

PUBLIC VERSION

**UNITED STATES INTERNATIONAL TRADE COMMISSION
WASHINGTON, D.C. 20436**

In the Matter of

**CERTAIN SOFT PROJECTILE
LAUNCHING DEVICES, COMPONENTS
THEREOF, AMMUNITION, AND
PRODUCTS CONTAINING SAME**

Inv. No. 337-TA-_____

**AMENDED COMPLAINT OF HASBRO, INC. AND SPIN MASTER, INC.
UNDER SECTION 337 OF THE TARIFF ACT OF 1930, AS AMENDED**

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(continued on next page)

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D	Technical References Cited in the Prosecution History of the '683 Patent

I. INTRODUCTION

1. Complainants Hasbro, Inc. (“Hasbro”) and Spin Master, Inc. (“Spin Master”) (collectively, “Complainants”) request that the United States International Trade Commission commence an investigation pursuant to Section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337 (“Section 337”), to remedy the unlawful importation into the United States, sale for importation into the United States, and/or sale within the United States after importation, of certain soft projectile launching devices, components thereof, ammunition, and products containing same, whether new or refurbished, (collectively referred to as “Accused Products”) that infringe valid and enforceable United States patents owned and exclusively licensed by Complainants.¹

2. The proposed Respondents are Gel Blaster, Inc., Shenzhen Yi Jin Electronics Science (a/k/a “Shenzhen Yi Jin Electronics” and/or “Yi Jin Electronics Science”), Guangdong Yu Lee Technology Corporation, and Yu Lee Company Ltd. (collectively, the “Gel Blaster Respondents”); Splat-R-Ball, LLC, Daisy Manufacturing Company (d/b/a “Daisy Outdoor Products”), and S-Beam Precision Products Ltd. (collectively, the “Splat-R-Ball Respondents”); and Prime Time Toys LLC, Prime Time Toys Ltd., and Easebon Services Ltd. (collectively, the “PTT Respondents”) (the Gel Blaster Respondents, Splat-R-Ball Respondents, and PTT Respondents collectively as “Respondents”). Respondents have engaged in unfair acts in violation of Section 337 through and in connection with the unlicensed importation into the United States, sale for importation into the United States, and/or sale within the United States after importation of Accused Products that infringe one or more claims of United States Patent No. 8,371,282

¹ Complainants understand that the Commission is currently closed to the public and, thus, that the Commission is not currently accepting physical samples in connection with Section 337 complaints. Complainants plan to submit physical samples of the Domestic Industry Products and Accused Products when the Commission reopens to the public.

(“the ’282 Patent”) and United States Patent No. 8,640,683 (“the ’683 Patent”). The ’282 and ’683 Patents are collectively referred to herein as “the Asserted Patents.”

3. Complainants assert that Respondents directly infringe, contributorily infringe, and/or induce the infringement of at least the following claims of the Asserted Patents (collectively, “the Asserted Claims”) with independent claims in bold:

U.S. Patent No.	Asserted Claims
8,371,282	1-15, 17-21
8,640,683	1-6, 10-15

4. As required by Section 337(a)(2) and defined by Section 337(a)(3), an industry in the United States exists and/or is in the process of being established relating to articles protected by the Asserted Patents. Complainant Hasbro has developed [REDACTED] NERF Pro GelFire [REDACTED] practice the Asserted Patents. Preorders of Hasbro’s NERF Pro GelFire Mythic Blaster (through Hasbro Pulse and major retailers, including Target and Amazon) began in July 2022. See Confidential Exhibit 6 (Declaration of Adam Kleinman). Hasbro plans for the product to be available on shelves by November 2022. *Id.* [REDACTED]

[REDACTED]

[REDACTED]

5. Complainants seek a permanent limited exclusion order, pursuant to Section 337(d), excluding from entry into the United States all of Respondents’ Accused Products that infringe one or more claims of the Asserted Patents. Complainants also seek permanent cease and desist orders, pursuant to Section 337(f), directing Respondents to cease and desist from activities including, but not limited to, importing, marketing, advertising, demonstrating, warehousing inventory for distribution, offering for sale, selling, distributing, or using such Accused Products

in the United States. Complainants also seek the imposition of a bond if Respondents continue to import infringing articles during the 60-day Presidential review period, pursuant to Section 337(j).

6. Founded nearly 100 years ago in 1923, Hasbro is a global play and entertainment company committed to Creating the World's Best Play and Entertainment Experiences and its purpose of making the world a better place for all children, fans and families. Hasbro delivers immersive brand experiences for global audiences through consumer products, including toys and games. Hasbro markets and sells toys and games based on its owned and controlled brands globally at retail stores, through e-commerce platforms and through its fan-based direct-to-consumer platform, Hasbro PULSE.

7. Hasbro's toys and games include action figures, arts and crafts and creative play products, fashion and other dolls, play sets, preschool toys, plush products, sports action blasters and accessories, vehicles and toy-related specialty products, games and many other consumer products, which represent an array of internationally recognizable brands that capture the imagination of our consumers worldwide. Hasbro's iconic brands include NERF, MAGIC: THE GATHERING, MY LITTLE PONY, TRANSFORMERS, PLAY-DOH, MONOPOLY, BABY ALIVE, DUNGEONS & DRAGONS, POWER RANGERS, PEPPA PIG and PJ MASKS, as well as premier partner brands.

8. Spin Master was founded in 1994 by childhood friends, Ronnen Harary and Anton Rabie. Spin Master has grown significantly since its inception, transforming from a small, single product operation into a leading global children's entertainment company with a diverse portfolio of innovative toys, entertainment franchises and digital games. Spin Master is the owner of award-winning brands that entertain and inspire children and families, such as PAW Patrol, Bakugan, Hatchimals, Kinetic Sand, and Air Hogs.

9. Spin Master is the owner of the Asserted Patents, *see* Exhibits 3-4, and Hasbro is the exclusive licensee of the Asserted Patents, *see* Confidential Exhibit 5.

10. As described herein and in the attached declaration, a domestic industry, under subparts (A), (B), and/or (C) of Section 337(a)(3), exists and/or is in the process of being established by virtue of Complainants' significant U.S. investment in plant and equipment, significant employment of U.S. labor and capital, and substantial investment in U.S. exploitation of the Asserted Patents, including through engineering, research and development, and other activities designed to exploit the patented technology.

II. THE PARTIES

A. Complainants

11. Hasbro is a Rhode Island corporation with a principal place of business at 1027 Newport Avenue, Pawtucket, Rhode Island 02861. Hasbro is a global leader in play and entertainment products.

12. Spin Master is a Delaware corporation with a principal place of business at 5880 W. Jefferson Blvd., Los Angeles, CA 90016. Spin Master is a global children's entertainment company with a diverse portfolio of innovative toys, entertainment franchises and digital games.

B. Proposed Respondents²

1. The Gel Blaster Respondents

13. On information and belief, proposed respondents Gel Blaster, Inc., Shenzhen Yi Jin Electronics Science (a/k/a "Shenzhen Yi Jin Electronics" and/or "Yi Jin Electronics Science"),

² The proposed Respondents named herein are based on public information currently available to Respondents regarding the entities involved in the sale for importation into the United States, importation into the United States, and/or sale within the United States after importation of the Accused Products. To the extent Complainants obtain additional information revealing additional potential respondents, including for example through the course of discovery, Complainants reserve the right to request that these entities be added as respondents.

Guangdong Yu Lee Technology Corporation (a/k/a “Guangdong Yu Lee Technology” and/or “Guang Dong Yu Lee Technology Corporation”), and Yu Lee Company Ltd. (collectively, the “Gel Blaster Respondents”) sell for importation into the United States, import, and/or sell within the United States after importation products that infringe one or more claims of the Asserted Patents. *See* Section V (Specific Instances of Unfair Important and Sale), *infra*.

14. On information and belief, Gel Blaster, Inc. (f/k/a “Gel Blaster LLC”) is a Texas corporation with its principal place of business at 5000 Plaza on the Lake, Suite 265, Austin, Texas, 78746. Exhibit 11 (Gel Blaster Certificate of Conversion) at ¶ 5, 7(c). Gel Blaster, Inc. was formerly known as Gel Blaster LLC. Gel Blaster LLC converted to Gel Blaster, Inc. on April 1, 2022. *Id.* at ¶ 6. On information and belief, Gel Blaster, Inc. imports and sells within the United States after importation Gel Blaster Accused Products (defined in ¶ 47, *infra*). *See* Section V (Specific Instances of Unfair Important and Sale), *infra*.

15. On information and belief, Shenzhen Yi Jin Electronics Science (a/k/a “Shenzhen Yi Jin Electronics” and/or “Yi Jin Electronics Science”) is a Chinese corporation with its principal place of business at 101-501, Building 10, Dawang Industrial Park, No. 66, Xin Xia Road, Shan Xia Community, Longgang District, Shenzhen City, Guangdong Province, China. Exhibit 12 (Panjiva Supply Chain Data). On information and belief, Shenzhen Yi Jin Electronics Science sells for importation and/or ships Gel Blaster Accused Products into the United States. *See* Section V (Specific Instances of Unfair Important and Sale), *infra*.

16. On information and belief, Guangdong Yu Lee Technology Corporation (a/k/a “Guangdong Yu Lee Technology” and/or “Guang Dong Yu Lee Technology Corporation”) is a Chinese corporation with its principal place of business at No 357 Qingfeng Rd, QingXi Town, Dongguan City, Guangdong Province, China. Exhibit 13 (Panjiva Supply Chain Data). On

information and belief, Guangdong Yu Lee Technology Corporation sells for importation and/or ships Gel Blaster Accused Products into the United States. See Section V (Specific Instances of Unfair Importation and Sale), *infra*.

17. On information and belief, Yu Lee Company Ltd. is a Hong Kong corporation with its principal place of business at 1801-5, 18/F., King Palace Plaza, 52A Sha Tsui Rd, Tsuen Wan, N.T. Hong Kong. Exhibit 14 (Panjiva Supply Chain Data); Exhibit 15 (Yu Lee Website Contact Info). On information and belief, Yu Lee Company Ltd. sells for importation and/or ships Gel Blaster Accused Products into the United States. See Section V (Specific Instances of Unfair Importation and Sale), *infra*.

2. The Splat-R-Ball Respondents

18. On information and belief, proposed respondents Splat-R-Ball, LLC, Daisy Manufacturing Company (d/b/a “Daisy Outdoor Products”), and S-Beam Precision Products Ltd. (collectively, the “Splat-R-Ball Respondents”) sell for importation into the United States, import, and/or sell within the United States after importation products that infringe one or more claims of the Asserted Patents. See Section V (Specific Instances of Unfair Importation and Sale), *infra*.

19. On information and belief, Splat-R-Ball, LLC is a Delaware limited liability company with its principal place of business at 1700 N 2nd St., Rogers, Arkansas, 72756. Exhibit 16 (Splat-R-Ball LLC Corporate Information); Exhibit 17 (Splat-R-Ball Website Contact Information) at 7. On information and belief, Splat-R-Ball, LLC imports and sells within the United States after importation SplatRBall Accused Products (defined in ¶ 57, *infra*). See Section V (Specific Instances of Unfair Importation and Sale), *infra*.

20. On information and belief, Daisy Manufacturing Company is an Arkansas corporation with its principal place of business at 1700 N 2nd St., Rogers, Arkansas, 72756. Exhibit 18 (Daisy Manufacturing Company Corporate Information). On information and belief,

“Daisy Outdoor Products” is a fictitious name under which Daisy Manufacturing Company conducts business. *Id.* On information and belief, Daisy Manufacturing Company (d/b/a “Daisy Outdoor Products”) imports SplatRBall Accused Products and is involved with their sale after importation. *See* Section V (Specific Instances of Unfair Important and Sale), *infra*.

21. On information and belief, S-Beam Precision Products Ltd. is a Chinese corporation with its principal place of business at Building D & E, Dongcheng Industrial Park, Xinping 2nd Road, Mingzhong Town, Zhongshan City, Guangdong Province, China and/or No. 6-1 Lane 151 Sec.2 Chien Kuon Rd, Taipei, Taiwan. Exhibit 19 (S-Beam Precision Products Ltd. Website); Exhibit 20 (Panjiva Supply Chain Data Taiwan); Exhibit 21 (Panjiva Supply Chain Data China) On information and belief, S-Beam Precision Products Ltd. sells for importation and/or ships SplatRBall Accused Products into the United States. *See* Section V (Specific Instances of Unfair Important and Sale), *infra*.

3. The Prime Time Toys (“PTT”) Respondents

22. On information and belief, proposed respondents Prime Time Toys LLC, Prime Time Toys Ltd., Easebon Services Ltd. (collectively, the “PTT Respondents”) sell for importation into the United States, import, and/or sell within the United States after importation products that infringe one or more claims of the Asserted Patents. *See* Section V (Specific Instances of Unfair Important and Sale), *infra*.

23. On information and belief, Prime Time Toys LLC is a New Jersey corporation with its principal place of business at 200 Wanaque Ave, Suite 101, Pompton Lakes, New Jersey 07442. Exhibit 22 (Prime Time Toys Corporate Information); Exhibit 23 (Panjiva Supply Chain Data). On information and belief, Prime Time Toys LLC imports and sells within the United States after importation PTT Accused Products (defined in ¶ 68, *infra*). *See* Section V (Specific Instances of Unfair Important and Sale), *infra*.

24. On information and belief, Prime Time Toys Ltd. is a Hong Kong corporation with its principal place of business at Suite 5 2/F Kwong Sang Hong Centre, 151-153 Hoi Bun Rd, Kwun Tong, Hong Kong SAR. Exhibit 24 (Panjiva Supply Chain Data). On information and belief, Prime Time Toys Ltd. sells for importation and/or ships PTT Accused Products into the United States. See Section V (Specific Instances of Unfair Importation and Sale), *infra*.

25. On information and belief, Easebon Services Ltd. is a Hong Kong corporation with the same principal place of business (Suite 5 2/F Kwong Sang Hong Centre, 151-153 Hoi Bun Rd, Kwun Tong, Hong Kong SAR) as Prime Time Toys Ltd. Exhibit 25 (HYDRO STRIKE Trademark Record); Exhibit 26 (PRIME TIME INTERNATIONAL Trademark Record); Exhibit 27 (Product Packaging of PTT Accused Products showing address “Suite 5 2/F Kwong Sang Hong Centre, 151-153 Hoi Bun Road, Kwun Tong, Hong Kong”). On information and belief, Easebon Services Ltd. is involved with the importation and/or sale for importation of PTT Accused Products into the United States. See Section V (Specific Instances of Unfair Importation and Sale), *infra*.

III. TECHNOLOGY AND PRODUCTS AT ISSUE

26. Pursuant to Commission Rule 210.10(b)(1) & 210.12(a)(12), the Accused Products are projectile launchers designed to launch ammunition made of a hydrated super absorbent polymer (SAP) material, components of such projectile launchers, SAP ammunition for use in connection with such projectile launchers, and products containing same (such as kits with the projectile launchers, ammunition, and other accessories such as goggles). These Accused Products, without permission, implement Complainants’ technologies as described and claimed in the Asserted Patents.

27. As described below with respect the Asserted Patents, the patented technology at issue generally relates to projectile launching devices (e.g., “blasters” used for recreation and entertainment purposes) that are designed to launch soft, spherical ammunition made from

hydrated super absorbent polymer (SAP) materials. SAPs are polymers that can absorb an extremely large amount of water relative to their own mass. According to the Asserted Patents, properly designed SAPs are more suitable ammunition in projectile launching devices and have many advantages as compared to projectiles for gaming projectile launching devices that were previously known, such as paint balls, plastics, and foams.

IV. THE ASSERTED PATENTS AND NON-TECHNICAL DESCRIPTIONS³

A. U.S. Patent No. 8,371,282

1. Identification of the Patent and Ownership

28. U.S. Patent No. 8,371,282 (“the ’282 patent”) is entitled “Soft-Projectile Launching Device.” The named inventors of the ’282 patent are Keith G. Meggs, Ronald Brawer, Michael G. Hoeting, and Neil Hamilton. The ’282 patent duly and legally issued on February 12, 2013. The ’282 patent issued from and has priority to U.S. Patent Application Serial No. 12/777,134, filed on May 10, 2010. Pursuant to Commission Rule 210.12(a)(9)(i), a certified copy of the ’282 patent is attached as Exhibit 1. Pursuant to Commission Rule 210.12(a)(9)(xi), Complainants state that the ’282 patent will expire July 13, 2030. The ’282 patent is directed to a device for projecting a soft-projectile made from a super absorbent polymer.

29. Spin Master, Inc. is the current valid assignee of the ’282 patent. Pursuant to Commission Rule 210.12(a)(9)(ii), Exhibit 3 contains a certified copy of each assignment of the ’282 patent. Pursuant to Commission Rule 210.12(a)(9)(iv), Complainants state that Hasbro,

³ The contents of this Complaint, including the non-technical descriptions of the Asserted Patents are presented to give general backgrounds of the inventions. Such statements are not intended to be used, nor should be used, for purposes of patent claim interpretation. Complainants present these statements subject to, and without waiver of, its right to argue that claim terms should be construed in a particular way, as contemplated by claim interpretation jurisprudence and the relevant evidence.

Inc. is the exclusive licensee of the '282 patent and a copy of the license agreement is Confidential Exhibit 5.

30. Pursuant to Commission Rule 210.12(c), a certified copy of the prosecution history of the '282 patent is submitted herewith as Appendix A. Copies of each technical reference mentioned in the prosecution history of the '282 patent are submitted herewith as Appendix C.

2. Non-Technical Description of the Patented Invention

31. Pursuant to Commission Rule 210.12(a)(9)(vi), the '282 patent is generally directed to ammunition for a projectile launching device that is made from hydrated super absorbent polymers (SAP). SAPs are polymers that can absorb an extremely large amount of water relative to their own mass. The '282 patent describes that properly designed SAPs would be a more suitable ammunition in projectile launching devices (e.g., to improve conventional NERF® “blasters” as discussed in the patent) and had many advantages as compared to projectiles for gaming projectile launching devices that were previously known, such as paint balls, plastics, and foams.

32. As one example, the '282 patent describes the safety benefits of SAP ammunition as compared to paint balls and plastics (e.g., as found in “airsoft” guns). For example, the '282 patent describes that certain SAP projectiles had beneficial characteristics for use in a projectile launcher used for gaming, in part because SAPs break down at different pressures based on their composition. In one claimed improvement, hydrated SAP projectiles have sufficient cross-linking density such that they are projected from a projectile launching device without breaking apart. At the same time, because hydrated SAP projectiles rupture when subjected to excessive pressure—such as when impacting a target after being launched from a projectile launcher—the force at impact is spread over a much wider surface area, thus reducing the likelihood of injury when the target is a person. *See, e.g.*, Exhibit 1 at 3:45-4:17.

33. The '282 patent is related to the asserted divisional '683 patent discussed below.

3. Foreign Counterparts to the '282 Patent

34. Pursuant to Commission Rule 210.12(a)(9)(v), the following table lists all foreign counterpart patents and applications for the '282 patent that have been filed, issued, abandoned, or withdrawn:

Country Code	App. No.	Filing Date	Status	Patent / Publication No.	Issue Date
DE	202011110351	05/09/2011	Expired	202011110351 U1	08/03/2013
WO	PCT/US2011/035801	05/09/2011	Expired	2011143138A2	-
WO	PCT/US2011/035801	05/09/2011	Expired	2011143138A3	-
WO	PCT/US2011/066307	12/20/2011	Expired	2012088188A1	-
EP	2011781099	05/09/2011	Withdrawn	2569588A2	-
EP	2011850884	12/20/2011	Withdrawn	2569588A1	-

35. No other foreign patents or patent applications corresponding to the '282 patent have been filed, abandoned, withdrawn, or rejected.

B. U.S. Patent No. 8,640,683

1. Identification of the Patent and Ownership

36. U.S. Patent No. 8,640,683 (“the '683 patent”) is entitled “Soft-Projectile Launching Device.” The named inventors of the '683 patent are Keith G. Meggs, Ronald Brawer, Michael G. Hoeting, and Neil Hamilton. The '683 patent duly and legally issued on February 4, 2014. The '683 patent issued from U.S. Patent Application Serial No. 13/761,082 and claims priority to U.S. Patent Application Serial No. 12/777,134, filed on May 10, 2010. Pursuant to Commission Rule 210.12(a)(9)(i), a certified copy of the '683 patent is attached as Exhibit 2. Pursuant to Commission Rule 210.12(a)(9)(xi), Complainants state that the '683 patent will expire May 10, 2030. The '683 patent is directed to a device for projecting a soft-projectile made from a super absorbent polymer.

37. Spin Master, Inc. is the current valid assignee of the '683 patent. Pursuant to Commission Rule 210.12(a)(9)(ii), Exhibits 4 & 3A-3E (parent) contain a certified copy of each assignment of the '683 patent. Pursuant to Commission Rule 210.12(a)(9)(iv), Complainants state that Hasbro, Inc. is the exclusive licensee of the '683 patent and a copy of the license agreement is Confidential Exhibit 5.

38. Pursuant to Commission Rule 210.12(c), a certified copy of the prosecution history of the '683 patent is submitted herewith as Appendix B. Copies of each technical reference mentioned in the prosecution history of the '683 patent are submitted herewith as Appendix D.

2. Non-Technical Description of the Patented Invention

39. Pursuant to Commission Rule 210.12(a)(9)(vi), the '683 patent is generally directed to a projectile launching system including ammunition made from a hydrated super absorbent polymer (SAP).

40. The '683 patent is a division of the application that led to the issued '282 patent described above and shares the same specification as the '282 patent described above.

41. As noted in the '282 patent description above, SAPs are polymers that can absorb an extremely large amount of water relative to their own mass. The '683 patent describes that SAPs would be a more suitable ammunition in projectile launching devices (e.g., to improve conventional NERF® “blasters” as discussed in the patent) and had many advantages as compared to projectiles for gaming projectile launching devices that were previously known, such as paint balls, plastics, and foams.

42. As one example, the '683 patent describes the safety benefits of SAP ammunition as compared to paint balls and plastics (e.g., as found in “airsoft” guns). For example, the '683 patent describes that certain SAP projectiles had beneficial characteristics for use in a projectile launcher used for gaming, in part because SAPs break down at different pressures based on their

composition. In one claimed improvement, hydrated SAP projectiles have sufficient cross-linking density such that they are projected from a projectile launching device without breaking apart. At the same time, because hydrated SAP projectiles rupture when subjected to excessive pressure—such as when impacting a target after being launched from a projectile launcher—the force at impact is spread over a much wider surface area, thus reducing the likelihood of injury when the target is a person. *See, e.g.*, Exhibit 2 at 3:54-4:27.

3. Foreign Counterparts to the '683 Patent

43. Pursuant to Commission Rule 210.12(a)(9)(v), the following table lists all foreign counterpart patents and applications for the '683 patent that have been filed, issued, abandoned, or withdrawn:

Country Code	App. No.	Filing Date	Status	Patent/ Publication No.	Issue Date
DE	202011110351	05/09/2011	Expired	202011110351 U1	08/03/2013
WO	PCT/US2011/035801	05/09/2011	Expired	2011143138A2	-
WO	PCT/US2011/035801	05/09/2011	Expired	2011143138A3	-
WO	PCT/US2011/066307	12/20/2011	Expired	2012088188A1	-
EP	2011781099	05/09/2011	Withdrawn	2569588A2	-
EP	2011850884	12/20/2011	Withdrawn	2569588A1	-

44. No other foreign patents or patent applications corresponding to the '683 patent have been filed, abandoned, withdrawn, or rejected.

V. SPECIFIC INSTANCES OF UNFAIR IMPORTATION AND SALE

45. On information and belief, Respondents have imported into the United States, sold for importation into the United States and/or sold within the United States after importation Accused Products. Through their own purchase and analysis of representative samples of Accused Products, as well as investigation of public importation records, Complainants have obtained

information evidencing the sale for importation, importation, and/or sale after importation in the United States of infringing Accused Products by each proposed Respondent.

46. On information and belief, all Accused Products are manufactured outside of the United States and are sold for importation into the United States, imported into the United States, and/or sold in the United States after importation. Specific instances of the sale for importation, importation, and sale in the United States after importation of the Accused Products are set forth below, and are representative, non-limiting examples of unlawful importations and/or sales of Accused Products after importation that infringe the Asserted Patents.

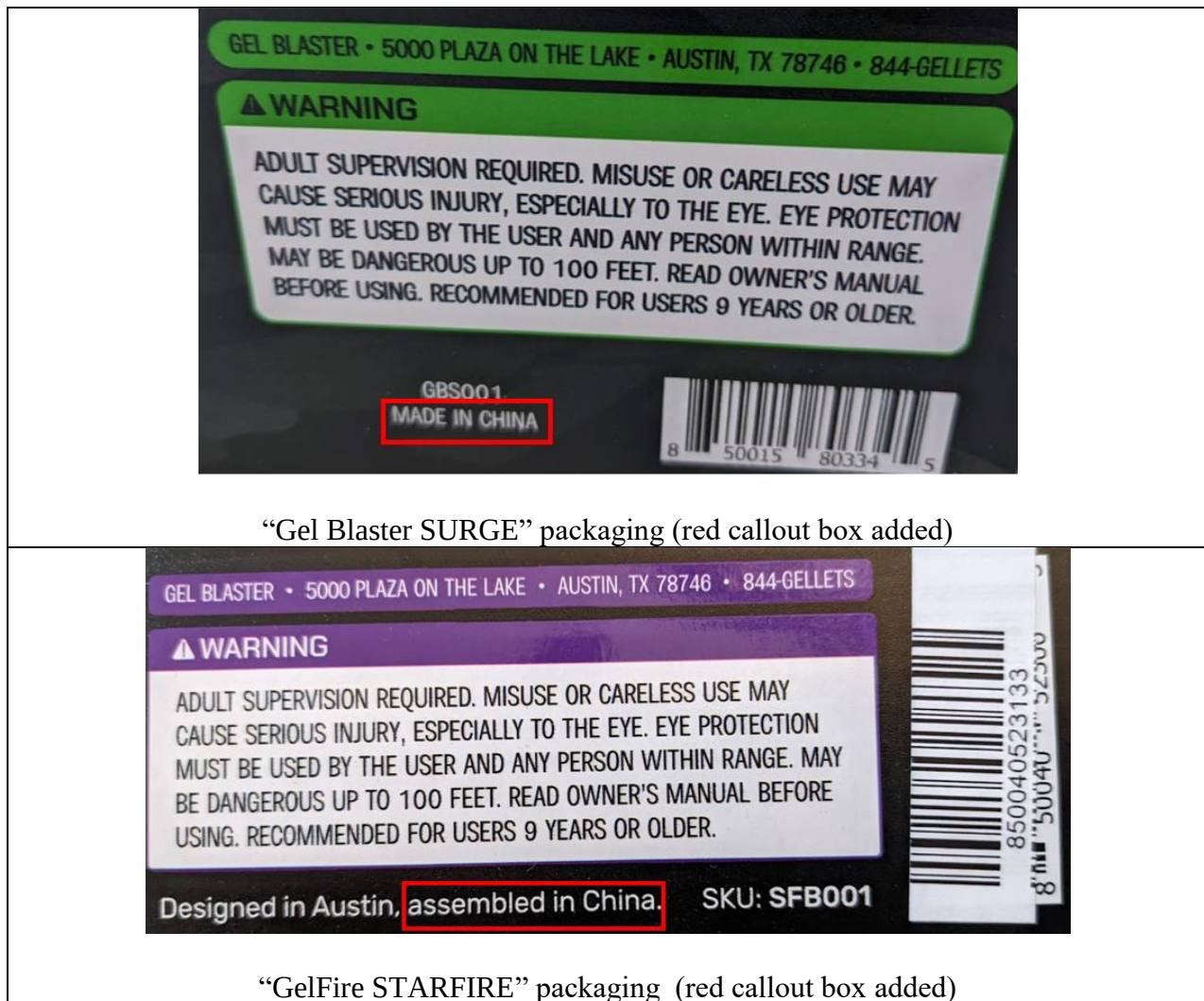
1. The Gel Blaster Respondents

47. Complainants purchased representative samples of the Gel Blaster Respondents' Gel Blaster SURGE Water-Based Gellet Blaster and Gel Blaster STARFIRE Water-Based Gel Bead Blaster and additional ammunition (collectively the "Gel Blaster Accused Products") in the United States via Amazon.com and Walmart.com. Exhibits 32A-32C (Proof of purchase of Gel Blaster Accused Products).

48. Pursuant to Commission Rule 210.12(a)(9)(x), Exhibits 7A-7B & 8A-8B show a series of photographs of the Gel Blaster Accused Products in the course of charting how the Gel Blaster Accused Products infringe exemplary claims of the Asserted Patents.

49. On information and belief, the Gel Blaster Accused Products sold in the United States are manufactured in China and imported into the United States. For example, the packaging for each of the Gel Blaster Accused Products that Complainants purchased in the United States is marked "Made in China" and "Assembled in China" as shown here:

PUBLIC VERSION



i. Gel Blaster, Inc. (f/k/a "Gel Blaster LLC")

50. On information and belief, Gel Blaster, Inc. imports and sells within the United States after importation Gel Blaster Accused Products. For example, importation records show that Gel Blaster, Inc. is the recipient of shipments of Gel Blaster Accused Products into the United States from foreign entities. Exhibit 33 (Datamyne records for "Gel Blaster") (showing "Gel Blaster" and Gel Blaster, Inc.'s former corporate entity name "Gel Blaster LLC" as recipient of

PUBLIC VERSION

shipments of “Gel Blaster Toy,” “Gel Blaster Toy Gun,” and “Gel Blaster Surge” from foreign entities in 2021 and 2022).⁴

51. Further, Gel Blaster, Inc.’s website shows that it offers Gel Blaster Accused Products for sale within the United States, depicted below. On information and belief, Gel Blaster, Inc. also lists its products for sale on Amazon.com. Exhibit 34 (Gel Blaster Surge on Amazon.com).

The screenshot displays the Gel Blaster website's product page for the 'GEL BLASTER SURGE'. The page features a large image of the white and green blaster being held by a hand. To the right, the product title 'GEL BLASTER SURGE' is prominently displayed, followed by a 5-star rating and 177 reviews. The price is listed as \$59.00, with a note about interest-free payments. Below this, a description highlights the blaster's features: rechargeable, mess-free, non-toxic, and safe for kids. A list of bullet points further details the product's benefits, such as eco-friendly gellets and their ability to expand in water. The 'QUANTITY' section offers three purchasing options: a single blaster for \$59.00, a double player pack for \$112.10 (5% discount), and a family pack for \$212.40 (10% discount). A box below these options states that every purchase includes 10,000 gellets, a low-velocity barrel, a barrel removal tool, a USB-C charging cable, safety glasses, and instructions. An 'ADD TO CART' button is located at the bottom of the product details.

https://gelblaster.com/products/gel-blaster-surge-x

FREE SHIPPING ON ORDERS OVER \$100

GEL BLASTER GEL BLASTER GELLETS ACCESSORIES FAQ CART 0

GEL BLASTER SURGE

★★★★★ 177 Reviews

\$59.00

3 interest-free payments of \$19.33 with Klarna. No fees. [Learn more](#)

Experience the Surge and blast our revolutionary water based Gellets™. Rechargeable, mess-free, non-toxic, and safe for kids!

- Eco-friendly Gellets™
- No mess, dissolves instantly after impact
- All natural, non-toxic, non-irritating Gellets™
- Gellets™ expand in water for easy storage

QUANTITY:

SINGLE BLASTER	DOUBLE PLAYER	FAMILY PACK
 \$59.00	 2x \$112.10	 4x \$212.40

EVERY GEL BLASTER PURCHASE INCLUDES:

10,000 Gellets™, Low-Velocity Barrel, Barrel Removal Tool, USB-C Charging Cable, Safety Glasses, and Instructions.

ADD TO CART

⁴ On information and belief, the Gel Blaster Accused Products are the only “Gel Blaster” Toys or Toy Guns imported into the United States. For example, Gel Blaster Inc.’s website (<https://gelblaster.com/>) lists only the Gel Blaster SURGE and Gel Blaster STARFIRE products, along with related “GELLET” ammunition and accessories. See Exhibit 64.

PUBLIC VERSION

https://gelblaster.com/products/gel-blaster-starfire

FREE SHIPPING ON ORDERS OVER \$100

GEL BLASTER STARFIRE GELLETS ACCESSORIES FAQ CART

GEL BLASTER STARFIRE

★★★★★ 1 Review

\$69.99

3 interest-free payments of **\$23.33** with Klarna. No fees. [Learn more](#)

Light up the night with Starfire by blasting glow in the dark, water-based Gellets™! Select between full- or semi-auto for rechargeable, mess-free, fun for kids of all ages!

- Blasts Eco-Safe, Glow in the Dark Gellets™
- LED Feedneck Instantly Activates Glow
- Quick Charge via USB-C
- Glow Activator requires (2) AAA batteries (not included)

QUANTITY:

	SAVE 5%	SAVE 10%
SINGLE BLASTER	DOUBLE PLAYER	FAMILY PACK
	 2x	 4x
\$69.99	132.98	251.96

EVERY STARFIRE BLASTER INCLUDES:

- 5,000+ Glow in the Dark Gellets™, Low-Velocity Barrel, Barrel Removal Tool, USB-C Charging Cable, Safety Glasses, Bonus Feedneck, Instructions

ADD TO CART

52. On information and belief, Gel Blaster Inc. also distributes and/or sells the Gel Blaster Accused Products to other third parties, for sale to retail customers within the United States. For example, Gel Blaster Accused Products are also available for purchase in the United States on third-party websites and retailers such as Walmart. See Exhibit 35 (Gel Blaster Accused Products on Walmart.com).

53. On information and belief, Gel Blaster Inc. maintains significant inventory of the Accused Products in the United States and/or conduct significant operations with respect to the Accused Products in the United States.

ii. Shenzhen Yi Jin Electronics Science (a/k/a “Shenzhen Yi Jin” Electronics and/or “Yi Jin Electronics Science”)

54. On information and belief, Shenzhen Yi Jin Electronics Science is involved with the manufacture, sale for importation, and/or importation of the Gel Blaster Accused Products.

For example, importation records show that Shenzhen Yi Jin Electronics Science ships Gel Blaster Accused Products into the United States. Exhibit 33 (Datamyne records for “Gel Blaster”) at rows 12-26 (showing shipments of “Gel Blaster Toy” from “Shenzhen Yi Jin Electronics,” “Shenzhen Yi Jin Electronics Science,” and “Yi Jin Electronics Science” to “Gel Blaster” and Gel Blaster, Inc.’s former corporate entity name “Gel Blaster LLC” in 2021 and 2022).⁵

iii. Guangdong Yu Lee Technology Corporation (a/k/a “Guangdong Yu Lee Technology” and/or “Guang Dong Yu Lee Technology Corporation”)

55. On information and belief, Guangdong Yu Lee Technology Corporation is involved with the manufacture, sale for importation, and/or importation of the Gel Blaster Accused Products. For example, importation records show that Guangdong Yu Lee Technology Corporation ships Gel Blaster Accused Products into the United States. Exhibit 33 (Datamyne records for “Gel Blaster”) at rows 8-10 (showing shipments of “Gel Blaster Toy” from “Guang Dong Yu Lee Technology” and “Guang Dong Yu Lee Technology Corporation” to “Gel Blaster” in 2022).

iv. Yu Lee Company Ltd.

56. On information and belief, Yu Lee Company Ltd. is involved with the manufacture, sale for importation, and/or importation of the Gel Blaster Accused Products. For example, importation records show that Yu Lee Company Ltd. ships Gel Blaster Accused Products into the United States. Exhibit 33 (Datamyne records for “Gel Blaster”) at rows 27-37 (showing shipments of “Gel Blaster Toy” and “Gel Blaster Surge” from “Yu Lee Company Limited” to “Gel Blaster” in 2022).⁶

⁵ See n.4, supra.

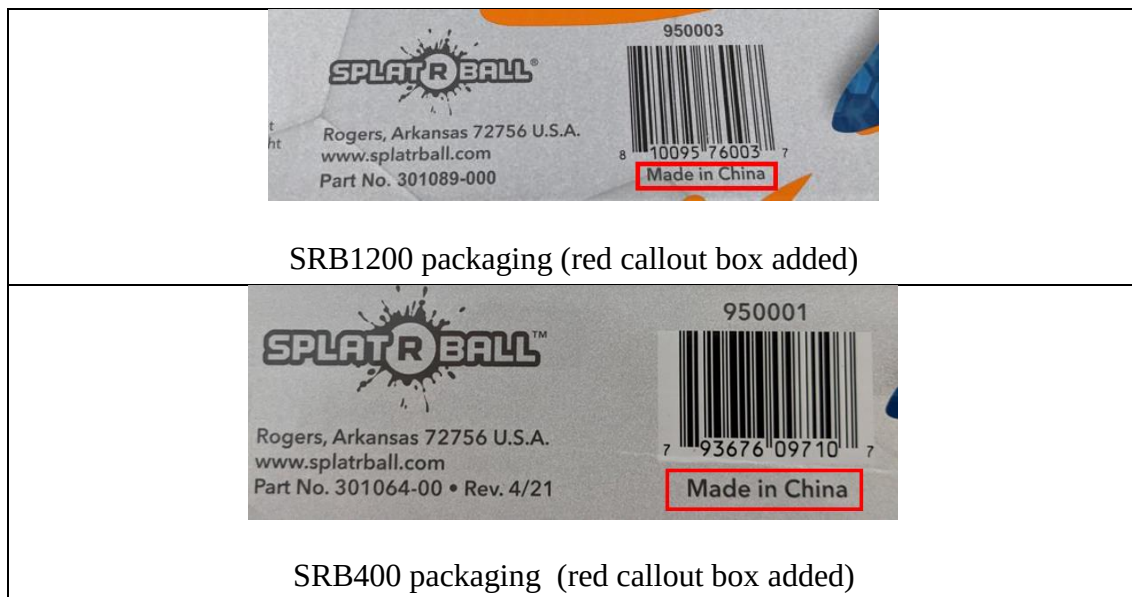
⁶ See n.4, supra.

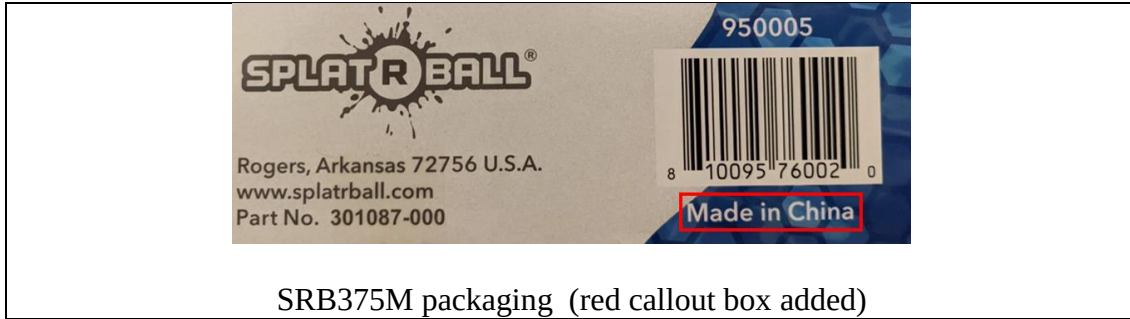
2. The Splat-R-Ball Respondents

57. Complainants purchased representative samples of the Splat-R-Ball Respondents' SplatRBall SRB1200 Full Auto Rechargeable Battery Powered Water Bead Gel Ball Blaster, SplatRBall SRB400 Full and Semi Auto Electric Rechargeable Soft Water Bead Gel Ball Blaster Kit, and SplatRBall SRB375M Full Auto Mini Water Bead Blaster Kit and additional ammunition (collectively the "SplatRBall Accused Products") in the United States via Walmart.com. Exhibits 39A-39D (Proof of purchase of SplatRBall products).

58. Pursuant to Commission Rule 210.12(a)(9)(x), Exhibits 7E-7G & 8E-8G show a series of photographs of the SplatRBall Accused Products in the course of charting how the SplatRBall Accused Products infringe exemplary claims of the Asserted Patents.

59. On information and belief, the SplatRBall Accused Products sold in the United States are manufactured in China and imported into the United States. For example, the packaging for each of the SplatRBall Accused Products that Complainants purchased in the United States is marked "Made in China" as shown below:

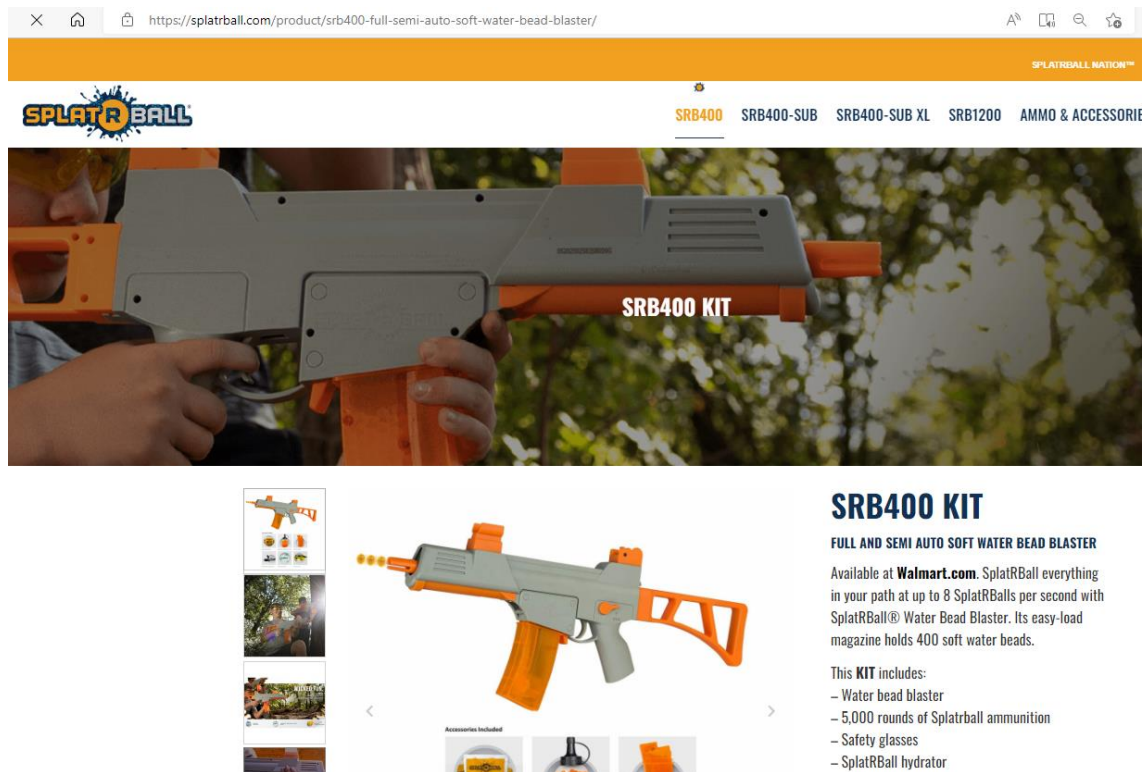




i. Splat-R-Ball, LLC

60. On information and belief, Splat-R-Ball, LLC imports and sells within the United States after importation SplatRBall Accused Products. For example, importation records show that Splat-R-Ball is the recipient of shipments of SplatRBall Accused Products into the United States from foreign entities. *Compare* Exhibit 36 (Datamyne records for “Splat-R-Ball”) at rows 272-281 (showing “Splat-R-Ball, LLC” as recipient of shipments of item numbers 950003 and 950001 from foreign entities in 2022), *with* Exhibits 30 *and* 31 (Splat-R-Ball website identifying item numbers 950003 and 950001 as item numbers for SplatRBall Accused Products).

61. Further, Splat-R-Ball, LLC’s website shows that it offers SplatRBall Accused Products for sale within the United States, including “available at Walmart.com” as depicted below:



62. On information and belief, Splat-R-Ball, LLC also distributes and/or sells the SplatRBall Accused Products to other third parties, for sale to retail customers within the United States. For example, SplatRBall Accused Products are also available for purchase from retailers and third-party vendors such as Amazon.com, Walmart, Bass Pro Shops, Cabela's and Big 5 Sporting Goods. Exhibit 38.

63. On information and belief, Splat-R-Ball, LLC maintains significant inventory of the Accused Products in the United States and/or conduct significant operations with respect to the Accused Products in the United States.

ii. Daisy Manufacturing Company (d/b/a "Daisy Outdoor Products")

64. On information and belief, Daisy Manufacturing Company (d/b/a "Daisy Outdoor Products") imports SplatRBall Accused Products and is involved with their sale after importation. For example, importation records show that Daisy Outdoor Products is the recipient of shipments of SplatRBall Accused Products into the United States from foreign entities. Compare Exhibit 36

(Datamyne records for “Splat-R-Ball”) at rows 16-18, 263-271, 292-293, 294-296, 300, 302-303, 307-318, 321-328, 339, 343, 347-350, 352-354, 357-358, 361, 363-364, 371, 381, 383-386, 407-408, 413, 415, 417-418, 427, 429-436, 440-441, 443, 448-449, 451-455, 458-471, 473-477, 479-484, 488, 509-523, 526, 530, 533, 541, 544-553, 557-566, 579-580, 583-585, 587-595, 598-600, 602-603, 608-612, 631-639, 641, 650, 652-655, 657, 659-660, 663-673, 687, 798-806 (showing “Daisy Outdoor Products” as recipient of shipments of items numbers 950003 and 950001 from foreign entities from 2020 to 2022 *with Exhibits 30 and 31* (Splat-R-Ball website identifying item numbers 950003 and 950001 as item numbers for SplatRBall Accused Products)).

65. In addition, public information indicates an affiliation between Daisy Manufacturing Company and Splat-R-Ball, LLC with respect to the SplatRBall Accused Products. For example, on information and belief, the customer service phone number (479-636-1200) listed on the packaging of the SplatRBall Accused Products belongs to Daisy Outdoor Products, and is listed as the “Main Office” phone number for Daisy Outdoor Products. Exhibit 29 (showing “Contact Information” for Daisy at <https://www.daisy.com/contact-us/>). Further, Daisy Manufacturing Company’s address (1700 N 2nd St. Rogers, Arkansas, 72756) is, on information and belief, to the same as that of Splat-R-Ball, LLC *See Exhibit 17.*

66. On information and belief, Daisy Manufacturing Company maintains significant inventory of the Accused Products in the United States and/or conduct significant operations with respect to the Accused Products in the United States.

iii. S-Beam Precision Products Ltd.

67. On information and belief, S-Beam Precision Products Ltd. is involved with the manufacture, sale for importation, and/or importation of the SplatRBall Accused Products. For example, importation records show that S-Beam Precision Products Ltd. ships SplatRBall Accused

Products into the United States. *Compare* Exhibit 36 (Datamyne records for “Splat-R-Ball”) at rows 16-18, 262-281, 557-566, 686, (showing shipments of items numbers 950003 and 950001 from “S-Beam Precision Products Ltd.” or “S-Beam Precision Products Limited” from 2020 to 2022) *with* Exhibits 30 *and* 31 (Splat-R-Ball website identifying item numbers 950003 and 950001 as item numbers for SplatRBall Accused Products).

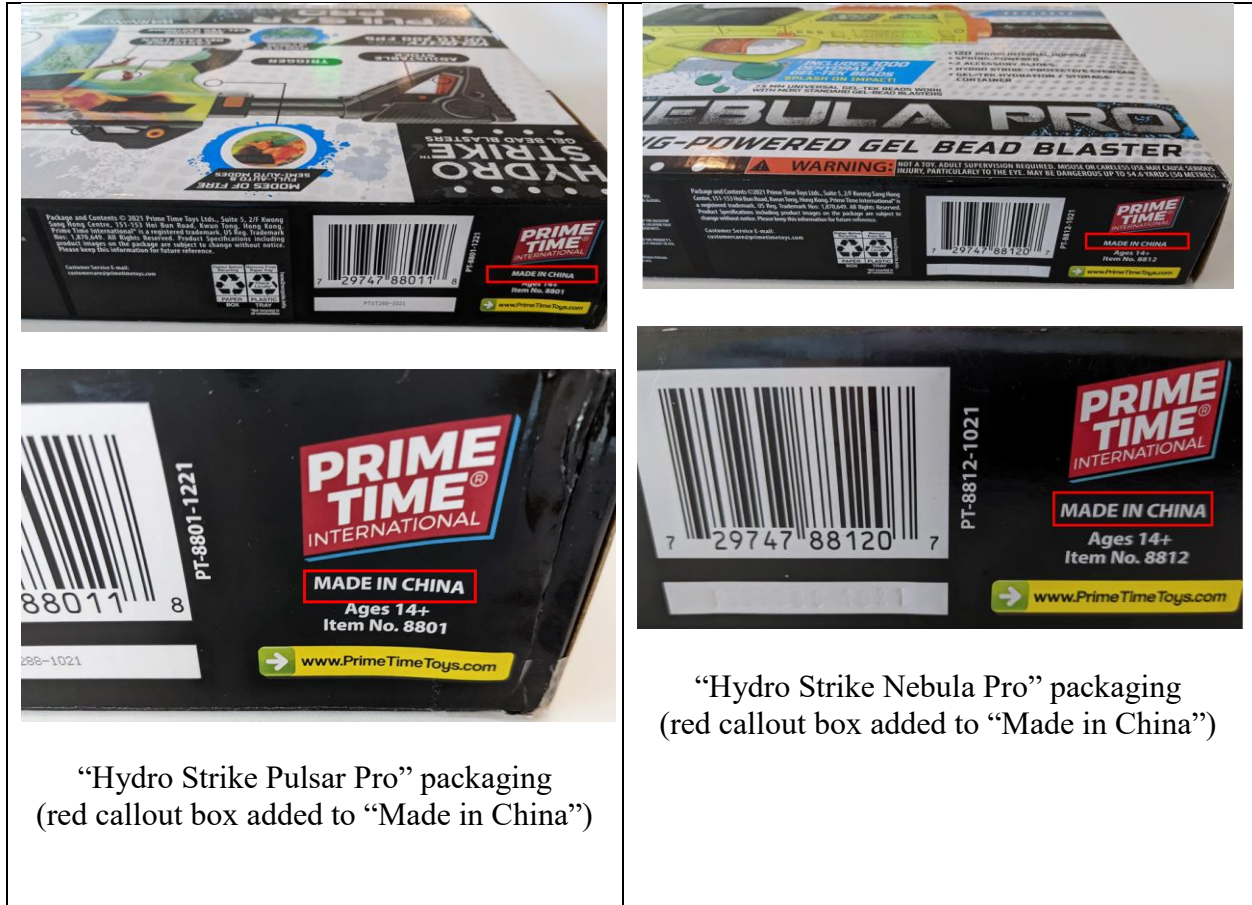
3. The PTT Respondents

68. Complainants purchased representative samples of the PTT Respondents’ Hydro Strike Pulsar Pro and Hydro Strike Nebula Pro and additional ammunition (collectively, the “PTT Accused Products”) in the United States via Walmart.com. Exhibits 40A-40C (Proof of purchase of PTT Accused Products).

69. Pursuant to Commission Rule 210.12(a)(9)(x), Exhibits 7C-7D & 8C-8D shows a series of photographs of the PTT Accused Products in the course of charting how the PTT Accused Products infringe exemplary claims in the Asserted Patents.

70. On information and belief, the PTT Accused Products sold in the United States are manufactured in China and imported into the United States. For example, the packaging for each of the PTT Accused Products that Complainants purchased in the United States is marked “Made in China” as depicted below:

PUBLIC VERSION



i. Prime Time Toys LLC

71. On information and belief, Prime Time Toys LLC imports and sells within the United States after importation PTT Accused Products. For example, importation data shows that Prime Time Toys LLC is the recipient of shipments of PTT Accused Products into the United States from foreign entities. *See, e.g.*, Exhibit 37 (Datamyne records for “Prime Time Toys”) at row 67 (showing “Prime Time Toys LLC” as recipient of shipments of “Hydro Strike Pulsar Pro” from “Prime Time Toys Limited” in 2022).

72. On information and belief, Prime Time Toys LLC also distributes and/or sells the PTT Accused Products to other third parties, for sale to retail customers within the United States.

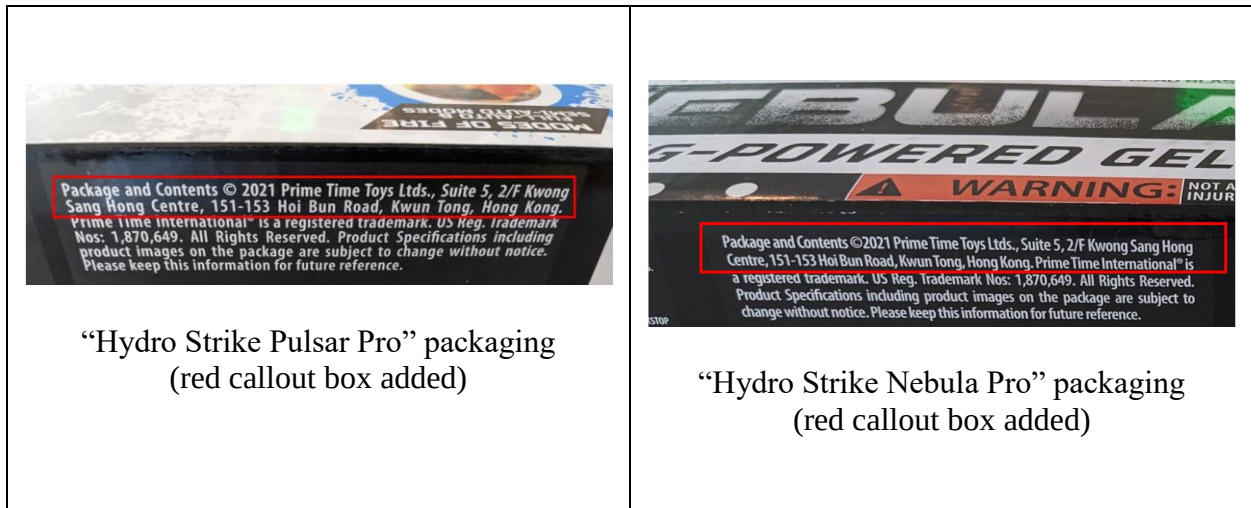
PUBLIC VERSION

For example, PTT Accused Products are also available for purchase from retailers such as Walmart. Exhibit 41 (PTT Accused Products on Amazon.com and Walmart.com).

73. On information and belief, Prime Time Toys LLC maintains significant inventory of the Accused Products in the United States and/or conduct significant operations with respect to the Accused Products in the United States.

ii. Prime Time Toys Ltd.

74. On information and belief, Prime Time Toys Ltd. is involved with the manufacture, sale for importation, and/or importation of the PTT Accused Products. For example, importation records show that Prime Time Toys Ltd. ships PTT Accused Products into the United States. Exhibit 37 (Datamyne records for “Prime Time Toys”) at row 67 (showing shipments of “Hydro Strike Pulsar Pro” from “Prime Time Toys Limited” in 2022). Further, the packaging for the PTT Accused Products is labeled with “Prime Time Toys Ltds., Suite 5, 2/F Kwong Sang Hong Centre, 151-153 Hoi Bun Road, Kwun Tong, Hong Kong.”

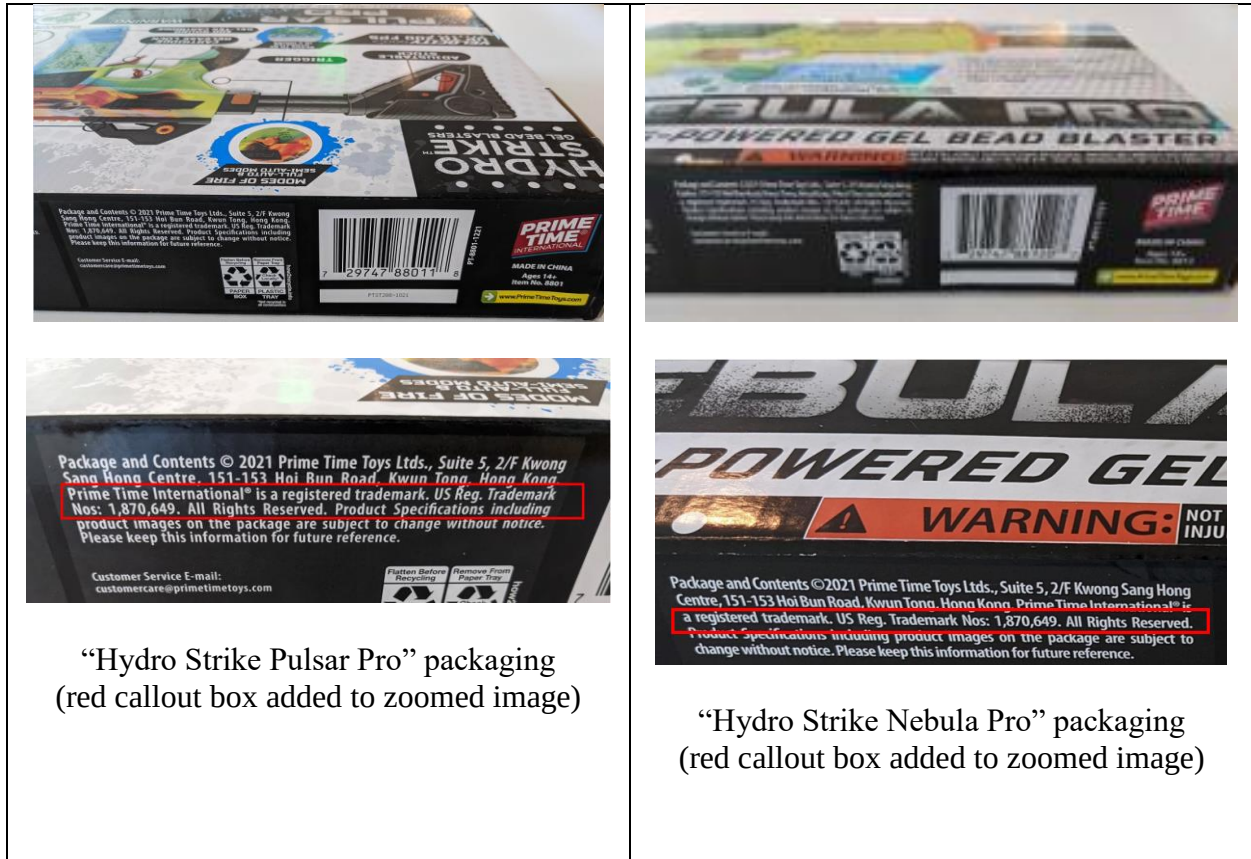


iii. Easebon Services Ltd.

75. On information and belief, Easebon Services Ltd. is also is involved with the manufacture, sale for importation, and/or importation of the PTT Accused Products. For example,

PUBLIC VERSION

records of the U.S. Patent & Trademark Office identify Easebon Services Ltd. as the owner of marks that appear on the packaging of each PTT Accused Product: “PRIME TIME INTERNATIONAL” (U.S. Trademark Reg. No. 1,870,649) and the mark “HYDRO STRIKE” (U.S. Trademark Ser. No. 90,848,352). See Exhibit 26 (PRIME TIME INTERNATIONAL Trademark Record); Exhibit 25 (HYDRO STRIKE Trademark Record).



76. Further, on information and belief, Easebon Services, Ltd. has at least some association with the website through which PTT Accused Products are marketed and sold. For example, the footer for the website “<http://hydrostrike.primetimetoys.com/shop>” which is a website that markets the PTT Accused Products states “© 2022 Prime Time International. All Rights Reserved.” Exhibit 28 (Hydro Strike Website) at 4. As noted above, “Prime Time International” is a registered trademark owned by Easebon Services Ltd.

77. On information and belief, as owner of trademarks that appear on the PTT Accused Products' packaging as well as at least one of the marketing websites for the infringing product, "http://hydrostrike.primetimetoy.com/shop," Easebon Services Ltd. is involved in marketing and selling the PTT Accused Products, and/or policing the market and making sure the PTT Accused Products bearing its trademarks and imported into the United States are of a consistent quality. In addition, public information indicates that Easebon Services Ltd. shares the same business address as Prime Time Toys Ltd. (a company that ships PTT Accused Products into the United States), as depicted in the TESS registration report shown above. *See, e.g.*, Exhibit 27 (listing address for Easebon Services, Ltd. as the same address identified in the above product packaging pictures Prime Time Toys Ltd.).

VI. UNLAWFUL AND UNFAIR ACTS OF RESPONDENTS – PATENT INFRINGEMENT

78. On information and belief, each Respondent has engaged in unfair trade practices through its involvement in importing, selling for importation, and/or selling after importation in the United States, Accused Products that directly and/or indirectly infringe each Asserted Patent, literally or under the doctrine of equivalents.

A. Direct Infringement

1. Infringement of the '282 Patent

79. On information and belief, each Respondent is involved with importing, selling for importation, and/or selling after importation into the United States, Accused Products that directly infringe the '282 Patent, literally or under the doctrine of equivalents, either as imported or when assembled and/or used as directed.

80. Pursuant to Commission Rule 210.12(a)(9)(viii), exemplary claim charts comparing independent claim 1 of the '282 Patent to the representative articles are attached as

Exhibits 7A-7B (Gel Blaster Accused Products), Exhibits 7C-7D (PTT Accused Products), and Exhibits 7E-7G (SplatRBall Accused Products).

81. On information and belief, Respondents themselves have directly infringed, at least by using the Accused Products within the United States, for example, in connection with product testing and/or creating photographs or videos of the Accused Products for promotional purposes. *See, e.g.*, Exhibit 42 (screenshots of Gel Blaster's YouTube videos including the Pennybacker Bridge near Austin, Texas and metadata indicating production in the United States, and Gel Blaster's website showing Gel Blaster Accused Products); Exhibit 43 (screenshots of Splat-R-Ball's YouTube videos with metadata indicating production in the United States, and website showing SplatRBall Accused Products); Exhibit 44 (Prime Time Toys' website showing PTT Accused Products that are available for purchase in stores within the United States).

82. On information and belief, third parties (e.g., product reviewers and end users) have directly infringed at least by using the Accused Products within the United States as directed by user instructions and/or other literature included with the Accused Products. *See* Section VI.B (identifying exemplary instances of direct infringement in describing Respondents' indirect infringement), *infra*.

2. Infringement of the '683 Patent

83. On information and belief, each Respondent is involved with importing, selling for importation, and/or selling after importation into the United States, Accused Products that directly infringe the '683 Patent, literally or under the doctrine of equivalents, either as imported or when assembled and/or used as directed.

84. Pursuant to Commission Rule 210.12(a)(9)(viii), exemplary claim charts comparing independent claim 1 of the '683 Patent to the representative articles are attached as

Exhibits 8A-8B (Gel Blaster Accused Products), Exhibits 8C-8D (PTT Accused Products), and Exhibits 8E-8G (SplatRBall Accused Products).

85. On information and belief, Respondents themselves have directly infringed, at least by using the Accused Products within the United States, for example, in connection with product testing and/or creating photographs or videos of the Accused Products for promotional purposes. *See, e.g.*, Exhibit 42 (screenshots of Gel Blaster’s YouTube videos including the Pennybacker Bridge near Austin Texas and metadata indicating production in the United States and Gel Blaster’s website showing Gel Blaster Accused Products); Exhibit 43 (screenshots of Splat-R-Ball’s YouTube videos with metadata indicating production in the United States and website showing SplatRBall Accused Products); Exhibit 44 (Prime Time Toys’ website showing PTT Accused Products that are available for purchase in stores within the United States).

86. On information and belief, third parties (e.g., product reviewers and end users) have directly infringed at least by using the Accused Products within the United States as directed by user instructions and/or other literature included with the Accused Products. *See* Section VI.B (identifying exemplary instances of direct infringement in describing Respondents’ indirect infringement), *infra*.

B. Indirect Infringement

1. The Gel Blaster Respondents

87. On information and belief, the Gel Blaster Respondents contribute to and induce direct infringement by others, including their customers, such as retailers and end users under 35 U.S.C. § 271(b)-(c) without license or authority. The Gel Blaster Respondents induce and contribute to customers’ directly infringing acts, including those customers’ sales, use, and offers for sale of articles that are covered by the Asserted Patents. For example, on information and belief, retailers such as Target and Walmart, offer Gel Blaster Accused Products (including the

PUBLIC VERSION

Gel Blaster Surge and Gel Blaster Starfire) for sale in retail stores in the United States and on websites accessible from within the United States. Exhibits 34, 35. Further, end users assemble and use the Gel Blaster Accused Products in the United States, according to the included product instructions, as shown in publicly-available videos:

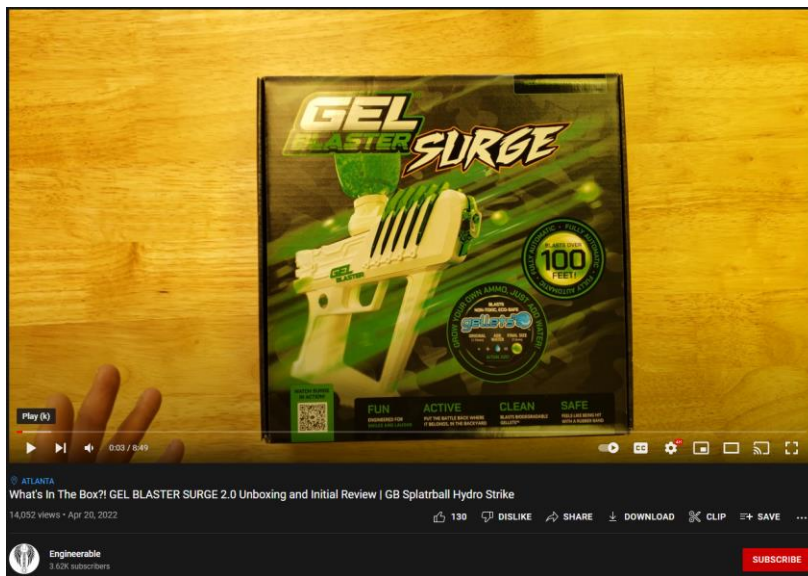
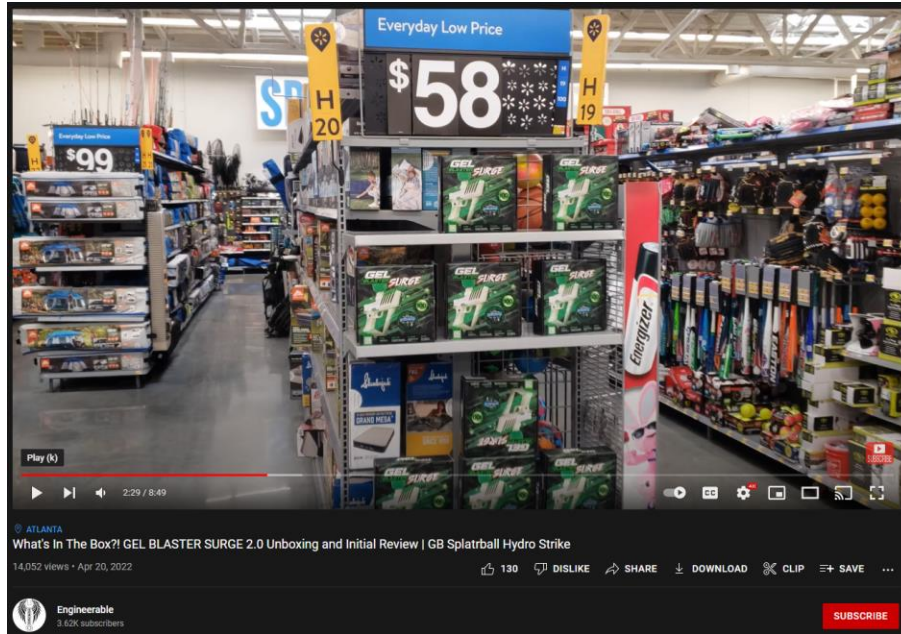


Exhibit 45 (Screenshots of a YouTube Channel Unboxing Gel Blaster Surge available at <https://www.youtube.com/watch?v=-5YPkIQY80s>). Metadata for this video indicates it was created in Atlanta, Georgia, and the metadata for the YouTube channel indicates the poster is based in the United States. *Id.*

PUBLIC VERSION



Id. (Screenshots of a YouTube Channel Unboxing Gel Blaster Surge available at <https://www.youtube.com/watch?v=-5YPkIQY80s> at 2:29).



Exhibit 46 (Screenshots of a YouTube Channel Reviewing the Gel Blaster Surge available at <https://www.youtube.com/watch?v=4uDrQoIVFqE>). On information and belief, videos from this channel are made in United States. See, e.g.,

<https://www.youtube.com/watch?v=xvWieAO8A54&t=324s> (showing same reviewer at Fiery Crab Seafood Restaurant & Bar, which has locations in Louisiana and South Carolina).

88. On information and belief, the Gel Blaster Respondents had, and have, knowledge of the Asserted Patents. For example, the Gel Blaster Respondents have knowledge of the Asserted Patents and their infringement thereof as a result of the filing and/or service of this Complaint. Additionally, before the filing of this Complaint, the Gel Blaster Respondents had actual knowledge of the Asserted Patents and their infringement thereof by way of pre-suit notice letters. Exhibits 47A-47E (Pre-suit Letters to the Gel Blaster Respondents).

89. On information and belief, the Gel Blaster Respondents have knowingly induced and continue to knowingly induce directly infringing acts by others with specific intent to encourage infringement. For example, the Gel Blaster Respondents actively induce customers' and/or end users' direct infringement by contracting with and/or encouraging customers and/or end users to use, offer to sell, sell, and import in the United States products that infringe the Asserted Patents. The Gel Blaster Respondents know, or should have known, that these induced acts directly infringe the Asserted Patents because of, for example, the infringement allegations and evidence provided in connection with this Complaint, and notice letters to the Gel Blaster Respondents.

90. The Gel Blaster Respondents also contribute to the foregoing infringement by customers and/or end users by offering to sell, selling, and importing in the United States the Accused Products that constitute a material part of the articles that practice the Asserted Patents. The Accused Products have no substantial non-infringing uses, are a material part of the invention of each Asserted Patents, are especially made or especially adapted for use in an infringement of

such patent, and not a staple article or commodity of commerce suitable for substantial non-infringing use.

91. Furthermore, the Gel Blaster Respondents have actively induced and contributed to, and continue to actively induce and contribute to, the infringement of consumers and/or end users by creating and distributing technical, marketing, sales and product literature for the Accused Products, including materials that instruct customers and/or end users to assemble and use the Accused Products in a manner that directly infringes. For example, as shown in the exemplary product literature below, the Gel Blaster Respondents instruct users to submerge Gellets in water for at least two hours, fill a hopper with hydrated Gellets, then screw the hopper onto the top rail of the Accused Products:

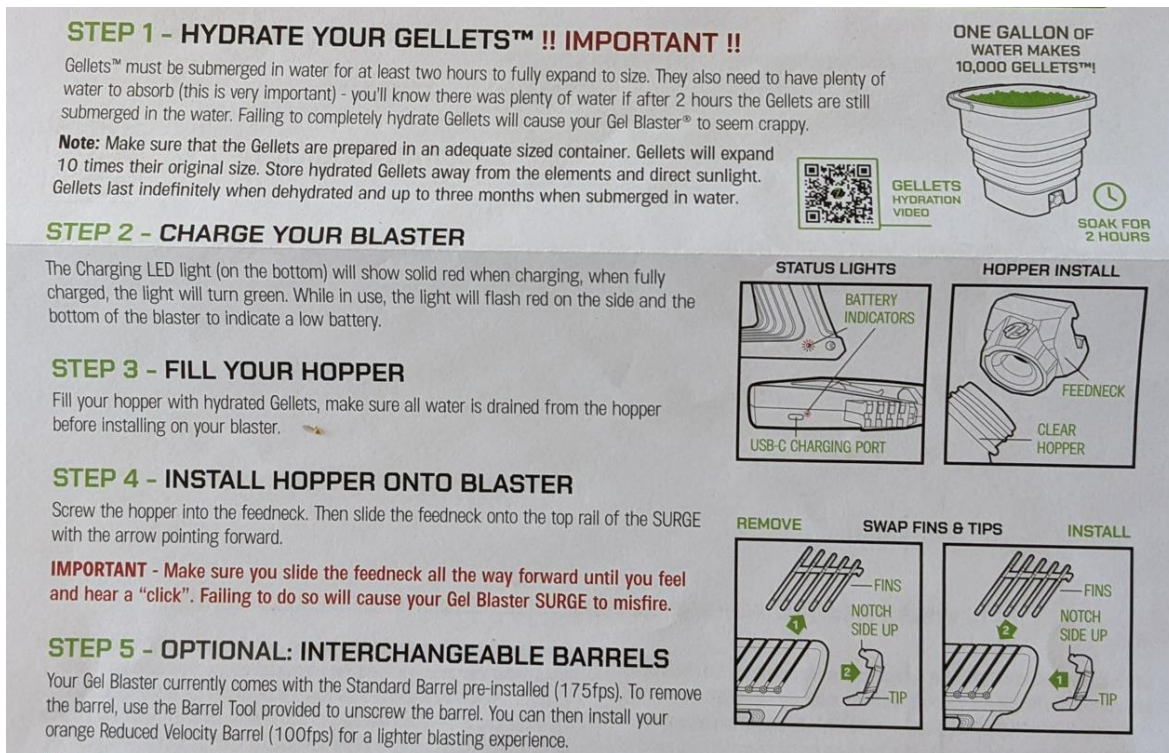


Exhibit 65 (Manual for Gel Blaster Surge Product); see also Exhibit 66 (Manual for Gel Blaster Starfire Product) (similar instructions).

92. Moreover, on information and belief, the Gel Blaster Respondents have provided Accused Products to end users in the United States for promotion and advertising. *See, e.g.*, Exhibit 46 (Screenshots of a YouTube Channel Reviewing the Gel Blaster Surge available at (<https://www.youtube.com/watch?v=4uDrQoIVFqE>) at 3:32-3:41).

93. In addition, on information and belief, the Gel Blaster Respondents contributorily infringe certain of the Asserted Claims through their sale and offers to sell within the United States and/or importation into the United States components, such as spare parts (including and not limited to “fins,” “tips,” “hoppers,” “feednecks,” and “Gelllets”) of the Accused Products, that constitute a material part of the asserted claims, knowing the same to be especially made or especially adapted for use in an infringement of the Asserted Patents, and not a staple article or commodity of commerce suitable for substantial non-infringing use. Exhibits 63, 64. Due to the specific designs of the Accused Products, components thereof such as spare parts do not have any substantial non-infringing uses.

2. The Splat-R-Ball Respondents

94. On information and belief, the Splat-R-Ball Respondents contribute to and induce direct infringement by others, including their customers, such as retailers and end users under 35 U.S.C. § 271(b)-(c) without license or authority. The Splat-R-Ball Respondents induce and contribute to customers’ directly infringing acts, including those customers’ sales, use, and offers for sale of articles that are covered by the Asserted Patents. For example, on information and belief, retailers such as Bass Pro Shops, Cabela’s, Big 5 Sporting Goods, offer SplatRBall Accused Products (including the SplatRBall SRB1200 Full Auto Rechargeable Battery Powered Water Bead Gel Ball Blaster, SplatRBall Full and Semi Auto Electric Rechargeable Soft Water Bead Gel Ball Blaster, and SplatRBall Full Auto 375 Mini Water Bead Blaster) for sale in retail stores in the United States and on websites accessible from within the United States. Exhibit 38 (Screenshots

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of Retailer Websites offering Splat-R-Ball Products for sale). Further, end users assemble and use SplatRBall Accused Products in the United States as shown in publicly-available videos including from the SplatRBall Respondents:

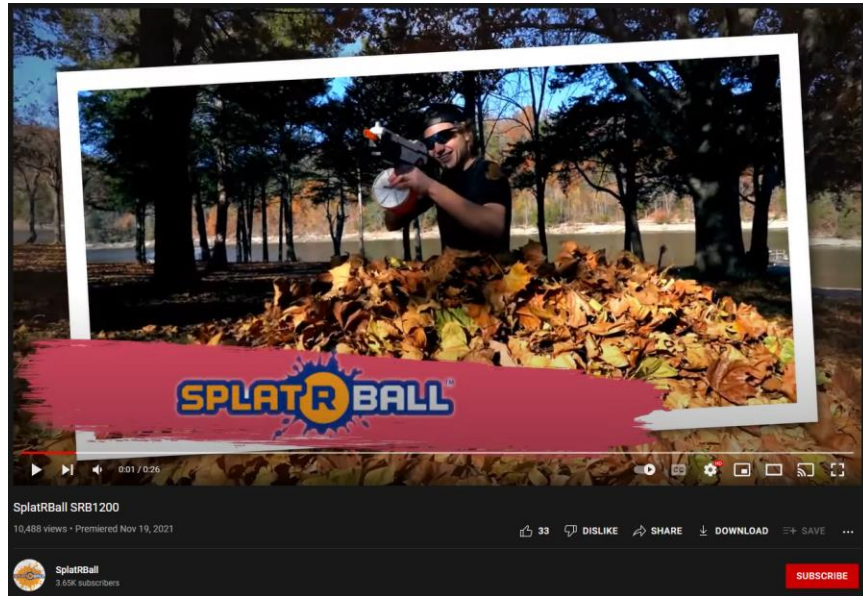


Exhibit 48 (Screenshots of videos on YouTube showing Splat-R-Ball Accused Products available at https://www.youtube.com/watch?v=cmpgH9qwY_0). Metadata for this video indicates it was made within the United States. *Id.*

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Exhibit 49 (Screenshots of a YouTube Reviewing Splat-R-Ball Accused Products available at <https://www.youtube.com/watch?v=hofyg6AuKhw>). Metadata for this video indicates it was made in the United States. *Id.*



Exhibit 50 (Screenshots of a YouTube Reviewing Splat-R-Ball Accused Products available at <https://www.youtube.com/watch?v=njAIVdgd1LI>). On information and belief, videos from this channel are made in the United States. See, e.g.,

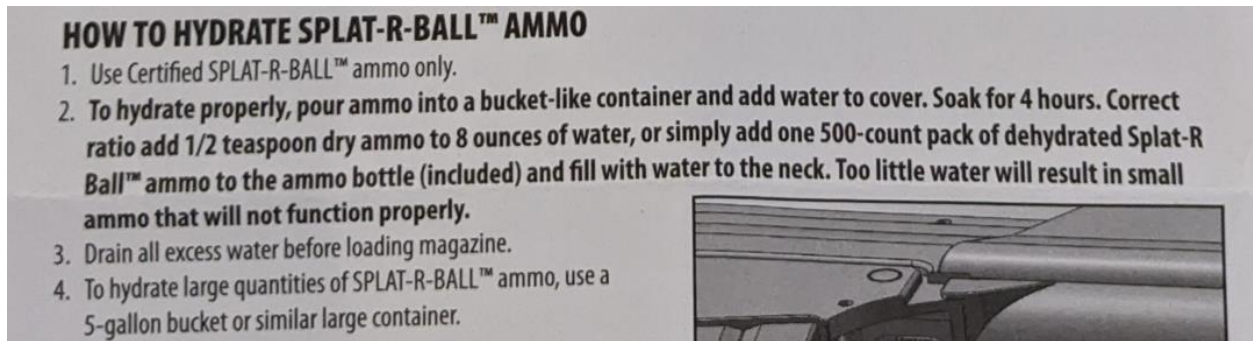
<https://www.youtube.com/watch?v=xvWieAO8A54&t=324s> (showing same reviewer at Fiery Crab Seafood Restaurant & Bar, which has locations in Louisiana and South Carolina).

95. On information and belief, the SplatRBall Respondents had, and have, knowledge of the Asserted Patents. For example, the SplatRBall Respondents have knowledge of the Asserted Patents and their infringement thereof as a result of the filing and/or service of this Complaint. Additionally, before the filing of this Complaint, the SplatRBall Respondents had actual knowledge of the Asserted Patents and their infringement thereof by way of pre-suit notice letters. Exhibits 51A-51D (Pre-suit Letters to the SplatRBall Respondents).

96. On information and belief, the SplatRBall Respondents have knowingly induced and continue to knowingly induce direct infringing acts by others with specific intent to encourage infringement. For example, the SplatRBall Respondents actively induce customers' and/or end users' direct infringement by contracting with and/or encouraging customers and/or end users to offer to sell, sell, and import in the United States products that infringe the Asserted Patents. The SplatRBall Respondents know, or should have known, that these induced acts directly infringe the Asserted Patents because of, for example, the infringement allegations and evidence provided in connection with this Complaint, and notice letters to the SplatRBall Respondents.

97. The SplatRBall Respondents also contribute to the foregoing infringement by customers and/or end users by offering to sell, selling, and importing in the United States the Accused Products that constitute a material part of the articles that practice the Asserted Patents. The Accused Products have no substantial non-infringing uses, are a material part of the invention of each Asserted Patents, are especially made or especially adapted for use in an infringement of such patent, and not a staple article or commodity of commerce suitable for substantial non-infringing use.

98. Furthermore, the SplatRBall Respondents have actively induced and contributed to, and continue to actively induce and contribute to, the infringement of consumers and/or end users by creating and distributing technical, marketing, sales and product literature for the Accused Products, including materials that instruct customers and/or end users to assemble and use the Accused Products in a manner that directly infringes. For example, as shown in the exemplary product literature below, the SplatRBall Respondents instruct users to “[u]se Certified SPLAT-R-BALL™ ammo only” and also teach users how to incorporate that hydrated ammo into the blaster using the magazine:



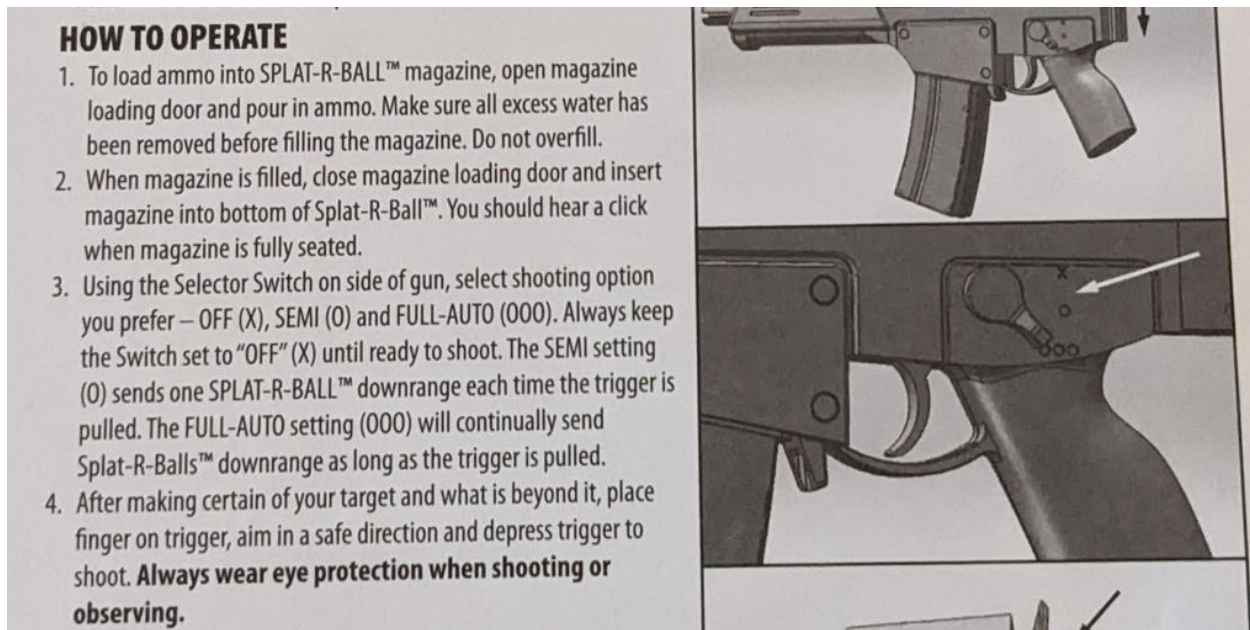


Exhibit 52 (Manual for the SplatRBall SRB1200); *see also* similar language in Exhibit 53 (Manual for the SplatRBall SRB400); Exhibit 54 (Manual for the SplatRBall SRB375M).

99. In addition, on information and belief, the SplatRBall Respondents contributorily infringe certain of the Asserted Claims through their sale and offers to sell within the United States and/or importation into the United States components, such as spare parts (including and not limited to “certified water bead Splat-R-Ball ammo,” “water blaster drum magazine 800 round,” “water blaster rechargeable battery,” “water blaster magazine 400 round,” “water blaster stock,” “water blaster activated targets,” and “water bead blaster sling”) of the Accused Products, that constitute a material part of the asserted claims, knowing the same to be especially made or especially adapted for use in an infringement of the Asserted Patents, and not a staple article or commodity of commerce suitable for substantial non-infringing use. Exhibit 67. Due to the specific designs of the Accused Products, components thereof such as spare parts do not have any substantial non-infringing uses.

3. The PTT Respondents

100. On information and belief, the PTT Respondents contribute to and induce direct infringement by others, including their customers, such as retailers and end-users under 35 U.S.C. § 271(b)-(c) without license or authority. The PTT Respondents induce and contribute to customers' directly infringing acts, including those customers' sales, use, and offers for sale of articles that are covered by the Asserted Patents. For example, on information and belief, retailers offer PTT Accused Products (including the Hydro Strike Pulsar Pro and Hydro Strike Nebula Pro Water Bead Blaster) for sale in retail stores in the United States and on websites accessible from within the United States. See Exhibit 55 (showing pricing information and directions as to how to purchase PTT Accused Products at <https://hydrostrike.primetimetoy.com/shop> and <https://hydrostrikegelblasters.com/shop>). Further, end users assemble and use the PTT Accused Products in the United States as shown in publicly-available videos:

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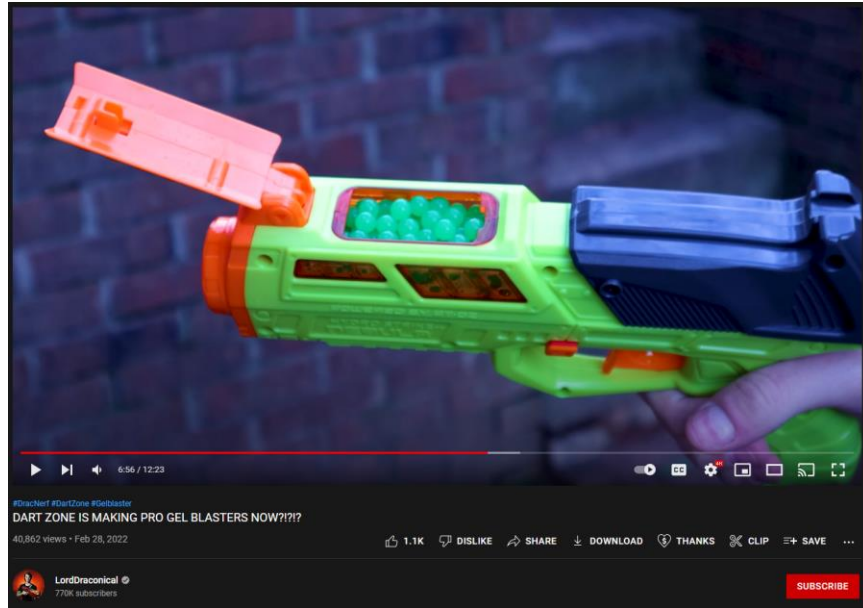


Exhibit 56 (Screenshots of a YouTube Reviewing Hydro Strike Pulsar Pro available at <https://www.youtube.com/watch?v=YjmD9wgK5ew>). Metadata for this video indicates it was made in the United States. *Id.*



Exhibit 57 (Screenshots of a YouTube Reviewing PTT Accused Products available at <https://www.youtube.com/watch?v=q1d-iGEuf7c>). Metadata for this video indicates it was made in the United States. *Id.*

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Id. at 6:56.

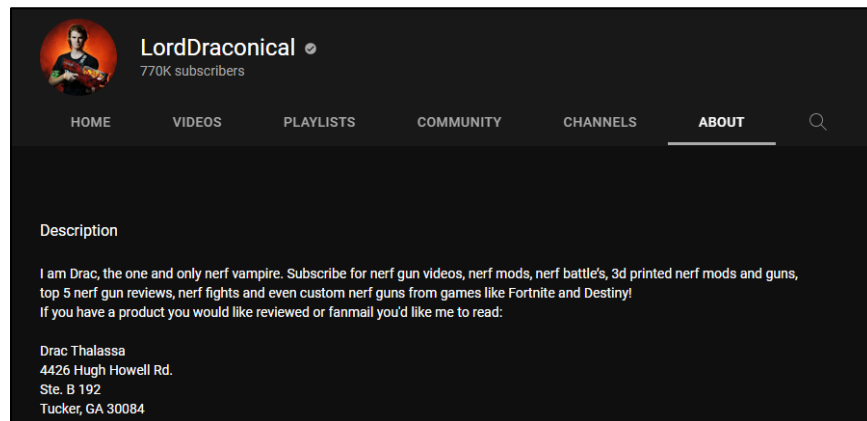


Exhibit 58 (Screenshot of YouTube Channel Location in the United States available at <https://www.youtube.com/c/LordDraconical/about>)



Exhibit 59 (Screenshots of a YouTube Reviewing PTT Accused Products available at <https://www.youtube.com/watch?v=nGIKG9iQwgU>). On information and belief, videos from this channel are made in United States. See, e.g., <https://www.youtube.com/watch?v=xvWieAO8A54&t=324s> (showing same reviewer at Fiery Crab Seafood Restaurant & Bar, which has locations in Louisiana and South Carolina).

101. On information and belief, the PTT Respondents had, and have, knowledge of the Asserted Patents. For example, the PTT Respondents have knowledge of the Asserted Patents and their infringement thereof as a result of the filing and/or service of this Complaint. Additionally, before the filing of this Complaint, the PTT Respondents had actual knowledge of the Asserted Patents and their infringement thereof by way of pre-suit notice letters. Exhibits 60A-60C (Pre-suit Letters to the PTT Respondents).

102. On information and belief, the PTT Respondents have knowingly induced and continue to knowingly induce directly infringing acts by others with specific intent to encourage infringement. For example, the PTT Respondents actively induce customers' and/or end users' direct infringement by contracting with and/or encouraging customers and/or end users to offer to

sell, sell, use, and import in the United States products that infringe the Asserted Patents. The PTT Respondents know, or should have known, that these induced acts directly infringe the Asserted Patents because of, for example, the infringement allegations and evidence provided in connection with this Complaint, and notice letters to the PTT Respondents.

103. The PTT Respondents also contributes to the foregoing infringement by customers and/or end users by offering to sell, selling, and importing in the United States the Accused Products that constitute a material part of the articles that practice the Asserted Patents. The Accused Products have no substantial non-infringing uses, are a material part of the invention of each Asserted Patents, are especially made or especially adapted for use in an infringement of such patent, and not a staple article or commodity of commerce suitable for substantial non-infringing use.

104. Furthermore, the PTT Respondents have actively induced and contributed to, and continue to actively induce and contribute to, the infringement of consumers and/or end users by creating and distributing technical, marketing, sales and product literature for the Accused Products, including materials that instruct customers and/or end users to assemble and use the Accused Products in a manner that directly infringes. For example, product literature distributed with the Hydro Strike Pulsar Pro teaches end-users to hydrate the beads for use within the device including the steps of hydrating Gel-Tek bead rounds in a hydration/storage container for four hours then inserting the rounds in the blaster.

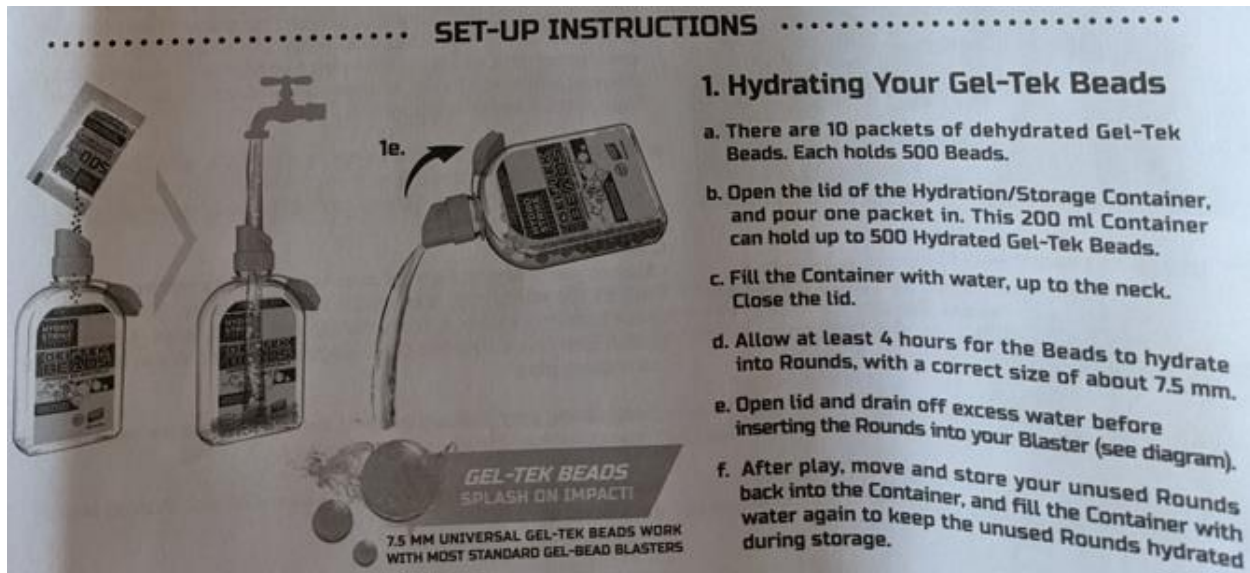


Exhibit 61 (Manual for the Hydro Strike Pulsar Pro); *see also* Exhibit 62 (Manual for the Hydro Strike Nebula Pro).

105. In addition, on information and belief, the PTT Respondents contributorily infringe certain of the Asserted Claims through their sale and offers to sell within the United States and/or importation into the United States components, such as spare parts (including and not limited to the “Hydro Strike Pulsar Pro Rechargeable Battery Pack Refill,” the “Hydro Strike Pulsar Pro Gel Water Bead Gel-Tek Cartridge Refill,” and the “Hydro Strike Gel-Tek Gel Beads Refill Pack”), of the Accused Products, that constitute a material part of the asserted claims, knowing the same to be especially made or especially adapted for use in an infringement of the Asserted Patents, and not a staple article or commodity of commerce suitable for substantial non-infringing use. *See, e.g.,* Exhibit 55. Due to the specific designs of the Accused Products, components thereof such as spare parts do not have any substantial non-infringing uses.

VII. HARMONIZED TARIFF SCHEDULE ITEM NUMBERS

106. Pursuant to Commission Rule 210.12(a)(3), the Accused Products are believed to fall within at least the following classifications of the Harmonized Tariff Schedule of the United

States: 9304.00.0000, 9503.00.0073 and 9503.00.0090. These HTS numbers are intended for illustration only and are not intended to be restrictive of the category of Accused Products.

VIII. RELATED LITIGATION

107. Pursuant to Commission Rule 210.12(a)(5), the Asserted Patents and the subject matter of this Complaint are not, nor have they been, the subject of any court or agency litigation.

IX. DOMESTIC INDUSTRY

108. As required by Section 337(a)(2) and defined by Section 337(a)(3), a domestic industry exists and/or is in the process of being established in the United States in connection with articles protected by the Asserted Patents.

A. Technical Prong

109. Claim charts demonstrating how Hasbro's representative products (the "Domestic Industry Products") are covered by an exemplary claim of each of the Asserted Patents are attached as Confidential Exhibits 9A-10B. As shown in these claim charts, the Domestic Industry Products are protected by the Asserted Patents.

B. Economic Prong

110. A domestic industry, under subparts (A), (B), and/or (C) of Section 337(a)(3), exists by virtue of Complainants' significant U.S. investment in plant and equipment, significant employment of U.S. labor and capital, and substantial investment in U.S. exploitation of the Asserted Patents, including through engineering, research and development, and other activities designed to exploit the patented technology.

111. For example, Complainant Hasbro has developed and is in the process of developing a NERF Pro GelFire blaster designed to launch spherical projectiles made of a hydrated superabsorbent polymer ("SAP") material, which practices the Asserted Patents. Exemplary U.S. investments are discussed in more detail in the Confidential Declaration of Adam Kleinman,

Senior Vice President at Hasbro, Inc. *See* Confidential Exhibit 6 (Kleinman Decl.). For example, Hasbro has undertaken efforts to develop a NERF Pro GelFire blaster that practices the Asserted Patents from its headquarters in Pawtucket, Rhode Island, where [REDACTED] have conducted activity related to [REDACTED] *Id.*

112. [REDACTED]

[REDACTED] is called the NERF Pro GelFire Mythic Blaster. *Id.* [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

113. The NERF Pro GelFire Mythic Blaster became available for presale from Hasbro Pulse and major retailers including Amazon and Target in July 2022. *Id.* [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED] Hasbro

plans for the NERF Pro GelFire Mythic Blaster to be available on shelves by November 2022. *Id.* In the course of the foregoing development efforts, Hasbro has made and continues to make significant U.S. investments in plant and equipment; significant employment of U.S. labor and capital; and/or substantial investment in U.S. exploitation of the Asserted Patents, including

through engineering, research and development, and other activities designed to exploit the patented technology. *See* Confidential Exhibit 6 (Kleinman Decl.).

114. To the extent it is determined that a domestic industry does not yet exist with respect to the Asserted Patents, a domestic industry is in the process of being established pursuant to Section 337(a)(2). As noted above, Hasbro has taken tangible steps to establish an industry in the United States, and there is a significant likelihood that the industry requirement will be satisfied in the future, as discussed in more detail in the Confidential Declarations of Mr. Kleinman. *See* Confidential Exhibit 6 (Kleinman Decl.). Preorders of the NERF Pro GelFire Mythic Blaster began in July 2022 through Hasbro Pulse, Target, and Amazon. *Id.* Hasbro expects for the products to be available on shelves by November 2022. *Id.* [REDACTED]

[REDACTED]

[REDACTED] *Id.*

X. LICENSEES

115. Pursuant to Commission Rule 210.12(a)(9)(iii), Complainants state that Hasbro, Inc. is the only licensee of each involved U.S. patent.

XI. REQUESTED EXCLUSION ORDERS

A. Limited Exclusion Order

116. Pursuant to Section 337(d), Complainants respectfully request that a limited exclusion order be entered barring from entry into the United States all soft projectile launching devices, components thereof, ammunition, and products containing same, that infringe one or more of the Asserted Claims of the Asserted Patents to remedy the Respondents' violation of Section 337 and to prevent such future violations by Respondents.

B. Cease and Desist Orders

117. Cease and desist orders against at least Gel Blaster Inc., Daisy Manufacturing Company, Splat-R-Ball, LLC, and Prime Time Toys LLC (the “U.S. Respondents”), along with any other Respondent found to maintain a commercially significant inventory of the Accused Products in the United States and/or conduct significant operations with respect to the Accused Products in the United States, are appropriate under Section 337(f), which provides that the Commission may issue a cease and desist order against any person violating Section 337, in addition to exclusion orders issued under Section 337(d). Cease and desist orders are appropriate to remedy and prevent the violation of Complainants’ patent rights due to at least the U.S. Respondents’ commercially significant inventory of soft projectile launching devices, components thereof, ammunition, and products containing same, as well as their significant domestic operations relating to the same.

XII. RELIEF REQUESTED

118. WHEREFORE, by reason of the foregoing, Complainants 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(a)(1)(B)(i) and (b)(1), with respect to violation of Section 337 by Respondents based upon their sale for importation, importation, and/or sale after importation into the United States of soft projectile launching devices, components thereof, ammunition, and products containing same that infringe one or more of the Asserted Claims of the Asserted Patents.

b. Schedule and conduct a hearing on said unlawful acts and, following said hearing, determine that there has been a violation of 19 U.S.C. § 1337;

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c. Issue permanent limited exclusion orders, pursuant to 19 U.S.C. § 1337(d)(1), barring from entry into the United States all soft projectile launching devices, components thereof, ammunition, and products containing same, that infringe one or more of the Asserted Claims of the Asserted Patents.

d. Issue permanent cease and desist orders, pursuant to 19 U.S.C. § 1337(f), directing the U.S. Respondents and any other Respondent found to maintain a commercially significant inventory of the Accused Products in the United States and/or conduct significant operations with respect to the Accused Products in the United States, and others acting on their behalf, to cease and desist from selling for importation into the United States, importing, selling after importation into the United States, offering for sale, marketing, advertising, demonstrating, sampling, warehousing inventory for distribution, selling, distributing, licensing, testing, providing technical support, use, or other related commercial activity involving imported products that infringe one or more of the Asserted Claims of the Asserted Patents; and

e. Impose a bond, pursuant to 19 U.S.C. § 1337(j), upon importation of any Accused Products during any presidential review;

f. Grant such other and further relief as the Commission deems just and proper based on the facts determined by the investigation and the authority of the Commission.

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Respectfully submitted,

FISH & RICHARDSON P.C.

Dated: July 29, 2022

By: /s/ Brian P. Boyd

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PUBLIC VERSION

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COUNSEL FOR COMPLAINANT
SPIN MASTER, INC.

**UNITED STATES INTERNATIONAL TRADE COMMISSION
WASHINGTON, D.C. 20436**

In the Matter of

**CERTAIN SOFT PROJECTILE
LAUNCHING DEVICES, COMPONENTS
THEREOF, AMMUNITION, AND
PRODUCTS CONTAINING SAME**

Inv. No. 337-TA-_____

VERIFICATION OF AMENDED COMPLAINT

I, Adam Kleinman, declare in accordance with 19 C.F.R. §§ 210.4 and 210.12(a)(1) that the following statements are true:

1. I am currently the Senior Vice President & General Manager, NERF & Sports Action at Hasbro, Inc. and I am duly authorized to verify this AMENDED COMPLAINT of Hasbro, Inc. and Spin Master, Inc. Under Section 337 of the Tariff Act of 1930 (“Amended Complaint”);
2. I have read the foregoing Amended Complaint and am aware of its contents;
3. To the best of my knowledge, information, and belief, formed after inquiry reasonable under the circumstances, the claims and other legal contentions in this Amended Complaint are warranted by existing law or by non-frivolous argument for the extension, modification, or reversal of existing law or the establishment of new law;
4. To the best of my knowledge, information, and belief, formed after inquiry reasonable under the circumstances, the allegation and other factual contentions in the Amended Complaint have evidentiary support or, if specifically so identified, are likely to have evidentiary support after a reasonable opportunity for further investigation or discovery;

5. The Amended Complaint is not being presented for any improper purpose, such as to harass or to cause unnecessary delay or needless increase the cost of the investigation or related proceeding.

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

Executed this 29th day of July, 2022.

A handwritten signature in black ink, appearing to read 'A. Kleinman', is positioned above a horizontal line.

Adam Kleinman

Wellesley, Massachusetts