

**UNITED STATES INTERNATIONAL TRADE COMMISSION
WASHINGTON DC**

**Before the Honorable MaryJoan McNamara
Administrative Law Judge**

In the Matter of

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

Investigation No. 337-TA-1325

RESPONDENTS' NOTICE OF PRIOR ART

Pursuant to Ground Rule 4, and Pursuant to the September 21, 2022 Order regarding Adopted Procedural Schedule (Order No. 6) and October 21, 2022 Order (Order No. 9), Respondents Splat-R-Ball, LLC, Daisy Manufacturing Company, and S-Beam Precision Products Ltd. (collectively, "Splat-R-Ball Respondents"); Respondents Gel Blaster, Inc., Shenzhen Yi Jin Electronics Science and Technology Co., Ltd., Guangdong Yu Lee Technology Corporation, and Yu Lee Company Ltd. (collectively, "Gel Blaster Respondents"); and Respondents Prime Time Toys LLC, Prime Time Toys Ltd., Easebon Services Ltd. (collectively, "PTT Respondents") (all respondents collectively, "Respondents") hereby provide their Notice of Prior Art.

Respondents identify the prior art in Appendix A as applicable to each of (1) U.S. Patent No. 8,371,282 and (2) U.S. Patent No. 8,640,683 (collectively the "Asserted Patents"). The prior art identified in Appendix A lists the prior art on which Respondents may rely, either singly or in any combination, to establish the invalidity of the asserted claims of the asserted patents.

Respondents may also rely on prior art subsequently identified or produced by Complainants or any subpoenaed third parties in this Investigation during the remainder of fact

and expert discovery, and prior art admitted into evidence or identified as an exhibit at the hearing or at deposition.

Respondents may rely on documents and information that are not prior art, and therefore need not be disclosed in this Notice, for other purposes including, but not limited to, evidence of inherency in any of the prior art or establishing the prior art as prior art, evidence of simultaneous or near-simultaneous invention, and evidence of secondary considerations of non-obviousness, and including documents establishing the sales or use dates of prior art products.

Respondents may rely on any person identified as an author or inventor of any prior art identified herein as a prior inventor or as having prior knowledge of or as having previously used or offered for sale the alleged inventions of the Asserted Patents. Respondents may also rely on individuals, the names and addresses of which are within in Complainants' possession, including Complainants' employees, former employees, consultants, and/or other persons affiliated with Complainants who may have knowledge of, or have previously made, used, sold or offered for sale, the alleged inventions of the asserted patents.

Respondents may supplement or amend this Notice as discovery proceeds, including third party discovery. Respondents note that discovery, including third party discovery, is ongoing. To date, Complainants have not provided their infringement contentions and claim construction has not been resolved, which limit Respondents' ability to understand the scope of potentially relevant prior art. In addition, expert reports have not been exchanged, and expert discovery has not started. Respondents may amend and/or supplement this Notice and the attached Appendix A upon written notice for good cause shown to identify prior art references that may be discovered after the date of this Notice or to identify additional prior art that may be rendered material based upon positions

Complainants or their expert witnesses may adopt in this Investigation, or if Complainants rely on any claims, for any purpose, that have not been identified to date.

Dated: October 25, 2022

Respectfully Submitted,

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Lee Company Ltd., and Guangdong Yu Lee
Technology Corporation*

Appendix A

U.S. Patent Nos. 8,371,282 and 8,640,683

Patent Prior Art

Country	Number	Date	Name of Patentee
U.S.	683,431	10/01/1901	F. F. Bennett
U.S.	1,286,359	12/3/1918	C. F. Lefever
U.S.	2,604,088	07/22/1952	W. S. Wells
U.S.	3,521,616	06/28/1968	Daniel Meggs
U.S.	5,241,944	08/24/1992	Mark Rappaport
U.S.	2006/0243203	11/2/2006	Koichi Tsurumoto
U.S.	2006/0180134	8/17/2006	Louis Illuzzi
U.S.	2008/0168973	07/18/2008	Ryan Levin
Japan	2006-234191	09/07/2006	Katsumi Nagayoshi
Bulgaria	BG110343A	07/31/2009	Vladimir Peev

Publication Prior Art

Title	Date	Page Numbers
ThinkGeek Spit Balls	11/27/2009	N/A
<i>Modern Superabsorbent Polymer Technology</i> , Bucholz, Frederic L. & Graham, Andrew T. ¹	1998	Full book (1-269)
<i>This Super Bean Shooter Has a Magazine</i> , Popular Mechanics Magazine, Vol. 61, No. 5	May 1934	765
Spud Gun SAP Launcher	On or before September 2008	N/A

¹ Respondents have a physical copy of this book available for inspection upon request, and reserve the right to rely upon the physical book at a hearing, and to copy and cite excerpts from the physical book in any report, pleading, or discovery response.

Prior Art Products

Product	Date	Exemplary Supporting Evidence ²	Name/Address of Prior Inventor (if known)
Clear Spheres and Launching System (“Clear Spheres Launcher”)	07/11/2008	• SPANGLER-PHYS_000001– SPANGLER-PHYS_000006 • SPANGLER_000000001– SPANGLER_000000167 • PETERSON_000000001– PETERSON_000000003 • SRB_000002863 • SRB_000002945 at 2969-2975, <i>id.</i> at 3030-3032 • SRB_000003744 at 3747-3752 • SRB_000002593 • SRB_000002600 • SRB_000002851 • SRB_000002864 • SRB_000002939 • SRB_000004581	Steve Spangler (shall be contacted through Kirkland & Ellis LLP)
Dune Craft Spit Balls and Associated Packaging (“Spit Balls”)	2008	• CLEVELAND_000000001– CLEVELAND_000000255 • SRB_000002945 at 2948-2968 • SRB_000002582 • SRB_000002584	Grant Cleveland (shall be contacted through his attorney, Jason Buratti)

² Respondents provide this exemplary listing of currently available supporting evidence. Discovery is ongoing. Respondents further anticipate relying upon witness testimony and additional documents and materials produced during the course of discovery.

		• SRB_000002586 • SRB_000002589 • SRB_000002591 • SRB_000004581 • SRB_000004582 • SRB_000004584 • SRB_000004587 • SRB_000004588 • SRB_000004589 • SRB_000004591 • SRB_000004592 • SRB_000004595 • SRB_000004593 • SRB_000004600 • SRB_000004603 • SRB_000004617 • SRB_000004619 • SRB_000004621 • SRB_000004622 • SRB_000004624 • SRB_000004630 • SRB_000004634 • SRB_000004635 • SRB_000004662	
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		• SRB_000004671 • SRB_000004675 • SRB_000004694	
PTT Goo Shooters	1995	• PTT00000003-PHYS • PTT000000004-PHYS • PTT00000163-166 • PTT00000144-149 • PTT00000085-111 • PTT00000161 • PTT00000160	PTT
Daisy Airstrike 470	On or before 2/11/2007	• SRB-PHYS_000016 • SRB_000002568 • SRB_000002945 at 3022-29 • SRB_000003568-3730	Daisy
Daisy Airstrike 240	On or before 2/11/2007	• SRB-PHYS_000022– SRB-PHYS_000025 • SRB_000002568 • SRB_000002945 at 3022-29 • SRB_000003568-3730	Daisy

CERTIFICATE OF SERVICE

I hereby certify that on October 25, 2022, copies of the foregoing were filed with and served upon the following as indicated:

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