U.S. Patent No. 10,981,452

Ex.	Description
30	Representative Infringement Claim Chart for the Hulkman Accused Products for U.S. Patent No. 10,981,452
31	Representative Infringement Claim Chart for the Tacklife Accused Products for U.S. Patent No. 10,981,452
32	Representative Infringement Claim Chart for the Fanttik Accused Products for U.S. Patent No. 10,981,452
33	Representative Infringement Claim Chart for the YES-PER Accused Products for U.S. Patent No. 10,981,452
34	Representative Infringement Claim Chart for the Spanarci Accused Products for U.S. Patent No. 10,981,452
35	Representative Infringement Claim Chart for the Audew Accused Products for U.S. Patent No. 10,981,452
36	Representative Infringement Claim Chart for the Topdon Accused Products for U.S. Patent No. 10,981,452
37	Representative Infringement Claim Chart for the Solvtin Accused Products for U.S. Patent No. 10,981,452
38	Representative Infringement Claim Chart for the Type S Accused Products for U.S. Patent No. 10,981,452
39C	Domestic Industry Claim Chart for U.S. Patent No. 10,981,452 (CONFIDENTIAL)
40	Representative Infringement Claim Chart for the Gooloo Accused Products for U.S. Patent No. 11,254,213
41	Representative Infringement Claim Chart for the Hulkman Accused Products for U.S. Patent No. 11,254,213
42	Representative Infringement Claim Chart for the Tacklife Accused Products for U.S. Patent No. 11,254,213
43	Representative Infringement Claim Chart for the Fanttik Accused Products for U.S. Patent No. 11,254,213
44	Representative Infringement Claim Chart for the YES-PER Accused Products for U.S. Patent No. 11,254,213
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48	Representative Infringement Claim Chart for the Solvtin Accused Products for U.S. Patent No. 11,254,213
49	Representative Infringement Claim Chart for the Type S Accused Products for U.S. Patent No. 11,254,213
50C	Domestic Industry Claim Chart for U.S. Patent No. 11,254,213 (CONFIDENTIAL)
51	Representative Infringement Claim Chart for the Gooloo Accused Products for U.S. Patent No. 11,447,023

Ex.	Description
52	Representative Infringement Claim Chart for the Hulkman Accused Products for U.S. Patent No. 11,447,023
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69	Registration certificate for NOCO BOOST® X (U.S. Trademark Registration No. 6,616,283)
70	NOCO.com BOOST X (https://no.co/products/power/boostx)
71	NOCO.com NOCO X Connect Accessories (https://no.co/products/accessories/x-connect)
72	Application for X Design Trade Dress on EVA cases (Serial No. 97/727,244) and Application for X Design Trade Dress on connectors (Serial No. 97/781,764)
73	NOCO.com Advertising for Protective Cases (GBC013 EVA Protective Case For Boost Sport + Boost Plus (https://no.co/gbc013); GBC017 EVA Protective Case For Boost XL (https://no.co/gbc017))
74	Fanttik.com Home > Fanttik ACCESSORIES (https://fanttik.com/collections/fanttik-accessories)
75	X Case Advertising (NOCO motorcycle ad (https://www.amazon.com/NOCO-GBC013-Boost-Sport-Protection/dp/B07C2VZGJY); NOCO seat ad (https://no.co/gbc015); Fanttik motorcycle ad and seat ad

Ex.	Description
	https://fanttik.com/collections/fanttik-accessories/products/fanttik-t8-apex-case-eva-protection-case-for-fanttik-t8-apex-jump-starter)
76	Hulkman.com Product Page for HULKMAN Alpha 100 4000A Heavy Duty Jump Starter With -40°F Start (https://www.hulkman.com/products/alpha100)
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80	Hulkman.com Page for HULKMAN Alpha 100 (https://www.hulkman.com/pages/alpha100)
81	Excerpts from NOCO.com and Amazon.com (https://no.co/gb50 ; https://no.co/gb40 ; https://no.co/gbx55 ; https://www.amazon.com/NOCO-GB150-UltraSafe-Lithium-Gasoline/dp/B015TKSSB8 ; https://no.co/gbx155)
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D	U.S. Patent No. 10,328,808 Cited References
E	U.S. Patent No. 10,981,452 Certified Prosecution History
F	U.S. Patent No. 10,981,452 Cited References
G	U.S. Patent No. 11,254,213 Certified Prosecution History
H	U.S. Patent No. 11,254,213 Cited References
I	U.S. Patent No. 11,447,023 Certified Prosecution History
J	U.S. Patent No. 11,447,023 Cited References

I. INTRODUCTION

1. The NOCO Company (“NOCO” or “Complainant”) a designer of consumer electronics headquartered in the greater Cleveland, Ohio area, has set a new standard in the performance, design and safety of portable jump starters. An unfortunate by product of NOCO’s tremendous success has been widespread copycats entering the market from outside of the U.S. seeking to trade off of NOCO’s substantial investment in its research, design and marketing. These knockoff and copycat products are pouring into the United States from overseas infringing NOCO’s valuable intellectual property rights. But the nefarious activity does not end there; some of the copycats are engaged in false, deceptive and misleading advertising, going so far as to suggest to consumers that they are legitimate U.S. companies when they are not, touting fake product reviews and otherwise misleading consumers about the quality and safety of products they are selling. Through this action, NOCO seeks the assistance of the United States International Trade Commission (“Commission”) and requests that the Commission institute an investigation into violations of Section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337, by the proposed Respondents Shenzhen Carku Technology Co., Ltd. (“Carku”); Aukey Technology Co., Ltd. (“Aukey”); Metasee LLC (“Metasee”); Ace Farmer LLC (“Ace Farmer”); Shenzhen Gooloo E-Commerce Co., Ltd. and Gooloo Technologies LLC and (collectively, “Gooloo”); Shenzhen Konghui Trading Co., Ltd., d/b/a Hulkman Direct and Hulkman LLC Limited (collectively “Hulkman”); Tacklife Tools (Kushigo Limited) (“Tacklife”); Shenzhenshi Daosishangmao Youxiangongsi d/b/a/ Fanttik Direct (“Fanttik”); Shenzhenshi Dianjia Technology Co., Ltd. d/b/a Yesper Direct (Hong Kong Haowei Technology Co. Ltd.) (“YES-PER”); Shenzhenshi Xinmeitemuxiangbao Zhuangyouxiangongsi d/b/a Thikpo (“Spanarci”); Guangzhou Sihao Trading Co., Ltd d/b/a Snailhome (“Audew”); ChangShaHongMaoKai

KeJiYouXianGongSi d/b/a TopdonStarter (“Topdon”); Shenzhenshi Shoudiankejiyouxiangongsi d/b/a Solvtin (“Solvtin”); Shenzhen Winplus Technology Co., Ltd., Winplus North America, Inc., and Winplus NA, LLC (collectively “WinPlus”); and Type S Auto (“Type S”) (collectively, “Respondents”).

2. This Complaint is based on Respondents’ unlawful and unauthorized ongoing importation into the United States, sale for importation, and/or sale within the United States after importation of certain portable battery jump starters and components thereof.

3. Respondents’ products infringe at least one or more claims listed below (“Asserted Claims”) of the following U.S. patents (“Asserted Patents”):

U.S. Patent No.	Asserted Claims¹	Accused Parties
9,770,992 (Exhibit 1)	1*, 2-13, 14*, 15-19, 20*, 21*	Carku, Aukey, Metasee, Ace Farmer, Hulkman, Fanttik, Spanarci
10,328,808 (Exhibit 2)	1*, 2-14, 15*, 16*, 17*	Carku, Aukey, Metasee, Ace Farmer, Hulkman, Fanttik, Spanarci
10,981,452 (Exhibit 3)	1*, 2-14, 15*, 16*	Carku, Aukey, Metasee, Ace Farmer, Gooloo, Hulkman, Tacklife, Fanttik, YES-PER, Spanarci, Audew, Topdon, Solvtin, Winplus, Type S
11,254,213 (Exhibit 4)	1*, 2-15, 16*	Carku, Aukey, Metasee, Ace Farmer, Gooloo, Hulkman, Tacklife, Fanttik, YES-PER, Spanarci, Audew, Topdon, Solvtin, Winplus, Type S
11,447,023 (Exhibit 5)	1*, 2-37, 38*, 39*, 40-46, 47*, 48-51, 52*, 53, 54*	Carku, Aukey, Metasee, Ace Farmer, Gooloo, Hulkman, Tacklife, Fanttik, YES-PER, Spanarci, Audew, Topdon, Solvtin, Winplus, Type S

4. The Asserted Patents cover NOCO’s portable jump starter products and can be grouped into three (3) general categories: (1) the jumper cable assembly for the portable jump starters (the ’992 and ’808 patents); (2) the circuitry in the portable jump starters for equalizing

¹ Independent claims are denoted by *.

the charging of the battery cells in the portable jump starters (the '452 and '213 patents) and (3) the safety and USB charging circuitry for recharging the battery of the portable jump starters (the '023 patent). The '992 and '808 patents are from the same patent family and share substantially identical specifications. The '452 and '213 patents are from the same patent family and share substantially identical specifications.

5. Complainant intends to amend this Complaint to add to the Asserted Patents a currently pending patent application once the application issues. The pending application is U.S. Application No. 16/820,040, is in the same patent family as Asserted Patent 11,447,023 and shares a specification with the '023 patent. Based on correspondence with the U.S. Patent and Trademark Office, a Notice of Allowance was mailed January 9, 2023, and the Issue Fee was paid on January 12, 2023. A February 1, 2023 Issue Notification indicates the application will issue on February 21, 2023 as U.S. Patent No. 11,584,243. Complainant believes that issuance of this pending application is imminent. Each of the named Respondents manufactures, sells for importation, imports and/or sells after importation into the United States certain portable battery jump starters and components thereof, which will infringe this pending application once the application issues as a patent.

6. Respondents Carku, Aukey, Metasee, Ace Farmer, and Fanttik's products infringe NOCO's common law rights to its X Design Trade Dress as shown in U.S. Trademark Application Serial Nos. 97/727,244 and 97/781,764 (Exhibit 72). Respondents Carku, Aukey, Metasee, Ace Farmer, and Fanttik are also engaged in acts of unfair competition and false designation of origin.

7. NOCO also asserts federal false advertising and unfair competition claims against Respondents Carku and Hulkman with respect to numerous literally false and misleading representations of fact in commerce regarding Hulkman's products and those of NOCO.

8. The Asserted Patents are valid and enforceable United States patents, the entire right, title, and interest to which NOCO owns by assignment. Exhibits 6-10. NOCO's trade dress, false advertising, and unfair competition claims are related closely to its patent claims in that they implicate overlapping products of Respondents and illustrate a deliberate pattern of copycat behavior.

9. Respondents' activities with respect to the ongoing importation into the United States, sale for importation into the United States, and/or sale within the United States after importation of certain portable battery jump starters and components thereof, described more fully *infra*, are unlawful under 19 U.S.C. § 1337(a)(1)(B)(i) in that they constitute infringement of the valid and enforceable Asserted Patents, including without limitation the "Accused Products" identified in the Exhibit 69 and charted in Exhibits 21-23, 25-27, 29-38, 40-49, and 51-60.

10. A domestic industry exists in the United States relating to articles protected by the Asserted Patents, described more fully *infra*, as required by Section 337(a)(2) and defined by Section 337(a)(3). Complainant's domestic industry includes significant domestic investments in plant and equipment, significant employment of labor and capital, and substantial investments in the exploitation of the inventions claimed in the Asserted Patents, including through research and development and engineering relating to the exploitation of the claimed inventions and articles protected by the Asserted Patents, including Complainant's GB20, GB40, GB50, GB70,

GB150, GBX45, GBX55, GBX75, GBX155, GB250+, BG251+, and GB500+ (“Domestic Industry Products” or “D.I. Products”). Confidential Exhibits 24, 28, 39C, 50C, and 61C.

11. Respondents Carku, Aukey, Metasee, Ace Farmer, and Fanttik’s activities with respect to the ongoing importation into the United States, sale for importation into the United States, and/or sale within the United States after importation of certain portable battery jump starter accessories, described more fully *infra*, are unlawful under 19 U.S.C. § 1337(a)(1)(A) in that they constitute infringement of the valid and enforceable X Design Trade Dress, including without limitation the accused Fanttik EVA Protective Case. Exhibit 69.

12. Respondent Hulkman’s activities with respect to the ongoing importation into the United States, sale for importation into the United States, and/or sale within the United States after importation of certain portable battery jump starters and components thereof, described more fully *infra*, are unlawful under 19 U.S.C. § 1337(a)(1)(A) in that they constitute unfair competition by Respondent Hulkman with respect to numerous literally false and misleading representations of fact in commerce regarding the Hulkman Products and the NOCO products. Exhibit 89

13. A domestic industry also exists in the United States relating to articles protected by the X Design Trade Dress and articles that compete with the falsely advertised Hulkman products, including Complainant’s GB20; GB40; GB50; GB70; GB150; GBX45; GBX55; GBX75; GBX155; GB250+; GB251+; GB500+; GENIUS1; GENIUS2; GENIUS2D; GENIUS5; GENIUS10; GENIUS2X2; GENIUS2X4; GX2440; GX3626; GX4820; GENIUSPRO25; GENIUSPRO50; GC001; GC002; GC003; GC004; GC008; GC009; GC014; GC017; GC018; GC019; GC020; GC040; GPA001; GPA002; GPA003; GPA004; GBC003; GBC004; GBC005; GBC007; GBC010; GBC011; GBC013; GBC014; GBC015; GBC017; GBC101; GBC102;

GBC103; GBC104; GXC002; GXC005; GXC006; GXC007; GXC008; GXC009; NLP5; NLP9; XGB12; NLP14; NLP20; NLP30; GCP1; GCP1E; GCP1EX; GCP2; XGB3; XGB3L; XGB6; XGC4; XGS4USB; FLEX12V; and FLEXUSB (collectively, the “X Design Trade Dress DI Products”) and GB20; GB40; GB50; GB70; GB150; GBX45; GBX55; GBX75; GBX155; GB250+; GB251+; and GB500+ (collectively, the “NOCO BOOST® jump starter DI Products”).

14. To remedy Respondents’ continuing unfair and unlawful violations of Section 337, Complainant seeks, as permanent relief, a limited exclusion order pursuant to 19 U.S.C. § 1337(d) barring from entry into the United States Respondents’ products that infringe one or more of the Asserted Claims of the Asserted Patents, infringe NOCO’s X Design Trade Dress, or unfairly compete with the NOCO BOOST® jump starter DI products through false advertising and unfair competition. Complainant also seeks cease and desist orders pursuant to 19 U.S.C. § 1337(f) prohibiting each Respondent from engaging in the importation into the United States, as well as the sale within the United States after importation, the advertising, marketing, distributing, transferring, operating, testing, updating, supporting, servicing, repairing, or soliciting of products that infringe one or more of the Asserted Claims, infringe NOCO’s X Design Trade Dress, or unfairly compete with the NOCO BOOST® jump starter products through false advertising and unfair competition. Further, Complainant requests that the Commission impose a bond upon each Respondents’ importation of infringing articles during the 60-day Presidential review period pursuant to 19 U.S.C. § 1337(j).

II. THE PARTIES

A. Complainant

15. Complainant NOCO is an Ohio corporation having its principal place of business at 30339 Diamond Parkway #102, Glenwillow, Ohio 44139.

16. Founded in the greater Cleveland, Ohio area in 1914, and continuously owned and managed by the same family since then, NOCO is a power supply and consumer electronics company. Among other things, NOCO is in the business of designing and marketing innovative, premium battery products including jump starters, battery chargers, cables, and accessories.

B. Respondents

17. On information and belief, Respondents manufacture, import, sell for importation, sell after importation, and distribute portable battery jump starters, components thereof, and accessories therefor that infringe the Asserted Patents, infringe the X Design Trade Dress, and unfairly compete with NOCO's jump starter products through false advertising and unfair competition. On information and belief, Carku, Aukey, Metasee and/or Ace Farmer manufactures, imports, sells for importation, sells after importation, and distributes portable battery jump starters, components thereof, and accessories therefor. On information and belief, Gooloo, Hulkman, Tacklife, Fanttik, YES-PER, Spanarci, Audew, Topdon, and Solvtin, import, sell for importation, sell after importation, and distribute portable battery jump starters and components thereof manufactured by Carku, Aukey, Metasee and/or Ace Farmer.

18. On information and belief, Winplus manufactures, imports, sells for importation, sells after importation, and distributes portable battery jump starters and components thereof. On information and belief, Type S imports, sells for importation, sells after importation, and distributes portable battery jump starters and components thereof manufactured by Winplus.

1. Shenzhen Carku Technology Co., Ltd.

19. On information and belief, Respondent Carku is a corporation incorporated under the laws of the People's Republic of China with its principal place of business located at Building A, Qixing Creative Square, Lianrun Road, Gaofeng Community, Dalang Street, Longhua District Shenzhen, Guangdong, China 518109.

20. On information and belief, Carku imports into the United States, sells for importation into the United States, and/or sells within the United States after importation, portable battery jump starters and components thereof that infringe one or more claims of the Asserted Patents, including portable battery jump starters and components thereof manufactured for Gooloo, Hulkman, Tacklife, Fanttik, YES-PER, Spanarci, Audew, Topdon, and/or Solvtin. In particular, in a Complaint for Declaratory Judgment filed by Carku in the United States District Court for the Central District of California, Carku admits that it manufactures product for Gooloo, Hulkman, Fanttik, YES-PER, Spanarci, Audew, Topdon, and Solvtin, including the Gooloo GP4000, Hulkman Alpha 85S, Fanttik T8 Apex, YES-PER YJS20, Spanarci Zeta 2000, Audew EPower 172, Topdon JS3000, and Solvtin S6 Pro. Exhibits 21-23, 25-27, 29-37, 40-48, 51-59, and 90.

21. On information and belief, Carku imports into the United States, sells for importation into the United States, and/or sells within the United States after importation, portable battery jump starter accessories that infringe the X Design Trade Dress, including portable battery jump starter protective cases manufactured for Fanttik.

22. On information and belief, Carku imports into the United States, sells for importation into the United States, and/or sells within the United States after importation, portable battery jump starters and components thereof for Respondent Hulkman that unfairly

compete through false advertising and unfair competition with NOCO's portable battery jump starters and components thereof.

2. Aukey Technology Co., Ltd.

23. On information and belief, Respondent Aukey is a corporation incorporated under the laws of the People's Republic of China with its principal place of business located at Room 102, Building P09, Huanancity Electronic Trading Center, Longgang District., Shenzhen, China 518000.

24. On information and belief, Aukey imports into the United States, sells for importation into the United States, and/or sells within the United States after importation, portable battery jump starters and components thereof that infringe one or more claims of the Asserted Patents, including portable battery jump starters and components thereof manufactured for Gooloo, Hulkman, Tacklife, Fanttik, YES-PER, Spanarci, Audew, Topdon, and/or Solvtin. In particular, Tacklife products, including the Tacklife KP200 and Fanttik products including the Fanttik T8 Apex are sold in the "Aukey Official Store" on newegg.com. Exhibits 13C, 14C, 21-23, 25-27, 29-37, 40-48, and 51-59.

25. On information and belief, Aukey imports into the United States, sells for importation into the United States, and/or sells within the United States after importation, portable battery jump starter accessories that infringe the X Design Trade Dress, including portable battery jump starter protective cases manufactured for Respondent Fanttik.

3. Metasee LLC

26. On information and belief, Respondent Metasee is a corporation incorporated under the laws of Texas with its principal place of business located at 5205 Broadway #634, Pearland, Texas 77581.

27. On information and belief, Metasee imports into the United States, sells for importation into the United States, and/or sells within the United States after importation, portable battery jump starters, accessories, and components thereof that infringe one or more claims of the Asserted Patents, as well as the X Design Trade Dress, including portable battery jump starters and components thereof manufactured for Fanttik, such as the T8 Apex. According to Fanttik’s website located at <https://fanttik.com/pages/contact-us>, Metasee is identified as the domestic “Business & Sales Operations Entity” for Fanttik and a joint operator of the website. Exhibits 22, 26, 32, 43, 54, and 91.

4. Ace Farmer LLC

28. On information and belief, Ace Farmer is a domestic limited liability company organized and existing under the laws of Texas with a registered office address at 11833 Cutten Road, Suite 300, Houston, Texas 77066.

29. On information and belief, Ace Farmer imports into the United States, sells for importation into the United States, and/or sells within the United States after importation, portable battery jump starters, accessories, and components thereof that infringe one or more claims of the Asserted Patents, as well as the X Design Trade Dress, including portable battery jump starters and components thereof manufactured for Respondent Fanttik, such as the T8 and T8 Apex. In particular, Ace Farmer’s name and address appear on the Fanttik products that are the subject of this action. Exhibits 14C, 22, 26, 32, 43, and 54.

5. Shenzhen Gooloo E-Commerce Co., Ltd. and Gooloo Technologies LLC (“Gooloo”)

30. On information and belief, Respondent Gooloo Technologies LLC is a corporation incorporated under the laws of Delaware with its principal place of business located at 12424 74th Ln S Apt 8, Seattle, Washington 98178, and Respondent Shenzhen Gooloo E-

Commerce Co., Ltd. is a corporation incorporated under the laws of the People's Republic of China with its principal place of business located at Room 303, Bantian Business Center, Bantian Wuhe Road, Longgang District, Shenzhen, China 518000.

31. Gooloo imports into the United States, sells for importation into the United States, and/or sells within the United States after importation, portable battery jump starters and components thereof that infringe one or more claims of the Asserted Patents. Exhibit 29, 40, and 51.

6. Hulkman LLC Limited and Shenzhen Konghui Trading Co., Ltd., d/b/a Hulkman Direct

32. On information and belief, Respondent Hulkman is a corporation incorporated under the laws of California with its principal place of business located at 453 West San Carlos Street, San Jose, California 95110, and Respondent Shenzhen Konghui Trading Co., Ltd., d/b/a Hulkman Direct is a corporation incorporated under the laws of China with its principal place of business located at Longhuaqu Minzhijiedao Minqiangshequ Xiangnansanqu Dongmeidasha622, Shenzhen, Guangdong, China 518000.

33. Hulkman imports into the United States, sells for importation into the United States, and/or sells within the United States after importation, portable battery jump starters and components thereof that infringe one or more claims of the Asserted Patents. Exhibit 21, 25, 30, 41, and 52.

34. Hulkman has made numerous literally false and misleading representations of fact in commerce regarding its own products and those of NOCO.

7. Tacklife Tools (Kushigo Limited)

35. On information and belief, Respondent Tacklife is a corporation incorporated under the laws of Ireland with its principal place of business located at 304, Horgans Quay, T23 E6TD Cork, Cork, Republic of Ireland.

36. Tacklife imports into the United States, sells for importation into the United States, and/or sells within the United States after importation, portable battery jump starters and components thereof that infringe one or more claims of the Asserted Patents. Exhibit 31, 42, and 53.

8. Shenzhenshi Daosishangmao Youxiangongsi d/b/a/ Fanttik Direct

37. On information and belief, Respondent Fanttik is a company organized and existing under the laws of China. According to Fanttik's site on Amazon.com, Fanttik's principal place of business is located at "futianqu, shatoujiedao, tiananshequ tairanjiulu1lhao, haisongdashaAzuo, sanceng301R16 shenzhen Guangdong 518000 CN." *See*

https://www.amazon.com/sp?_encoding=UTF8&seller=A30MIYRTO6RN4I&tag=cherryai-20.

38. Fanttik imports into the United States, sells for importation into the United States, and/or sells within the United States after importation, portable battery jump starters and components thereof that infringe one or more claims of the Asserted Patents. Exhibit 22, 26, 32, 43, and 54.

39. Fanttik imports into the United States, sells for importation into the United States, and/or sells within the United States after importation, portable battery jump starter accessories that infringe the X Design Trade Dress.

9. Shenzhenshi Dianjia Technology Co., Ltd. d/b/a Yesper Direct

40. On information and belief, Respondent YES-PER is a corporation incorporated under the laws of Hong Kong with its principal place of business located at Gold Shine Tower, FLAT/RM B 13/F, 346-348 Queen's Road Central, Hong Kong.

41. YES-PER imports into the United States, sells for importation into the United States, and/or sells within the United States after importation, portable battery jump starters and components thereof that infringe one or more claims of the Asserted Patents. Exhibit 33, 44, and 55.

10. Shenzhenshi Xinmeitemuxiangbao Zhuangyouxiangongsi d/b/a Thikpo (Spanarci)

42. On information and belief, Respondent Spanarci is a corporation incorporated under the laws of China with its principal place of business located at Building A, Qixing Creative Square, Lianrun Road, Gaofeng Community, Dalang Street, Longhua District Shenzhen, Guangdong, China 518109.

43. Spanarci imports into the United States, sells for importation into the United States, and/or sells within the United States after importation, portable battery jump starters and components thereof that infringe one or more claims of the Asserted Patents. Exhibit 23, 27, 34, 45, and 56.

11. Guangzhou Sihao Trading Co., Ltd d/b/a Snailhome (Audew)

44. On information and belief, Respondent Audew is a corporation incorporated under the laws of China with its principal place of business located at 201, Building 8, Daxin Garden, Central Ring Road, Longhua Street, Longhua District, Shenzhen, China 518000.

45. Audew imports into the United States, sells for importation into the United States, and/or sells within the United States after importation, portable battery jump starters and

components thereof that infringe one or more claims of the Asserted Patents. Exhibit 35, 46, and 57.

12. ChangShaHongMaoKai KeJiYouXianGongSi d/b/a TopdonStarter

46. On information and belief, Respondent Topdon is a corporation incorporated under the laws of China with its principal place of business located at 5th Floor, Building 12, Taihua Wutong Island, Intersection of Shunchang Road and Hangkong Road, Xixiang Subdistrict, Baoan District, Guangdong, Shenzhen, China 518112.

47. Topdon imports into the United States, sells for importation into the United States, and/or sells within the United States after importation, portable battery jump starters and components thereof that infringe one or more claims of the Asserted Patents. Exhibit 36, 47, and 58.

13. Shenzhenshi Shoudiankejiyouxiangongsi d/b/a Solvtin

48. On information and belief, Respondent Solvtin is a corporation incorporated under the laws of China with its principal place of business located at Building A, Qixing Creative Square, Lianrun Road, Gaofeng Community, Dalang Street, Longhua District Shenzhen, Guangdong, China 518109.

49. Solvtin imports into the United States, sells for importation into the United States, and/or sells within the United States after importation, portable battery jump starters and components thereof that infringe one or more claims of the Asserted Patents. Exhibit 37, 48, and 59.

14. Shenzhen Winplus Technology Co., Ltd. and Winplus North America, Inc. (“Winplus”)

50. On information and belief, Respondent Shenzhen Winplus Technology Co., Ltd. is a corporation incorporated under the laws of the People’s Republic of China with its principal

place of business located at RM307, Building 5, LixiangJiayaun, Jindaotian Road, Buji, Longgang District, Shenzhen, China 518000.

51. Upon information and belief, Respondent Winplus North America, Inc. is a California company having a principal place of business at 2975 Red Hill Avenue, Suite 100, Costa Mesa, California 92626-1201.

52. Respondent Winplus NA, LLC is a Delaware company registered to do business in California, having a principal place of business at 2975 Red Hill Avenue, Suite 100, Costa Mesa, California 92626-1201.

53. On information and belief, Winplus imports into the United States, sells for importation into the United States, and/or sells within the United States after importation, portable battery jump starters and components thereof that infringe one or more claims of the Asserted Patents, including portable battery jump starters and components thereof manufactured for Type S. In particular, in an Answer filed in response to a patent litigation dispute between Caraku and Winplus in California, Winplus admitted that it marketed, distributed, and sold jump starters under the WinPlus and Type S brands on a website located at www.typesauto.com. Exhibits 38, 49, 60, and 92.

15. ADC Solutions Auto LLC (“Type S”)

54. On information and belief, Respondent ADC Solutions Auto LLC (“Type S”) is a corporation incorporated under the laws of California with its principal place of business located at 2975 Red Hill Ave. Suite 100, Costa Mesa, California 92626.

55. Type S imports into the United States, sells for importation into the United States, and/or sells within the United States after importation, portable battery jump starters and components thereof that infringe one or more claims of the Asserted Patents. Exhibit 38, 49, and 60.

III. THE TECHNOLOGY AND PRODUCTS AT ISSUE

A. The Technology

56. Complainant's Asserted Patents generally relate to technologies implemented in portable battery jump starters. They concern technologies related to specific circuitry for improving the performance and safety of these devices.

57. Since the early days of automobiles in the 1900s, car batteries have provided power to start engines. Batteries, however, lose charge over time and eventually lack sufficient power to start the car. When a car battery dies, the engine can be started using an external current source, a process known as "jump starting." The conventional way to jump start a dead car battery has been through the use of "jumper cables," where two cables run from the positive and negative terminals of a live battery (usually in a running car) to the corresponding terminals of the dead battery.

58. Using jumper cables to provide the current needed to start a car with a dead battery has long been problematic, even dangerous. This method can entail, among other things, a second car with a live battery or a heavy and bulky lead-acid battery system to provide the current boost. The method also presents a risk that the cables are improperly connected to either battery, which may cause sparks and short circuits that damage the car and potentially injure those performing the process.

59. NOCO solved the safety problems presented by jump starting a car with jumper cables in 2014 and introduced what is now known as the NOCO BOOST® line of jump starter products.

60. NOCO's NOCO BOOST® products are tremendously popular and are the market-leading compact lithium-ion battery-based jump starters in the United States. The NOCO BOOST® products have become known for safety, ease of use, and reliability.

61. NOCO is an innovator and has made substantial investments in research and development, resulting in NOCO having been awarded numerous utility and design patents, including the Asserted Patents, that cover the key safety and performance features of NOCO's NOCO BOOST® products.

62. NOCO's research and development efforts also have resulted in the commercial introduction of the Domestic Industry Products, including the GB20, GB40, GB50, GB70, GB150, GBX45, BGX55, GBX75, GBX155, GB250+, BG251+, and GB500+, which include technologies that are protected by one or more claims of the Asserted Patents.

B. The Accused Products

63. Pursuant to Commission Rules 210.10(b)(1) and 210.12(a)(12), the categories of the Accused Products may be plainly described as portable battery-powered devices that are used to jump-start batteries such as those in automobiles, trucks, and other vehicles, and related accessories and components, namely cases, battery cables, and clamps.

64. Exemplary Accused Products include, but are not limited to, those identified in Exhibit 69. *See also*, Exhibits 21-23, 25-27, 29-38, 40-49, and 51-60.

65. Each of the Accused Products meets each and every limitation of at least one claim of one or more of the Asserted Patents, literally and/or under the doctrine of equivalents. Complainant's identification of specific models or types of products is not intended, either implicitly or explicitly, to limit the scope of the investigation or the scope of relief to which Complainant is entitled. Any remedy should extend to all present and future infringing products

of each Respondent, including products made by or on behalf of any named Respondent, regardless of model number or type of product.

66. The trade dress of the protective cases for the Fanttik T8 Apex Accused Products infringes the X Design Trade Dress. Complainant's identification of specific models or types of products is not intended, either implicitly or explicitly, to limit the scope of the investigation or the scope of relief to which Complainant is entitled. Any remedy should extend to all present and future infringing products of each Respondent, including products made by or on behalf of any named Respondent, including Fanttik, regardless of model number or type of product.

67. Each of the Hulkman Alpha65, Alpha85, Alpha85S, and Alpha100 Accused Products unfairly compete through false advertising and unfair competition with NOCO's portable battery jump starters and components thereof. Complainant's identification of specific models or types of products is not intended, either implicitly or explicitly, to limit the scope of the investigation or the scope of relief to which Complainant is entitled. Any remedy should extend to all present and future products of each Respondent unfairly competing with NOCO's portable battery jump starters, including products made by or on behalf of any named Respondent, including Hulkman, regardless of model number or type of product.

IV. THE PATENTS AT ISSUE

A. U.S. Patent No. 9,770,992

1. Identification of the Patent and Ownership by Complainants

68. NOCO owns by assignment the entire right, title, and interest in the '992 patent, entitled "Portable Vehicle Battery Jump Start Apparatus With Safety Protection And Jumper Cable Device Therefor," which the U.S. Patent and Trademark Office duly and lawfully issued

on September 26, 2017. Pursuant to Commission Rule 210.12(a)(9)(i), a certified copy of the '992 patent is attached as Exhibit 1.

69. The '992 patent issued from U.S. Patent Application No. 14/619,655, which was filed on February 11, 2015 and claims priority to U.S. Patent Application No. 14/325,938, which was filed on July 8, 2014, which claims priority to International Application No. PCT/US2014/045434, which was filed on July 3, 2014. The '992 patent expires on July 3, 2034.

70. The '992 patent names Jonathan Lewis Nook, William Knight Nook, James Richard Stanfield, and Derek Michael Underhill as inventors (collectively, "the named '992 inventors").

71. The named '992 inventors assigned all right, title, and interest in and to the '992 patent to NOCO, the current assignee and owner of the '992 patent. As a result of the foregoing assignments, NOCO is the owner of all right, title, and interest in and to the '992 patent, including the right to enforce, recover damages, and obtain other relief for any infringement of the '992 patent. Pursuant to Commission Rule 210.12(a)(9)(ii), a certified copy of each recorded assignment of the '992 patent is attached as Exhibit 6.

72. Pursuant to Commission Rule 210.12(c), a certified copy of the prosecution history of the '992 patent, as well as each patent and applicable pages of each technical reference mentioned in the prosecution history, are attached as Appendices A and B, respectively.

2. Non-Technical Description of the '992 Patent²

73. Pursuant to Commission Rule 210.12(a)(9)(vi), the '992 patent generally concerns a jumper cable device for use with a handheld battery charger boost device. The jumper cable

² This description and other non-technical descriptions within this Complaint are for illustrative purposes only. Nothing in any non-technical description is intended, either implicitly

device includes a single plug configured so that the single plug will only fit into the single outlet port of the handheld battery charger boost device in a single orientation. The '992 patent is one of NOCO's ground-breaking patented inventions that relates to simpler and safer jumper cables that have a streamlined, simplified, one-way plug. The '992 patent invention ensures that the jumper cables can only be plugged into the jump starter in the proper orientation, reducing the risks of sparks or short circuits, injury, or damage to the car battery or jump starter.

3. Foreign Counterparts to the '992 Patent

74. Pursuant to Commission Rule 210.12(a)(9)(v), Exhibit 62 identifies each foreign patent, each foreign patent application (not already issued as a patent), and each foreign patent application that has been denied, abandoned or withdrawn corresponding to the '992 patent with an indication of the prosecution status of each such patent application.

B. U.S. Patent No. 10,328,808

1. Identification of the Patent and Ownership by Complainants

75. NOCO owns by assignment the entire right, title, and interest in the '808 patent, entitled "Portable Vehicle Battery Jump Start Apparatus With Safety Protection And Jumper Cable Device Thereof," which the U.S. Patent and Trademark Office duly and lawfully issued on June 25, 2019. Pursuant to Commission Rule 210.12(a)(9)(i), a certified copy of the '808 patent is attached as Exhibit 2.

76. The '808 patent issued from U.S. Patent Application No. 15/921,792, which was filed on March 15, 2018 and claims priority to U.S. Patent Application No. 15/691,884, which was filed on August 31, 2017, which claims priority to U.S. Patent Application No. 14/619,655,

or explicitly, to express any position regarding the scope or proper construction of any claim of the Asserted Patents.

which was filed on February 11, 2015, which claims priority to U.S. Patent Application No. 14/325,938, which was filed on July 8, 2014, which claims priority to International Application No. PCT/US2014/045434, which was filed on July 3, 2014. The '808 patent expires on July 3, 2034.

77. The '808 patent names Jonathan Lewis Nook, William Knight Nook, James Richard Stanfield, and Derek Michael Underhill as inventors (collectively, “the named '808 inventors”).

78. The named '808 inventors assigned all right, title, and interest in and to the '808 patent to NOCO, the current assignee and owner of the '808 patent. As a result of the foregoing assignments, NOCO is the owner of all right, title, and interest in and to the '808 patent, including the right to enforce, recover damages, and obtain other relief for any infringement of the '808 patent. Pursuant to Commission Rule 210.12(a)(9)(ii), a certified copy of each recorded assignment of the '808 patent is attached as Exhibit 7.

79. Pursuant to Commission Rule 210.12(c), a certified copy of the prosecution history of the '808 patent, as well as each patent and applicable pages of each technical reference mentioned in the prosecution history, are attached as Appendices C and D, respectively.

2. Non-Technical Description of the '808 Patent

80. Pursuant to Commission Rule 210.12(a)(9)(vi), the '808 patent generally concerns a jumper cable device for use with a jump starter having an internal power supply. The jumper cable device includes a single plug configured so that the single plug will only fit into the single outlet port of the handheld battery charger boost device in a single orientation. The '808 patent is one of NOCO's ground-breaking patented inventions that relates to simpler and safer jumper cables that have a streamlined, simplified, one-way plug. The '808 patent invention ensures that

the jumper cables can only be plugged into the jump starter in the proper orientation, reducing the risks of sparks or short circuits, injury, or damage to the car battery or jump starter.

3. Foreign Counterparts to the '808 Patent

81. Pursuant to Commission Rule 210.12(a)(9)(v), Exhibit 63 identifies each foreign patent, each foreign patent application (not already issued as a patent), and each foreign patent application that has been denied, abandoned or withdrawn corresponding to the '808 patent with an indication of the prosecution status of each such patent application.

C. U.S. Patent No. 10,981,452

1. Identification of the Patent and Ownership by Complainants

82. NOCO owns by assignment the entire right, title, and interest in the '452 patent, entitled "Portable Or Hand Held Vehicle Battery Jump Starting Apparatus With Battery Cell Equalization Circuit," which the U.S. Patent and Trademark Office duly and lawfully issued on April 20, 2021. Pursuant to Commission Rule 210.12(a)(9)(i), a certified copy of the '452 patent is attached as Exhibit 3.

83. The '452 patent issued from U.S. Patent Application No. 16/587,624, which was filed on September 30, 2019 and claims priority to U.S. Patent Application No. 16/461,562, which was filed as International Application No. PCT/US2018/050243 on September 10, 2018, which claims priority to International Application No. PCT/US2018/025424, which was filed on March 30, 2018, which claims priority to U.S. Provisional Patent Application No. 62/480,082, which was filed on March 31, 2017. The '452 patent expires on March 30, 2038.

84. The '452 patent names Jonathan Lewis Nook, William Knight Nook, James Richard Stanfield, and Derek Michael Underhill as inventors (collectively, "the named '452 inventors").

85. The named '452 inventors assigned all right, title, and interest in and to the '452 patent to NOCO, the current assignee and owner of the '452 patent. As a result of the foregoing assignments, NOCO is the owner of all right, title, and interest in and to the '452 patent, including the right to enforce, recover damages, and obtain other relief for any infringement of the '452 patent. Pursuant to Commission Rule 210.12(a)(9)(ii), a certified copy of each recorded assignment of the '452 patent is attached as Exhibit 8.

86. Pursuant to Commission Rule 210.12(c), a certified copy of the prosecution history of the '452 patent, as well as each patent and applicable pages of each technical reference mentioned in the prosecution history, are attached as Appendices E and F, respectively.

2. Non-Technical Description of the '452 Patent

87. Pursuant to Commission Rule 210.12(a)(9)(vi), the '452 patent generally concerns a portable or hand held jump starting apparatus. The apparatus includes a battery including a plurality of individual cells connected together in series and a battery cell equalization circuit. The '452 patent is one of NOCO's game-changing patented inventions that delivers enhanced battery life and performance thanks to dedicated circuits that equalize the charging process. Lithium-ion battery-based jump starters generally include a bank of individual battery cells that store enough charge to jump start a depleted 12-volt car battery. Batteries lose charge over time, and with each use, so they need to be re-charged. The '452 patent invention improves the re-charging process by equalizing the charges and charging rates of the individual battery cells, resulting in a more efficient and effective charging process that increases battery life, as well as jump starting performance.

3. Foreign Counterparts to the '452 Patent

88. Pursuant to Commission Rule 210.12(a)(9)(v), Exhibit 64 identifies each foreign patent, each foreign patent application (not already issued as a patent), and each foreign patent application that has been denied, abandoned or withdrawn corresponding to the '452 patent with an indication of the prosecution status of each such patent application.

D. U.S. Patent No. 11,254,213

1. Identification of the Patent and Ownership by Complainants

89. NOCO owns by assignment the entire right, title, and interest in the '213 patent, entitled "Portable Or Hand Held Vehicle Battery Jump Starting Apparatus With Battery Cell Equalization Circuit," which the U.S. Patent and Trademark Office duly and lawfully issued on February 22, 2022. Pursuant to Commission Rule 210.12(a)(9)(i), a certified copy of the '213 patent is attached as Exhibit 4.

90. The '213 patent issued from U.S. Patent Application No. 16/461,562, which was filed on May 16, 2019 and claims priority to International Application No. PCT/US2018/025424, which was filed on March 30, 2018. The '213 patent expires on November 29, 2038.

91. The '213 patent names Jonathan Lewis Nook, William Knight Nook, James Richard Stanfield, and Derek Michael Underhill as inventors (collectively, "the named '213 inventors").

92. The named '213 inventors assigned all right, title, and interest in and to the '808 patent to NOCO, the current assignee and owner of the '213 patent. As a result of the foregoing assignments, NOCO is the owner of all right, title, and interest in and to the '213 patent, including the right to enforce, recover damages, and obtain other relief for any infringement of

the '213 patent. Pursuant to Commission Rule 210.12(a)(9)(ii), a certified copy of each recorded assignment of the '213 patent is attached as Exhibit 9.

93. Pursuant to Commission Rule 210.12(c), a certified copy of the prosecution history of the '213 patent, as well as each patent and applicable pages of each technical reference mentioned in the prosecution history, are attached as Appendices G and H, respectively.

2. Non-Technical Description of the '213 Patent

94. Pursuant to Commission Rule 210.12(a)(9)(vi), the '213 patent generally concerns a portable or hand held jump starting apparatus. The apparatus includes a battery including a plurality of individual cells connected together in series and a battery cell equalization circuit. The '213 patent is one of NOCO's game-changing patented inventions that delivers enhanced battery life and performance thanks to dedicated circuits that equalize the charging process. Lithium-ion battery-based jump starters generally include a bank of individual battery cells that store enough charge to jump start a depleted 12-volt car battery. Batteries lose charge over time, and with each use, so they need to be re-charged. The '213 patent invention improves the re-charging process by equalizing the charges and charging rates of the individual battery cells, resulting in a more efficient and effective charging process that increases battery life, as well as jump starting performance.

3. Foreign Counterparts to the '213 Patent

95. Pursuant to Commission Rule 210.12(a)(9)(v), Exhibit 65 identifies each foreign patent, each foreign patent application (not already issued as a patent), and each foreign patent application that has been denied, abandoned or withdrawn corresponding to the '213 patent with an indication of the prosecution status of each such patent application.

E. U.S. Patent No. 11,447,023

1. Identification of the Patent and Ownership by Complainants

96. NOCO owns by assignment the entire right, title, and interest in the '023 patent, entitled "Portable Vehicle Battery Jump Start Apparatus With Safety Protection And Jumper Cable Device Thereof," which the U.S. Patent and Trademark Office duly and lawfully issued on September 20, 2022. Pursuant to Commission Rule 210.12(a)(9)(i), a certified copy of the '023 patent is attached as Exhibit 5.

97. The '023 patent issued from U.S. Patent Application No. 16/450,422, which was filed on June 24, 2019 and claims priority to U.S. Patent Application No. 15/921,792, which was filed on March 15, 2018, which claims priority to U.S. Patent Application No. 15/691,884, which was filed on August 31, 2017, which claims priority to U.S. Patent Application No. 14/619,655, which was filed on February 11, 2015, which claims priority to U.S. Patent Application No. 14/325,938, which was filed on July 8, 2014, which claims priority to International Application NO. PCT/US2014/045434, which was filed on July 3, 2014. The '808 patent expires on July 3, 2034.

98. The '023 patent names Jonathan Lewis Nook, William Knight Nook, James Richard Stanfield, and Derek Michael Underhill as inventors (collectively, "the named '023 inventors").

99. The named '023 inventors assigned all right, title, and interest in and to the '808 patent to NOCO, the current assignee and owner of the '023 patent. As a result of the foregoing assignments, NOCO is the owner of all right, title, and interest in and to the '023 patent, including the right to enforce, recover damages, and obtain other relief for any infringement of

the '023 patent. Pursuant to Commission Rule 210.12(a)(9)(ii), a certified copy of each recorded assignment of the '023 patent is attached as Exhibit 10.

100. Pursuant to Commission Rule 210.12(c), a certified copy of the prosecution history of the '023 patent, as well as each patent and applicable pages of each technical reference mentioned in the prosecution history, are attached as Appendices I and J, respectively.

2. Non-Technical Description of the '023 Patent

101. Pursuant to Commission Rule 210.12(a)(9)(vi), the '023 patent generally concerns a jump starting apparatus configured for boosting or charging a depleted or discharged battery. The jump starting apparatus includes a power supply and a control system to control a power switch and a USB input circuit connected to the power supply. The '023 patent invention relates to flexible and convenient ways to re-charge jump starters using a USB input charging interface. Previously, re-charging a jump starter powerful enough to jump start a 12-volt car battery frequently required a high-power charger through a non-standard or proprietary plug. In the '023 patent, NOCO engineers devised a new way to re-charge using low-voltage inputs through standardized, convenient, and (now) widely used USB plugs.

3. Foreign Counterparts to the '023 Patent

102. Pursuant to Commission Rule 210.12(a)(9)(v), Exhibit 66 identifies each foreign patent, each foreign patent application (not already issued as a patent), and each foreign patent application that has been denied, abandoned or withdrawn corresponding to the '023 patent with an indication of the prosecution status of each such patent application.

F. Licensees Under the Asserted Patents

103. Pursuant to Commission Rule 210.12(a)(9)(iii), a list identifying licensees specifically licensed under the Asserted Patents is included as Confidential Exhibit 67C.

V. THE TRADE DRESS AT ISSUE

A. NOCO's Long Use of "X" Trademarks

104. In addition to the patented inventions described above, NOCO owns a number of trademarks and a distinctive trade dress that have also been infringed through the unlawful activity of Respondents Carku, Aukey, Metasee, Ace Farmer, and/or Fanttik.

105. NOCO has used the trademark NOCO® in the United States, and throughout the world, to identify a wide array of innovative products. In addition to its NOCO® family of trademarks, since at least as early as 2012, NOCO has used variations of "X" marks to identify and distinguish its products.

106. In August 2012, NOCO began using "X" as part of its trademark XGRID, and NOCO owns all right, title and interest in and to the mark XGRID® and the goodwill associated therewith. In 2013, NOCO obtained U.S. Trademark Registration No. 4,313,218, for the XGRID® mark for use in connection with battery chargers, power inverters, electric power converters, electric charge controllers, and electrical power supplies, a true and correct copy of which is attached as Exhibit 68.

107. The XGRID® trademark registration shown in Exhibit 68 is valid, enforceable, and incontestable, and at no time has NOCO licensed this mark to Respondents Carku, Aukey, Metasee, Ace Farmer, and/or Fanttik for use in any manner whatsoever.

108. NOCO also uses the letter "X" and an "X" design in connection with its NOCO BOOST X® line of products. NOCO owns all right, title and interest in and to the mark NOCO BOOST X® and the goodwill associated therewith. NOCO owns U.S. Trademark Registration No. 6,616,283 for NOCO BOOST X®, which covers battery chargers, battery jump starters, power battery packs, and power supplies, a true and correct copy of which is attached hereto as Exhibit 69.

109. The NOCO BOOST X® trademark registration shown in Exhibit 69 is valid and enforceable. At no time has NOCO licensed this mark to Respondents Carku, Aukey, Metasee, Ace Farmer, and/or Fanttik for use in any manner whatsoever.

110. The NOCO BOOST X® mark referred to in paragraph 108 above is prominently featured on NOCO's products, including in the word mark NOCO BOOST X® and with the "X" background design on the label of the jump starter products as shown in one of the NOCO BOOST X® line of products below:



111. A true and correct copy of NOCO's product page for its NOCO BOOST X® products, <https://no.co/products/power/boostx>, is attached as Exhibit 70.

112. As another example of its "X" word marks, NOCO owns all right title and interest in and to the X-CONNECT trademark, and the goodwill associated therewith, under which NOCO advertises, promotes, distributes, and sells connectors for use with independent power supplies. A true and correct copy of NOCO's product page for its X-CONNECT products, <https://no.co/products/accessories/x-connect>, is attached as Exhibit 71.

113. NOCO's common law rights to its X-CONNECT mark are valid and have not been licensed to Respondents Carku, Aukey, Metasee, Ace Farmer, and/or Fanttik for use in any manner whatsoever.

B. NOCO's X Design Trade Dress

114. In addition to its long-standing use of a number of word marks incorporating X, since at least as early as 2014, NOCO has been using, and is the owner, of all right, title and interest in and to, an "X" Design Trade Dress and the goodwill associated therewith. NOCO's X Design Trade Dress includes the following features: a stylized "X" design, which is raised from the black or red portion of the product on which it appears (the "X Design Trade Dress").

115. NOCO's X Design Trade Dress is a common and prominent feature of many of NOCO's products, and it readily identifies NOCO as the source of the products bearing this "X" design. For example, the X Design Trade Dress appears on both ends of NOCO's battery clamps, accessory kit cables, eyelet terminals, extension cables, and 2-way splitters as shown below:





116. NOCO's X Design Trade Dress is also a prominent feature on NOCO's power adapters, car chargers, extension cords, connectors, and cables as shown below:



117. Among the numerous products bearing NOCO's X Design Trade Dress are NOCO's EVA protective cases. As with other products bearing the X Design Trade Dress, the protective cases bear a stylized "X" design, appearing in the color black, which is slightly raised from the black portion of the product on which it appears. On NOCO's protective cases, the "X" design is raised in the middle of cases as shown below:



118. NOCO has used its NOCO X Design Trade Dress continuously on its protective cases since 2014.

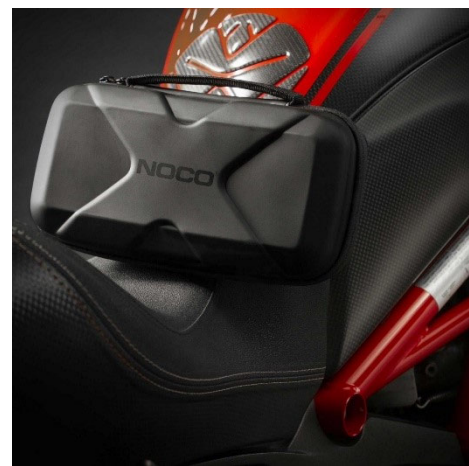
119. The NOCO X Design Trade Dress is nonfunctional. Use of a raised X design is not necessary for the use or purpose of a protective EVA case, nor will competitors be put at a significant non-reputational disadvantage if they are not permitted to use it. Separate and apart from the meaning NOCO has given to it, use of a design incorporating a raised “X” has no meaning in the industry.

120. NOCO’s X Design Trade Dress has come to signify NOCO as the source of protective cases bearing an “X” Design. As such, NOCO’s X Design Trade Dress is distinctive and has acquired secondary meaning in that it has come to be associated by the consuming public and trade exclusively with NOCO.

121. NOCO owns exclusive rights in and to the X Design Trade Dress. In connection with the X Design Trade Dress, NOCO owns United States Trademark Application Serial Nos. 97/727,244 and 97/781,764, copies of which are attached as Exhibit 72.

122. NOCO’s X Design Trade Dress is unique, belongs exclusively to NOCO, and is distinctive of the high-quality, innovative products marketed and sold by NOCO. Accordingly, the NOCO X Design Trade Dress is a valuable asset of NOCO.

123. NOCO has designed, marketed and advertised its products, including its protective cases, so that the public associates them with the idea of extraordinary design features, materials, workmanship, and durability. In furtherance of that goal, NOCO usually displays its products and the associated trademarks in its advertising and promotions, including the X Design Trade Dress, and “X” word marks, as shown by Exhibits 70-71. These advertisements specifically draw consumers’ attention to the NOCO X Design Trade Dress by making it the focal point of the advertising, as shown by the examples below (and attached as Exhibit 73):



124. NOCO has invested a great deal of time and resources into developing its highly distinctive X Design Trade Dress including widespread use and marketing of its NOCO-branded

products. To date, NOCO has spent millions of dollars in advertising and promoting its products bearing its X Design Trade Dress.

125. Sales of goods bearing the X Design Trade Dress have been significant, with tens of millions in sales of such products.

126. As a result of NOCO's long, prominent and exclusive use of the X Design Trade Dress in connection with its products, along with NOCO's extensive sales and advertising of goods under the X Design Trade Dress, the X Design Trade Dress is associated by NOCO's customers, its competitors, and the general public exclusively with NOCO and signifies NOCO as the source of the highest-quality goods offered in connection with the X Design Trade Dress.

127. At no time has NOCO granted Respondents Carku, Aukey, Metasee, Ace Farmer, and/or Fanttik permission to use its X Design Trade Dress.

C. Respondents' Blatant Copying of NOCO's X Design Trade Dress

128. Respondents Carku, Aukey, Metasee, Ace Farmer, and/or Fanttik manufacture, sell for importation, import, distribute, advertise, and sell jump starters and accessories, including EVA protective cases for jump starters (the "Fanttik Cases")—the same goods sold by NOCO under the X Design Trade Dress.

129. In connection with its advertising, promotion, distribution, offer for sale, and sale of the Fanttik Cases, of all the design options it could have chosen, Respondents Carku, Aukey, Metasee, Ace Farmer, and/or Fanttik are using a design that includes a large raised "X" on a black background as shown below (the "Infringing Trade Dress"):



130. The Infringing Trade Dress is confusingly similar to NOCO's X Design Trade Dress. Prior to Respondents Carku, Aukey, Metasee, Ace Farmer, and/or Fanttik's use of the Infringing Trade Dress, NOCO's use of the X Design Trade Dress was unique in the industry.

131. Respondents Carku, Aukey, Metasee, Ace Farmer, and/or Fanttik's use of the Infringing Trade Dress is with full knowledge of NOCO's X Design Trade Dress.





132. Despite the fact that "X" has no meaning in connection with protective cases other than the meaning NOCO has developed, Respondents Carku, Aukey, Metasee, Ace Farmer, and/or Fanttik's products bear an "X" Design that is confusingly similar to NOCO's well known "X" Design and NOCO's X Design Trade Dress.

133. Respondents Carku, Aukey, Metasee, Ace Farmer, and/or Fanttik had unlimited design choices for the Fanttik Cases. As shown below and on the Fanttik product page at <https://fanttik.com/collections/fanttik-accessories>, which is attached as Exhibit 74, Respondents Carku, Aukey, Metasee, Ace Farmer, and/or Fanttik use other designs on protective cases that do not incorporate an "X" design:



134. Respondents Carku, Aukey, Metasee, Ace Farmer, and/or Fanttik are using the Infringing Trade Dress, which is a colorable imitation of the NOCO X Design Trade Dress, to trade on the considerable commercial success that NOCO and products bearing the NOCO X Design Trade Dress have achieved.

135. Respondents Carku, Aukey, Metasee, Ace Farmer, and/or Fanttik’s attempts to free ride off of NOCO’s considerable goodwill is no accident and is further evidenced by their advertising materials, which also mimic NOCO’s advertising:

NOCO Advertisement	Fanttik Advertisements
	
	

136. True and correct copies of the advertising shown in paragraph 135 above are attached as Exhibit 75.

137. Respondents Carku, Aukey, Metasee, Ace Farmer, and/or Fanttik’s uses of the Infringing Trade Dress and copycat advertising are likely to cause confusion, or to cause

mistake, or to deceive as to the affiliation, connection, or association of Respondents Carku, Aukey, Metasee, Ace Farmer, and/or Fanttik with NOCO, or as to the origin, sponsorship, or approval of Respondents Carku, Aukey, Metasee, Ace Farmer, and/or Fanttik's products by NOCO, in violation of NOCO's rights in the NOCO's X Design Trade Dress.

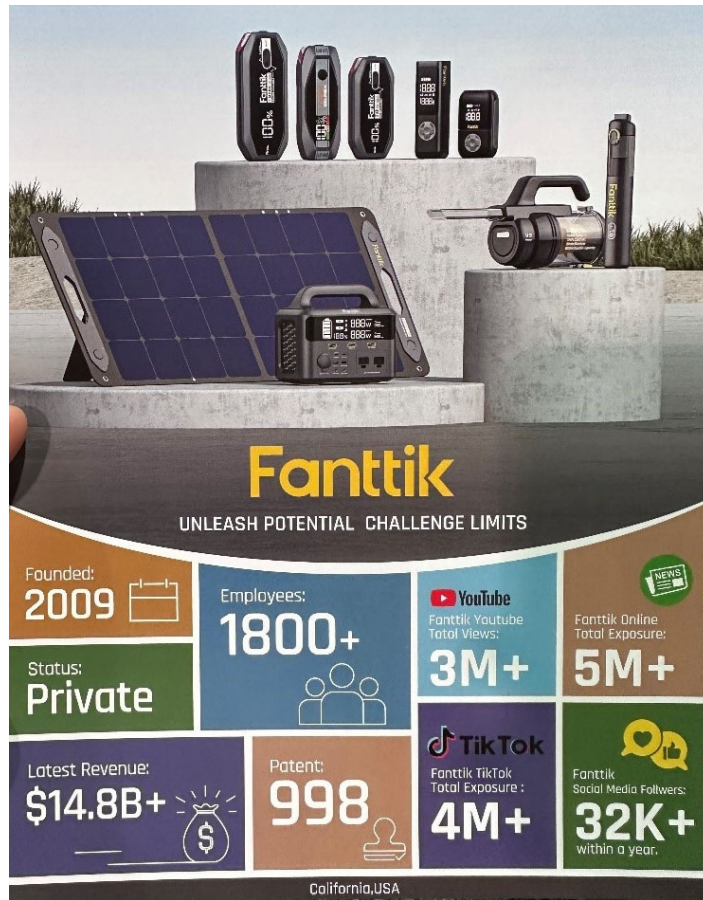
D. Respondents' Consumer Deception About the Fanttik Business

138. In an effort to lend legitimacy to their business, Respondents Carku, Aukey, Metasee, Ace Farmer, and/or Fanttik have intentionally misled consumers about their presence in the United States. For example, although a China-based company, Fanttik lists a U.S. address on its jump starter product packages as shown below:



139. On Fanttik’s jump starter product packages, the address shown is “ACE FARMER LLC, 11833 Cutten Rd suite 300 Houston TX 77066 US.” However, upon information and belief, neither Fanttik, nor Ace Farmer , have a place of business located at the listed address on the packaging.

140. Fanttik also claims that it is a “California, USA” business in its advertising, an example of which is shown below:



141. Upon information and belief, no such California business exists.

142. Respondents Carku, Aukey, Metasee, Ace Farmer, and/or Fanttik’s advertisements, such as the material shown in paragraph 140, misrepresent the geographic origin of their products and their commercial activities.

143. Additionally, upon information and belief, many of the other claims Respondents Carku, Aukey, Metasee, Ace Farmer, and/or Fanttik make about their products and the Fanttik company in the material shown in paragraph 140 above are false and misleading, and designed to induce purchasers to buy products from Fanttik instead of from its competitors, including:

- Claims that Fanttik’s revenue exceeds 14.8 billion dollars; and
- Claims that Fanttik owns 998 U.S. patents.

144. In sum, through the use of false U.S. business addresses and false, misleading and deceptive advertising claims, Respondents Carku, Aukey, Metasee, Ace Farmer, and/or Fanttik are engaged in a deliberate and unlawful scheme to confuse and mislead consumers regarding its business and the origin of its products.

VI. ADDITIONAL FEDERAL FALSE ADVERTISING AND UNFAIR COMPETITION AT ISSUE

145. In connection with the commercial advertising and promotion of Hulkman products, Respondents Carku and Hulkman have unfairly competed with NOCO by making numerous literally false and misleading claims regarding both Hulkman products and NOCO products.

146. To fund the launch of the Hulkman “Alpha” series of jump starter products and to sell them, Carku and Hulkman initiated a “Kickstarter” advertising campaign. As shown on Kickstarter, PBC’s “About Us” page, <https://www.kickstarter.com/about?ref=global-footer>, Kickstarter is a global crowdfunding platform where creators seek funding for projects and can advertise and promote them.

147. In connection with the Hulkman “Kickstarter” campaign shown in Exhibit 82, Hulkman advertises its products for sale by making false comparative claims to NOCO’s products.

148. As seen in Exhibit 82, Hulkman displays a chart directly comparing its Hulkman “Alpha 100” product with NOCO’s NOCO Boost GB70 product, the top portion of which is displayed below:

ALPHA 100 COMPARISON



149. Hulkman’s “comparative” advertising claims as set out in full in Exhibit 82 contain numerous literally false and misleading claims, including, but not limited to, the following:

- That NOCO’s jump starter does not have a 5 minute quick charge from zero power to start the vehicle;
- That NOCO’s jump starter does not have “intelligent matching (power start)”;
- That NOCO’s jump starter is not “hyper safe”;
- That NOCO’s jump starter does not have an “IP65” rating; and
- That NOCO does not have “ergonomic needlenose battery clamps” for its product.

150. The comparative claims regarding characteristics and qualities of the “HULKMAN Alpha 100” and NOCO Boost GB70 products are material to consumer purchasing

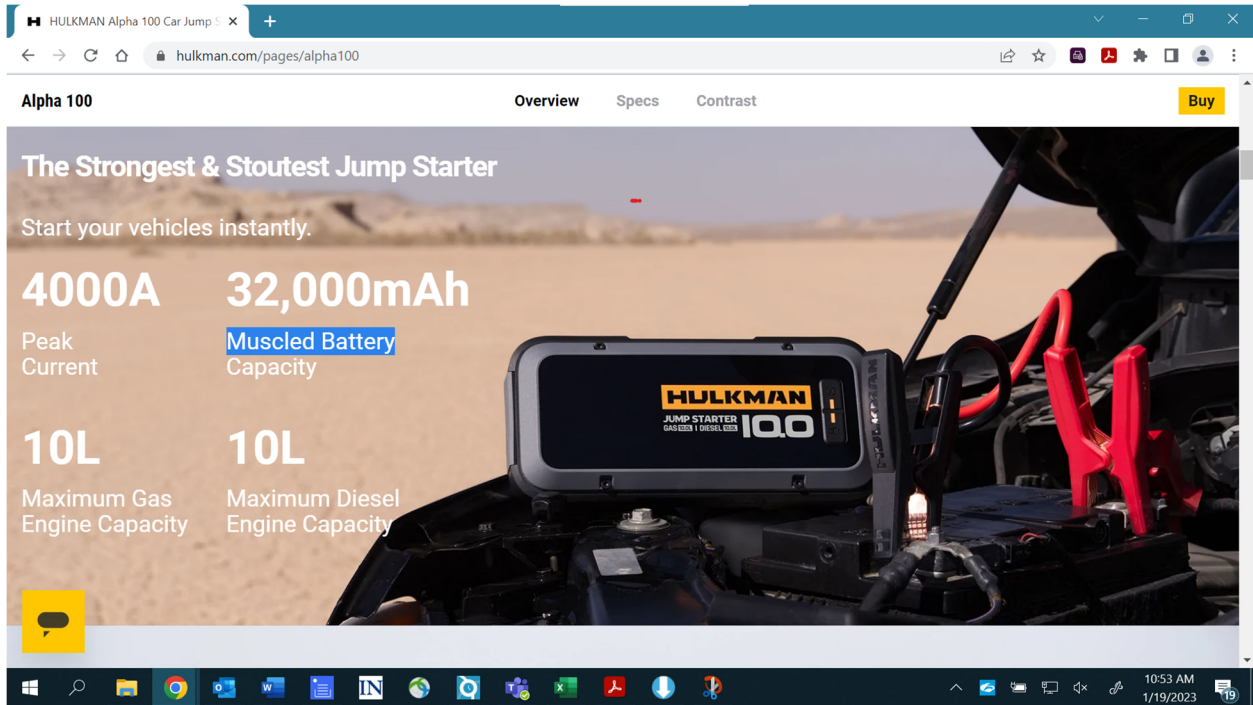
decisions, and they have the tendency to deceive a substantial segment of relevant consumers of jump starter products.

151. Carku and Hulkman also make false, misleading, and deceptive statements about the characteristics of the Hulkman jump starters in commercial advertising on the website at hulkman.com.

152. For example, on the Hulkman product page for the “Alpha 100” jump starter on the Hulkman website, which is attached as Exhibit 76, Hulkman claims to have “THE MOST HEAVY-DUTY JUMP STARTER” as shown below:



153. On an earlier version of the same product page for the “Alpha 100” jump starter, which was recently updated, Hulkman claimed to have the “The Strongest & Stoutest Jump Starter.” As shown from the below screen shot and the website screen shots attached as Exhibit 86, this claim was still being made in January 2023:



154. Despite the foregoing claims, Hulkman’s “Alpha 100” jump starter is not the most heavy-duty jump starter on the market, nor was it ever the strongest jump starter. NOCO offers a jump starter that is at least as strong, if not stronger than the Hulkman jump starter.

155. The claims on the Hulkman website about the strength and power of the Hulkman jump starter are material to consumer purchasing decisions.

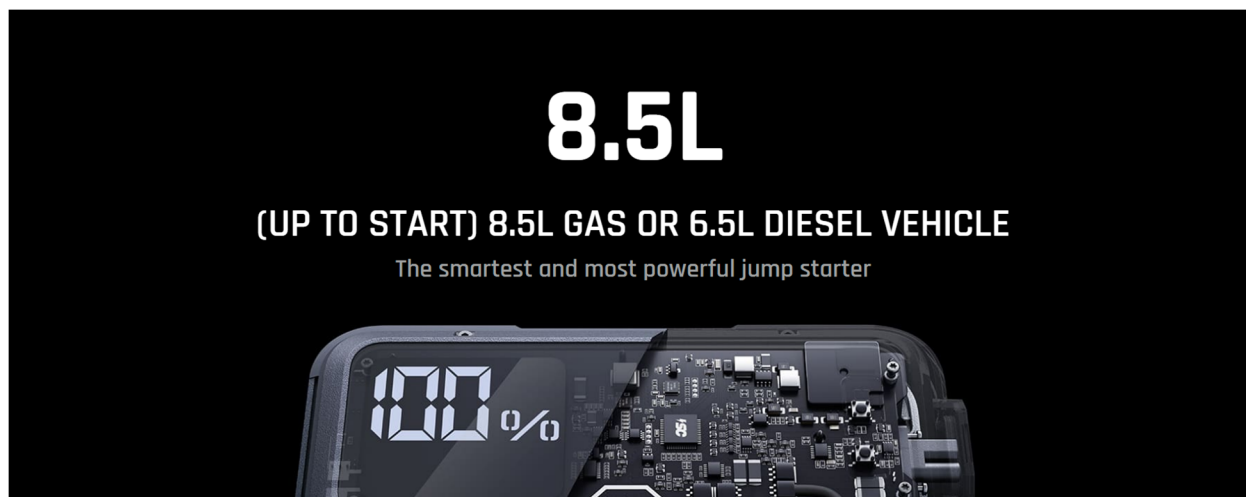
156. Carku and Hulkman’s advertising as set forth in paragraphs 146-155 above misrepresents the nature, quality, and characteristics of its goods and those of NOCO and constitutes literally false and/or misleading descriptions of fact in commerce.

157. Carku and Hulkman’s current false and deceptive advertisements represent a pattern in the scheme to mislead consumers regarding the nature and quality of the Hulkman products. For example, even before Hulkman completed its Kickstarter campaign to launch its jump starter product line or started its worldwide delivery of products (as shown from the timeline on Hulkman’s Kickstarter page at Exhibit 82), Hulkman claimed that its product was

“THE WORLD’S #1 SMART JUMP STARTER,” as shown from the commercial advertisements on a prior version of its website, dated September 22, 2020, attached as Exhibit 88 and excerpted below:



158. Hulkman also claimed on this website as shown at Exhibit 88 that its product is: “The smartest and most powerful jump starter” as shown below:


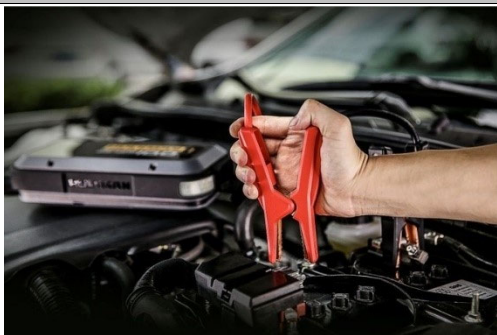


159. The foregoing claims are false, misleading and deceptive as a Hulkman product has never been the “most powerful jump starter,” and a product that has not yet been delivered to consumers cannot be “the world’s #1” by any measurement.

160. Hulkman’s claims are also material in that they are likely to influence purchasing decisions, and they have the tendency to deceive a substantial segment of relevant consumers of jump starter products.

161. NOCO has been or is likely to be injured as a direct result of the false and misleading statements regarding its products and those of Hulkman. Such false claims will undoubtedly lead to consumer confusion and mistake regarding NOCO’s products, and NOCO’s strong brand reputation will be diminished, resulting in lost sales, if consumers believe Carku and Hulkman’s false advertising claims.

162. In an effort to exploit and improperly trade upon NOCO’s success, Respondents Carku and Hulkman have also engaged in a pattern of conduct designed to dupe consumers into believing that their products come from NOCO. By way of example, Hulkman has deliberately and unlawfully engaged in a pattern of copycat advertising. A side-by-side comparison of the parties’ advertising is shown below, with websites where the images appear attached as Exhibit 77 and 81-84:

NOCO Advertisement	Hulkman Advertisement
 <p data-bbox="215 1549 773 1587"><i>See, e.g.,</i> https://no.co/gb50 (at Exhibit 81).</p>	 <p data-bbox="813 1587 1414 1803"><i>See, e.g.,</i> https://www.kickstarter.com/projects/hulkmantech/the-worlds-1-smart-jump-starter-0?gclid=EA1aIQobChMIqbH-qZLU_AIVkBXUAR0QDgtQEAAAYAiAAEgKM-vD_BwE (at Exhibit 82).</p>

NOCO Advertisement



See, e.g., <https://no.co/gb40> (at Exhibit 81).

Hulkman Advertisement



See

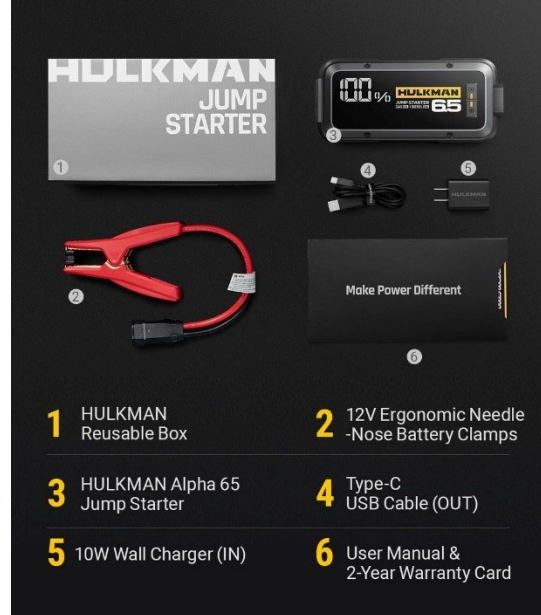
<https://www.facebook.com/HULKMAN.Official/> (at Exhibit 83).

WHAT'S IN THE BOX.



See, e.g., <https://no.co/gbx55>;
<https://www.amazon.com/NOCO-GB150-UltraSafe-Lithium-Gasoline/dp/B015TKSSB8> (at Exhibit 81).

WHAT'S IN THE BOX



See

<https://www.hulkman.com/products/alpha65> (at Exhibit 77).

NOCO Advertisement



See <https://no.co/gbx155> (at Exhibit 81).



See <https://no.co/gbx55> (at Exhibit 81).



See <https://no.co/gbx155> (at Exhibit 81).



See <https://no.co/gbx55> (at Exhibit 81).

Hulkman Advertisement



See <https://www.hulkman.com/pages/our-brand> (at Exhibit 84).



See <https://www.hulkman.com/pages/our-brand> (at Exhibit 84).

163. Hulkman’s wholesale copying of NOCO’s advertising in its own commercial advertising intentionally and willfully misrepresents the nature and origin of Hulkman’s products.

164. Hulkman also uses deceptive advertising techniques to trick consumers into believing that Hulkman’s products have been rated and reviewed by third parties as quality products when, in fact, they have not been so rated.

165. On the home page of its website shown at hulkman.com and attached as Exhibit 87, Hulkman displays reviews from third-party review sites such as *Geeky Gadgets*, *Yahoo! Finance*, and *MarketWatch*, excerpts of which are depicted below:

<p style="text-align: center;">Seeking Alpha ^α</p> <p style="text-align: center;">"Even if there is no battery life, HULKMAN jump starters can be quickly charged to jump start your car in just 5 minutes. That is faster than other regular jump starters in the market."</p>	<p style="text-align: center;">MarketWatch</p> <p style="text-align: center;">"HULKMAN offers 100% hyper-safe no spark protection that can help you protect your car battery."</p>
<p style="text-align: center;">Geeky Gadgets</p> <p style="text-align: center;">"HULKMAN'S jump starter is a game-changer in the industry and is designed with every car owner in mind so that can use them easily and safety."</p>	<p style="text-align: center;">MORNINGSTAR</p> <p style="text-align: center;">"HULKMAN has had a series of breakthroughs in the development of preheating technology so that even under extreme cold weather conditions of -40°C (40°F)."</p>
<p style="text-align: center;">9TO5Toys</p> <p style="text-align: center;">"HULKMAN come out with a really smart very easy to use portable jump starter; the Alpha series is a must-have accessory for any adventure."</p>	<p style="text-align: center;">yahoo! finance</p> <p style="text-align: center;">"The Alpha series is the most advanced product series in the market, boasting intelligent matching technology to make the product ready to automatically jump-start and a digital screen that is easy to use and understand."</p>

166. The foregoing reviews are material to consumer purchasing decisions.

167. Upon information and belief, the alleged reviews of Hulkman products are fake, in that they were not published by the alleged reviewers, or were part of sponsored advertising

materials or press releases from Hulkman posted on the sites and not disclosed as such when excerpted on the Hulkman website.

168. Upon information and belief, to give consumers the false impression that Hulkman is an U.S. company, Hulkman also lists a U.S. address on its jump starter product packages. Shown below is a photograph of Hulkman’s Alpha 65 product packaging:



169. As shown above, on Hulkman’s jump starter product packages, the address is listed as “4500 Great America Pkwy, Suite 100 #110 Santa Clara, California 95054.” However, upon information and belief, Hulkman is not located at this address.

170. In connection with filing its U.S. trademark applications, Hulkman listed the address shown on its product packaging as its domicile address in the United States. But an Examiner at the USPTO issued an Office Action, instructing Hulkman that it “must clarify its domicile street address *because the domicile address of record identifies a mail forwarding service and does not appear to be applicant’s permanent legal place of residence or principal place of business.*” (Emphasis supplied).

171. In response to the Examiner's determination that the Santa Clara address was a mail forwarding service, and not an actual place of business, Hulkman updated its address to 435 West San Carlos Street, San Jose, California 95110, and submitted a "Cross-Sublease Agreement," claiming it "is the evidence of applicant's domicile address." A true and correct copy of the Cross-Sublease Agreement is attached as Exhibit 85.

172. However, this "Cross-Sublease Agreement" shown in Exhibit 85 that Hulkman submitted is for a "local business presence" with "Davinci Virtual" and is not for a physical business location for Hulkman.

173. Additionally, as shown in paragraph 168 above, Hulkman claims that its products are "Designed in USA." In view of Hulkman's admissions above, upon information and belief, such a claim is false, misleading, deceptive and unsubstantiated.

174. Further deceptive references to a U.S. base of operations can be seen in the Hulkman "Kickstarter" campaign. As shown in Exhibit 82, Hulkman claims to be located in "Palo Alto, CA," yet, on information and belief, Hulkman is not located at that California address.

175. Similarly, on Hulkman's Facebook page at <https://www.facebook.com/HULKMAN.Official/>, a copy of which is attached as Exhibit 83, Hulkman claims its location is "Palo Alto, CA."

176. No records evidencing a physical location for Hulkman in Palo Alto, CA can be located.

177. Through the use of false, misleading and deceptive advertising claims, fake product reviews, and fraudulent U.S. business addresses, Carku and Hulkman are engaged in a deliberate and unlawful scheme to confuse and mislead consumers regarding the origin, nature,

quality, and characteristics of their products. These acts constitute false advertising and unfair competition.

VII. SPECIFIC INSTANCES OF UNLAWFUL IMPORTATION AND SALE

178. On information and belief, Respondents are importing, selling for importation, and/or selling within the United States after importation, certain portable battery jump starters, components thereof, and accessories therefor.

179. Complainant has obtained in the United States representative samples of the Respondents' Accused Products as described in Exhibits 11C-20C. Specific instances of importation, sale for importation, and/or sale within the United States after importation of the Accused Products by each Respondent are set forth below. These specific instances of importation of Accused Products set forth below are representative examples of Respondents' unlawful importation into the United States, sale for importation into the United States, and/or sales within the United States after importation of Accused Products and not intended to restrict the scope of any exclusion order or other remedy the Commission may order.

180. On information and belief, Respondents, either individually or acting in concert, design, develop, evaluate, test, and manufacture or have manufactured Accused Products outside of the United States and are (i) importing into the United States, (ii) selling for importation into the United States, and/or (iii) selling within the United States after importation Accused Products. On information and belief, Respondents sell the Accused Products knowing, or having reason to know, that the Accused Products would be subsequently imported into the United States.

181. On information and belief, Respondents, either individually or acting in concert, knowingly and intentionally direct, authorize, approve, or otherwise participate in the unlawful

and infringing conduct alleged herein, including the manufacture, distribution, sale for importation, importation, and/or sale within the United States after importation of the Accused Products.

A. Shenzhen Gooloo E-Commerce Co., Ltd. and Gooloo Technologies LLC

182. Gooloo is importing, selling for importation, and/or selling within the United States after importation, certain portable battery jump starters and components thereof. For example, the Gooloo GP4000 was purchased in the United States and marked as “Made in China,” demonstrating that these products are imported into the United States. On information and belief, the Gooloo products are manufactured by Caraku, Aukey, Metasee, and/or Ace Farmer. Confidential Exhibit 11C.

B. Hulkman LLC Limited and Shenzhen Konghui Trading Co., Ltd., d/b/a Hulkman Direct

183. Hulkman is importing, selling for importation, and/or selling within the United States after importation, certain portable battery jump starters and components thereof. For example, the Hulkman Alpha 85S was purchased in the United States and marked as “Made in China,” demonstrating that these products are imported into the United States. On information and belief, the Hulkman products are manufactured by Caraku, Aukey, Metasee, and/or Ace Farmer. Confidential Exhibit 12C.

C. Tacklife Tools (Kushigo Limited)

184. Tacklife is importing, selling for importation, and/or selling within the United States after importation, certain portable battery jump starters and components thereof. For example, the Tacklife KP200 was purchased in the United States and marked as “Made in China,” demonstrating that these products are imported into the United States. On information

and belief, the Tacklife products are manufactured by Caraku, Aukey, Metasee, and/or Ace Farmer. Confidential Exhibit 13C.

D. Shenzhenshi Daosishangmao Youxiangongsi d/b/a Fanttik Direct

185. Fanttik is importing, selling for importation, and/or selling within the United States after importation, certain portable battery jump starters and components thereof. For example, the Fanttik T8 Apex was purchased in the United States and marked as “Made in China,” demonstrating that these products are imported into the United States. On information and belief, the Fanttik products are manufactured by Caraku, Aukey, Metasee and/or Ace Farmer. Confidential Exhibit 14C.

E. Shenzhenshi Dianjia Technology Co., Ltd. d/b/a Yesper Direct

186. YES-PER is importing, selling for importation, and/or selling within the United States after importation, certain portable battery jump starters and components thereof. For example, the YES-PER 2160 (YJS20) was purchased in the United States and marked as “Made in China,” demonstrating that these products are imported into the United States. On information and belief, the YES-PER products are manufactured by Caraku, Aukey, Metasee, and/or Ace Farmer. Confidential Exhibit 15C.

F. Shenzhenshi Xinmeitemuxiangbao Zhuangyouxiangongsi d/b/a Thikpo (Spanarci)

187. Spanarci is importing, selling for importation, and/or selling within the United States after importation, certain portable battery jump starters and components thereof. For example, the Spanarci Zeta 2000 was purchased in the United States and marked as “Made in China,” demonstrating that these products are imported into the United States. On information and belief, the Spanarci products are manufactured by Caraku, Aukey, Metasee, and/or Ace Farmer. Confidential Exhibit 16C.

G. Guangzhou Sihao Trading Co., Ltd d/b/a Snailhome (Audew)

188. Audew is importing, selling for importation, and/or selling within the United States after importation, certain portable battery jump starters and components thereof. For example, the Audew Epower 172 was purchased in the United States and marked as “Made in China,” demonstrating that these products are imported into the United States. On information and belief, the Audew products are manufactured by Carku, Aukey, Metasee, and/or Ace Farmer. Confidential Exhibit 17C.

H. ChangShaHongMaoKai KeJiYouXianGongSi d/b/a TopdonStarter

189. Topdon is importing, selling for importation, and/or selling within the United States after importation, certain portable battery jump starters and components thereof. For example, the Topdon JS-3000 was purchased in the United States and marked as “Made in China,” demonstrating that these products are imported into the United States. On information and belief, the Topdon products are manufactured by Carku, Aukey, Metasee, and/or Ace Farmer. Confidential Exhibit 18C.

I. Shenzhenshi Shoudiankejiyouxiangongsi d/b/a Solvtin

190. Solvtin is importing, selling for importation, and/or selling within the United States after importation, certain portable battery jump starters and components thereof. For example, the Solvtin S6 Pro was purchased in the United States and marked as “Made in China,” demonstrating that these products are imported into the United States. On information and belief, the Solvtin products are manufactured by Carku, Aukey, Metasee, and/or Ace Farmer. Confidential Exhibit 19C.

J. Type S Auto

191. Type S is importing, selling for importation, and/or selling within the United States after importation, certain portable battery jump starters and components thereof. For

example, the Type S Pro Jump 18000 was purchased in the United States and marked as “Made in China,” demonstrating that these products are imported into the United States. On information and belief, the Type S products are manufactured by Winplus. Confidential Exhibit 20C.

VIII. UNFAIR ACTS OF RESPONDENTS

192. Respondents unlawfully import into the United States, sell for importation into the United States, and/or sell within the United States after importation, the Accused Products, of which Respondents are the owner, importer or consignee. The aforesaid acts of Respondents constitute acts of infringement.

A. Direct Infringement

1. The '992 Patent

193. On information and belief, Respondents, Carku, Aukey, Metasee, Ace Farmer, Hulkman, Fanttik, and Spanarci import, sell for importation, and/or sell after importation into the United States, Accused Products that directly infringe the '992 patent, literally or under the doctrine of equivalents.

194. Pursuant to Pursuant to Commission Rule § 210.12(a)(9)(viii), a chart that applies independent claim 1 of the '992 patent to representative articles are attached as Exhibits 21 (Hulkman), 22 (Fanttik), and 23 (Spanarci).

2. The '808 Patent

195. On information and belief, Respondents, Carku, Aukey, Metasee, Ace Farmer, Hulkman, Fanttik, and Spanarci import, sell for importation, and/or sell after importation into the United States, Accused Products that directly infringe the '808 patent, literally or under the doctrine of equivalents.

196. Pursuant to Pursuant to Commission Rule § 210.12(a)(9)(viii), a chart that applies independent claim 1 of the '808 patent to representative articles are attached as Exhibits 25 (Hulkman), 26 (Fanttik), and 27 (Spanarci).

3. The '452 Patent

197. On information and belief, Respondents, Carku, Aukey, Metasee, Ace Farmer, Gooloo, Hulkman, Tacklife, Fanttik, YES-PER, Spanarci, Audew, Topdon, Solvtin, Winplus, and Type S import, sell for importation, and/or sell after importation into the United States, Accused Products that directly infringe the '452 patent, literally or under the doctrine of equivalents.

198. Pursuant to Pursuant to Commission Rule § 210.12(a)(9)(viii), a chart that applies independent claim 1 of the '452 patent to representative articles are attached as Exhibits 29 (Gooloo), 30 (Hulkman), 31 (Tacklife), 32 (Fanttik), 33 (YES-PER), 34 (Spanarci), 35 (Audew), 36 (Topdon), 37 (Solvtin), and 38 (Type S).

4. The '213 Patent

199. On information and belief, Respondents, Carku, Aukey, Metasee, Ace Farmer, Gooloo, Hulkman, Tacklife, Fanttik, YES-PER, Spanarci, Audew, Topdon, Solvtin, Winplus, and Type S import, sell for importation, and/or sell after importation into the United States, Accused Products that directly infringe the '213 patent, literally or under the doctrine of equivalents.

200. Pursuant to Pursuant to Commission Rule § 210.12(a)(9)(viii), a chart that applies independent claim 1 of the '213 patent to representative articles are attached as Exhibits 40 (Gooloo), 41 (Hulkman), 42 (Tacklife), 43 (Fanttik), 44 (YES-PER), 45 (Spanarci), 46 (Audew), 47 (Topdon), 48 (Solvtin), and 49 (Type S).

5. The '023 Patent

201. On information and belief, Respondents, Carku, Aukey, Metasee, Ace Farmer, Gooloo, Hulkman, Tacklife, Fanttik, YES-PER, Spanarci, Audew, Topdon, Solvtin, Winplus, and Type S import, sell for importation, and/or sell after importation into the United States, Accused Products that directly infringe the '023 patent, literally or under the doctrine of equivalents.

202. Pursuant to Pursuant to Commission Rule § 210.12(a)(9)(viii), a chart that applies independent claim 1 of the '023 patent to representative articles are attached as Exhibits 51 (Gooloo), 52 (Hulkman), 53 (Tacklife), 54 (Fanttik), 55 (YES-PER), 56 (Spanarci), 57 (Audew), 58 (Topdon), 59 (Solvtin), and 60 (Type S).

6. The X Design Trade Dress

203. The NOCO X Design Trade Dress is nonfunctional, valid and distinctive.

204. NOCO owns and enjoys common law trademark rights in the NOCO X Design Trade Dress, which rights are superior to any rights that Respondents Carku, Metasee, Ace Farmer, or Fanttik may claim with respect to the Infringing Trade Dress.

205. NOCO has invested significant effort and funds in marketing and promoting its products offered and sold under the NOCO X Design Trade Dress. As a result of such marketing and promotion, consumers associate the NOCO X Design Trade Dress with a single producer or source. Thus, the NOCO X Design Trade Dress is a protectable trademark and has acquired secondary meaning in the marketplace.

206. Respondents Carku, Metasee, Ace Farmer, and/or Fanttik have used and continue to use the Infringing Trade Dress, which is confusingly similar to the NOCO X Design Trade Dress, in connection with similar products offered by NOCO. Accordingly, Respondents Carku,

Metasee, Ace Farmer, and/or Fanttik's promotion, distribution, offering for sale, and sale of products in connection with the Infringing Trade Dress is likely to cause confusion, to cause mistake, and/or to deceive consumers that Respondents Carku, Metasee, Ace Farmer, and/or Fanttik's products originate with or are sponsored or approved by NOCO, or that Respondents Carku, Metasee, Ace Farmer, and/or Fanttik are affiliated, connected, or associated with NOCO.

207. Respondents Carku, Metasee, Ace Farmer, and/or Fanttik's use of the Infringing Trade Dress is without NOCO's permission.

208. Respondents Carku, Metasee, Ace Farmer, and/or Fanttik had knowledge of NOCO's X Design Trade Dress and the considerable commercial success NOCO has achieved in the marketplace. NOCO is informed and believes that Respondents Carku, Metasee, Ace Farmer, and/or Fanttik willfully and with conscious disregard for NOCO and its rights in the NOCO X Design Trade Dress, advertised, marketed, promoted, offered for sale, sold, and/or distributed products bearing the Infringing Trade Dress in a manner likely to cause confusion, or to cause mistake, or to deceive consumers. *See, e.g.*, Exhibits 70-75.

209. The above-recited acts by Respondents Carku, Metasee, Ace Farmer, and/or Fanttik constitute infringement of NOCO's X Design Trade Dress, false designation of origin, and unfair competition in violation of the Lanham Act, 15 U.S.C. § 1125(a), to the substantial and irreparable injury of the public and of NOCO's business reputation and goodwill.

7. Federal False Advertising And Unfair Competition

210. Through its claims on its website and through its Kickstarter campaign, Hulkman has made numerous literally false and misleading representations of fact in commerce regarding its own products and those of NOCO. *See, e.g.*, Exhibits 77-80, 82-84.

211. Hulkman's statements have deceived and/or have a tendency to deceive a substantial segment of the advertising audience and relevant consuming public.

212. Hulkman's statements are material in that they are likely to influence the decision by consumers to purchase Hulkman's products.

213. Hulkman caused its false and/or misleading statements to enter interstate commerce and made such statements knowingly and with the intent to cause confusion, or to cause mistake, or to deceive as to the origin, sponsorship, or approval of its goods, as well as to cause confusion or mistake regarding the quality and characteristics of NOCO's products and those of Hulkman.

214. NOCO has been or is likely to be injured as a result of Hulkman's false statements, by a diversion of sales from NOCO to Hulkman and/or a lessening of the goodwill associated with NOCO's products.

215. The above-described acts constitute false advertising and unfair competition in violation of Section 43(a) of the Lanham Act, 15 U.S.C. § 1125(a).

216. Hulkman's false statements are injurious to the reputation and goodwill of NOCO, and they are deceptive and misleading to the public, including those members of the public who are potential customers of Hulkman's products and NOCO's products.

IX. HARMONIZED TARIFF SCHEDULE INFORMATION

217. The articles subject to this complaint may be classified under at least the following headings and subheadings of the Harmonized Tariff Schedule ("HTS") of the United States: 8504.40 (static converters); 8506.50 (lithium batteries); 8507.10, 8507.60 (lithium-ion electric storage batteries); 8511.40, 8511.50 (starter motors and generators); 8516.60, 8516.71 (ovens, coffee or tea makers); and 8539.50.00 (LED lamps). These HTS numbers are illustrative

only and may not exhaustively reflect the HTS classification of all Accused Products. These HTS numbers are not intended to restrict the scope of this investigation or the scope of relief to which Complainants are entitled.

X. THE DOMESTIC INDUSTRY

A. Domestic Industry under 19 U.S.C. §§ 1337(a)(2)-(3)

218. A domestic industry, as required by Section 337(a)(2) and defined by 337(a)(3), exists in the United States in connection with articles protected by the Asserted Patents.

1. Economic Prong

219. There is a domestic industry established as defined under 19 U.S.C. § 1337(a)(3)(A), (B), and/or (C), comprising continuing significant investments in plant and equipment and employment of labor and capital, and continuing substantial investment in exploitation of the Asserted Patents, including through production, engineering, research and development, warranty, customer support, and other activities designed to exploit the patented technology. Specific non-limiting examples of such investments are provided below. Declaration of Jeffrey Weiner (hereafter “Weiner Decl.”), Confidential Exhibit 93C.

220. NOCO engages in a broad range of qualifying domestic industry activities in the United States directed to articles protected by the Asserted Patents. The Domestic Industry Products each practice at least one valid claim of the Asserted Patents. The Domestic Industry Products were, and continue to be, designed, developed, tested, and supported by NOCO in the United States.

221. NOCO has made and continues to make significant investments in plant and equipment directed to Domestic Industry Products that practice the Asserted Patents. Weiner Decl. at ¶¶ 15-28. Those investments in plant and equipment are dedicated to at least, manufacturing support, testing, research, design, development, engineering, product integrity /

stewardship / regulatory compliance / support, and various customer support activities focused on the Domestic Industry Products. Weiner Decl. at ¶¶ 4-12.

222. NOCO has made and continues to make significant employment of labor and capital directed to the Domestic Industry Products. Weiner Decl. at ¶¶ 29-37. Those investments in labor and capital are dedicated to at least manufacturing support, testing, research, design, development, engineering, product integrity / stewardship / regulatory compliance support, and various customer support activities focused on the Domestic Industry Products. Weiner Decl. at ¶¶ 4-12.

223. NOCO further engages in exploitation of the Asserted Patents through their substantial domestic investments in research, design, development, engineering, quality control, testing, engineering, product integrity / stewardship / regulatory compliance support, and various customer support activities relating to the technology covered by the Asserted Patents directed to the Domestic Industry Products. Weiner Decl. at ¶¶ 38-39.

224. A significant and substantial portion of NOCO's technical activities that benefit the Domestic Industry Products takes place in the United States. Weiner Decl. at ¶¶ 4-14.

225. NOCO's investments and activities are important to the Domestic Industry Products and represent significant domestic added value, particularly where the protected articles are designed and/or developed domestically. Weiner Decl. at ¶¶ 4-14.

2. Technical Prong

226. Pursuant to § 210.12(a)(9)(ix), claim charts that apply exemplary independent claim 1 of each of the Asserted Patents to the Domestic Industry Products are attached as Confidential Exhibits 24, 28, 39C, 50C, and 61C.

B. Domestic Industry Under 19 U.S.C. § 1337(a)(1)

1. A Domestic Industry Exists

227. Pursuant to § 210.12(a)(8) and for purposes of NOCO's X Design Trade Dress infringement and false advertising and unfair competition claims in this action brought under 19 U.S.C. § 1337(a)(1)(A), and as set forth in the accompanying Weiner Declaration, Confidential Exhibit 93C, a domestic industry, exists in the United States in connection with articles that use the X Design Trade Dress have been and are the competitive target of Respondents' X Design Trade Dress infringement and false advertising and unfair competition.

228. As described herein, NOCO has made and continues to make significant investments in plant and equipment directed to Domestic Industry Products that practice the X Design Trade Dress and are the competitive target of Respondents' X Design Trade Dress infringement and false advertising and unfair competition. Weiner Decl. at ¶¶ 5-6, 15-28. Again, those investments in plant and equipment are dedicated to at least, manufacturing support, testing, research, design, development, engineering, product integrity / stewardship / regulatory compliance / support, and various customer support activities focused on the Domestic Industry Products. Weiner Decl. at ¶¶ 4-12.

229. As described herein, NOCO has made and continues to make significant employment of labor and capital directed to the Domestic Industry Products that practice and are identified by the X Design Trade Dress and are the competitive target of Respondents' X Design Trade Dress infringement and false advertising and unfair competition. Weiner Decl. at ¶¶ 5-6, 29-37. Again, those investments in labor and capital are dedicated to at least manufacturing support, testing, research, design, development, engineering, product integrity / stewardship / regulatory compliance support, and various customer support activities focused on the Domestic Industry Products. Weiner Decl. at ¶¶ 4-12.

230. As described herein, NOCO further engages in exploitation of the X Design Trade Dress through their substantial domestic investments in research, design, development, engineering, quality control, testing, engineering, product integrity / stewardship / regulatory compliance support, and various customer support activities relating to the X Design Trade Dress directed to the Domestic Industry Products. Weiner Decl. at ¶¶ 3, 6, 38-39.

231. As described herein, a significant and substantial portion of NOCO's technical activities that benefit the Domestic Industry Products takes place in the United States. Weiner Decl. at ¶¶ 4-14.

232. As described herein, NOCO's investments and activities are important to the Domestic Industry Products and represent significant domestic added value, particularly where the protected articles are designed and/or developed domestically. Weiner Decl. at ¶¶ 4-14.

2. Respondents' Unfair and Unlawful Acts Have Substantially Injured The Domestic Industry

233. Pursuant to § 210.12(a)(8) and as described below, Respondents' unlawful activities threatens to effect and substantially injure NOCO's domestic industry. Respondents' X Design Trade Dress infringement and false advertising and unfair competition has threatened and continues to threaten further substantial injury to the domestic industry. As set forth below, the threatened substantial injury to the domestic industry is based at least on Respondents' ongoing and future consumer confusion, Respondents' ability to undersell NOCO, and Respondents' significant production capacity.

234. As set forth herein, Respondents' X Design Trade Dress infringement and false advertising and unfair competition have caused, and are likely to cause future consumer confusion, mistake, and deception as to the affiliation, connection, or association of Respondents with NOCO, or as to the origin, sponsorship, or approval of Respondents' goods or commercial

activities by NOCO. Respondents' accused products are of inferior quality. The similarity of the products, the number of different infringers, and the nature of the on-line marketing channels through which Respondents are able to reach consumers and sell their accused products has damaged and will continue to damage NOCO's reputation, goodwill, and brand, and deprive NOCO of the ability to control the quality of products that are and will be associated with the NOCO brand in the minds of consumers.

235. For example, Respondents are primarily if not exclusively selling their products in the United States via their websites and/or prominent on-line merchants, such as Amazon, Newegg, and the like. Thus, Respondents' accused products are widely available and are being marketed, advertised, and offered for sale nationwide to every U.S. consumer with access to the internet. By virtue of these on-line marketing activities through massive, high volume on-line platforms, Respondents' infringing activities are likely to have a similarly massive adverse impact on consumers' views of NOCO's products as a result of the confusion that will inevitably follow resulting in a negative impression of NOCO and its products and causing substantial injury to NOCO's domestic injury investment in its research and development.

236. Further, Respondents' accused products are manufactured abroad, largely in China, and upon information and belief Respondents have significant foreign cost advantages. As a result, Respondents are able to undersell NOCO's products at prices that are substantially less than the prices at which NOCO is selling its products, such as, for example, the GBX45. The GBX45 currently sells for \$124.95. Respondents are selling their competing and infringing products for substantially less. As a direct result of the trade dress infringement, unfair competition and false advertising as alleged, consumers of NOCO's products will mistakenly purchase that of Respondents' believing it to be of equal or greater quality when in fact it is not,

causing market erosion, lost sales, lost customers, negative impressions of NOCO products and an unfavorable impression of NOCO. Upon information and belief, in view of the inherently dangerous nature of products at issue, any consumer confusion as a result of Respondents' acts of infringement, false designation of origin, unfair competition, and false advertising will impair the value of NOCO's brand substantially.

237. On information and belief, Respondents have substantial production capacity that enables them to take advantage of any increased demand for infringing products that occurs by virtue of Respondents' increasing use of on-line marketing platforms like Amazon.

238. As set forth herein, on information and belief, Respondents' infringing products have shown rapid sales growth since entering the market and, in the absence of a remedy, Respondents' sales and market share will continue to grow in light of their broad marketing exposure in the United States market, their underselling of NOCO's products, and their substantial production capacity.

XI. RELATED LITIGATION

239. Complaints against several Respondents involving the Asserted Patents, X Design Trade Dress, and/or Respondents false advertising and unfair competition are being concurrently filed in various U.S. District Courts. A complaint against Caraku alleging infringement of the '452, '213, and '023 patents is being filed in the Northern District of Illinois; a complaint against Hulkman alleging infringement of the Asserted Patents and unfair competition with NOCO's Domestic Industry Products through false advertising and unfair competition is being filed in the Northern District of California; a complaint against Metasee, Ace Farmer and Fanttik alleging infringement of the Asserted Patents and the X Design Trade Dress is being filed in the Southern District of Texas; and a complaint against WinPlus and Type S alleging infringement of the '452,

'213, and '023 patents is being filed in the Central District of California. Additionally, an earlier investigation involving different intellectual property rights than the ones at issue in this investigation was filed by NOCO against some of the Respondents identified in this complaint. That earlier investigation is now concluded. *See In the Matter of Certain Portable Battery Jump Starters and Components Thereof*, Investigation No. 337-TA-1256.

240. Aside from the matters identified above, NOCO has not previously litigated the Asserted Patents, X Design Trade Dress, and/or Respondents false advertising and unfair competition asserted herein before any court or agency.

XII. RELIEF REQUESTED

241. WHEREFORE, by reason of the foregoing, Complainant respectfully request that the United States International Trade Commission:

(a) Institute an immediate investigation pursuant to Section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337, into the violations by Respondents of Section 337 arising from the importation into the United States, sale for importation, and/or sale within the United States after importation, of Respondents' products that infringe one or more claims of the Asserted Patents, that infringe the X Design Trade Dress, and/or unfairly compete with NOCO's Domestic Industry Products through false advertising and unfair competition.

(b) Schedule and conduct a hearing, pursuant to 19 U.S.C. § 1337(c), for purposes of receiving evidence and hearing argument concerning whether there has been a violation of Section 337 of the Tariff Act of 1930, as amended; and, following the hearing, determine that there has been a violation of Section 337 of the Tariff Act of 1930, as amended;

(c) Issue a permanent limited exclusion order, excluding from entry for consumption into the United States, entry for consumption from a foreign trade-zone, or withdrawal from a

warehouse for consumption, all of Respondents' portable battery jump starters and components thereof that infringe one or more claims of the Asserted Patents, that infringe the X Design Trade Dress, and/or unfairly compete with NOCO's Domestic Industry Products through false advertising and unfair competition, and which are manufactured by or on behalf of, or imported by or on behalf of Respondents, or any of their affiliated companies, parents, subsidiaries, or other related business entities, or their successors or assigns, for the remaining term of the Asserted Patents, except under license of Complainants or as provided by law;

(d) Issue permanent cease-and-desist orders, pursuant to 19 U.S.C. §1337(f), directing Respondents and any of their principals, stockholders, officers, directors, employees, agents, licensees, distributors, controlled (whether by stock ownership or otherwise) or majority-owned business entities, successors, and assigns, from either directly engaging in or for, with or otherwise on behalf of Respondents, (A) importing or selling for importation into the United States portable battery jump starters, accessories therefor, and components thereof that infringe one or more claims of the Asserted Patents, that infringe the X Design Trade Dress, and/or unfairly compete with NOCO's Domestic Industry Products through false advertising and unfair competition; (B) marketing, distributing, selling, or otherwise transferring, in the United States imported portable battery jump starters, accessories therefor, and components thereof that infringe one or more claims of the Asserted Patents, that infringe the X Design Trade Dress, and/or unfairly compete with NOCO's Domestic Industry Products through false advertising and unfair competition; (C) advertising portable battery jump starters, accessories therefor, and components thereof in the United States that infringe one or more claims of the Asserted Patents, that infringe the X Design Trade Dress, and/or unfairly compete with NOCO's Domestic Industry Products through false advertising and unfair competition; (D) soliciting U.S. agents or

distributors for portable battery jump starters, accessories therefor, and components thereof that infringe one or more claims of the Asserted Patents, that infringe the X Design Trade Dress, and/or unfairly compete with NOCO's Domestic Industry Products through false advertising and unfair competition; (E) aiding or abetting other entities in the importation, sale for importation, sale after importation, transfer, or distribution of portable battery jump starters, accessories therefor, and components thereof that infringe one or more claims of the Asserted Patents, that infringe the X Design Trade Dress, and/or unfairly compete with NOCO's Domestic Industry Products through false advertising and unfair competition; (F) testing imported portable battery jump starters, accessories therefor, and components thereof in the United States that infringe one or more claims of the Asserted Patents, that infringe the X Design Trade Dress, and/or unfairly compete with NOCO's Domestic Industry Products through false advertising and unfair competition; (G) updating or upgrading imported portable battery jump starters, accessories therefor, and components thereof in the United States that infringe one or more claims of the Asserted Patents, that infringe the X Design Trade Dress, and/or unfairly compete with NOCO's Domestic Industry Products through false advertising and unfair competition; (H) operating imported portable battery jump starters, accessories therefor, and components thereof in the United States that infringe one or more claims of the Asserted Patents, that infringe the X Design Trade Dress, and/or unfairly compete with NOCO's Domestic Industry Products through false advertising and unfair competition; or (I) supporting, servicing, and/or repairing imported portable battery jump starters, accessories therefor, and components thereof in the United States that infringe one or more claims of the Asserted Patents, that infringe the X Design Trade Dress, and/or unfairly compete with NOCO's Domestic Industry Products through false advertising and unfair competition;

(e) Impose a bond upon any importations or sales of infringing portable battery jump starters and components thereof during the 60-day period for Presidential review, pursuant to 19 U.S.C. § 1337(j); and

(f) Grant all such other and further relief as the Commission has authority to grant and deems appropriate under the law, based upon the facts complained of herein and as determined by the Investigation.

Dated: February 13, 2023

Respectfully submitted,

/s/ Meredith M. Wilkes

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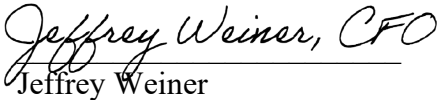
*Counsel for Complainant The NOCO
Company*

VERIFICATION

I, Jeffrey Weiner, declare, in accordance with 19 C.F.R. §§ 210.4(c) and 210.12(a), under penalty of perjury, that the following statements are true:

1. I am the Chief Financial Officer of The NOCO Company (“NOCO”). I am duly authorized by NOCO to verify the foregoing Complaint Under Section 337 of the Tariff Act of 1930, as Amended.
2. The Complaint is not being filed for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation.
3. To the best of my knowledge, information, and belief, formed after a reasonable inquiry, the claims and other legal contentions set forth in the Complaint are warranted by existing law or by a good faith, non-frivolous argument for extension, modification, or reversal of existing law, or by the establishment of new law.
4. To the best of my knowledge, information, and belief, formed after a reasonable inquiry, the allegations of the Complaint Under Section 337 of the Tariff Act of 1930, as Amended are well grounded in fact and have evidentiary support, or where specifically identified, are likely to have evidentiary support after a reasonable opportunity for further investigation or discovery.

Executed on this 13th day of February, 2023


Jeffrey Weiner
Chief Financial Officer
The NOCO Company