

March 29, 2022

VIA EDIS

The Honorable Lisa R. Barton
Secretary to the Commission
U.S. International Trade Commission
500 E Street, S.W., Room 112
Washington, DC 20436

Re: *Certain Centrifuge Utility Platform and Falling Film Evaporator
Systems and Components thereof*

Dear Secretary Barton:

Enclosed for filing on behalf of Complainant Apeks, LLC (“Complainant” or “Apeks”) are documents in support of Apeks’s request that the Commission commence an investigation pursuant to Section 337 of the Tariff Act of 1930, as Amended.

Pursuant to the Commission Rules of Practice and Procedure, a request for confidential treatment of Confidential Exhibit 50C is being transmitted with this filing.

In accordance with the Commission’s notice titled “Temporary Change to Filing Procedures,” 85 Fed. Reg. 15798 (March 19, 2020), enclosed are the following:

1. an electronic copy of Apeks’s verified Complaint and Statement of Public Interest (rules 210.8(a)(1)(i) and 210.8(b));
2. electronic copies of the accompanying non-confidential exhibits to the Complaint (rules 210.4(f) and 210.8(a));
3. electronic copy of the accompanying confidential exhibit to the Complaint (rules 201.6(c), 210.4(f) and 210.8(a));

March 29, 2022
Page 2

4. electronic certified copies of U.S. Patent Nos. 11,014,098 and 10,899,728 included in the Complaint as Exhibits 2 and 3 (rule 210.12(a)(9)(ii))¹;
5. electronic certified copies of the prosecution for U.S. Patent Nos. 11,014,098 and 10,899,728 (Appendices C and E) (rule 201.12(c)(1))²;
6. electronic copies of the technical references cited in the prosecution history of the U.S. Patent Nos. 10,814,338; 11,014,098; and 10,899,728 (Appendices B, D and F) (Rule 210.12(c)(2)); and,
7. a letter and certification pursuant to Commission Rules 201.6(b) and 210.5(d) requesting confidential treatment of Confidential Exhibits.

Thank you for your attention to this matter.

Respectfully submitted,



H. Jonathan Redway
of DICKINSON WRIGHT PLLC

Counsel for Complainant Apeks, LLC

Enclosures

¹ Complainant Apeks has ordered a certified copy of the '338 patent to be included in the complaint as Exhibit 1 and will promptly file the certified copy with the Commission upon receipt. In addition, Complainant has ordered certified copies of of the '338, '098 and '728 patent assignment records to be included in the complaint as Exhibits 4 and 5 and will promptly file those certified copies with the Commission upon receipt. *See* Rule 210.12(a)(9)(ii).

² Complainant Apeks has ordered a certified copy of the prosecution history of the '338 patent to be included in the complaint as Appendix A and will promptly file the certified copy with the Commission upon receipt.



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March 29, 2022

VIA EDIS

The Honorable Lisa R. Barton
Secretary to the Commission
U.S. International Trade Commission
500 E Street, S.W., Room 112
Washington, DC 20436

Re: *Certain Centrifuge Utility Platform and Falling Film Evaporator
Systems and Components thereof*

Dear Secretary Barton:

I am counsel to Complainant Apeks, LLC (“Complainant” or “Apeks”). In accordance with Commission Rules 201.6 and 210.5, Apeks requests confidential treatment of business information contained in Confidential Exhibit 50C to the Complaint.

The information for which confidential treatment is sought is proprietary commercial information and technical information not otherwise publically available. Specifically, Confidential Exhibit 50C contains proprietary information regarding Complainant’s domestic industry, including information relating to the financial performance and commercial operations of Complainant.

The information described above qualifies as confidential business information pursuant to Rule 201.6(a) in that:

- a) it is not available to the public;
- b) unauthorized disclosure of such information could cause substantial harm to the competitive position of Complainants; and

March 29, 2022
Page 2

- c) the disclosure of which could impair the Commission's ability to obtain information necessary to perform its statutory function.

Thank you for your attention to this request.

Respectfully submitted,



H. Jonathan Redway
of DICKINSON WRIGHT PLLC

Counsel for Complainant Apeks, LLC

**UNITED STATES INTERNATIONAL TRADE COMMISSION
WASHINGTON DC 20436**

In the Matter of

**CERTAIN CENTRIFUGE UTILITY
PLATFORM AND FALLING FILM
EVAPORATOR SYSTEMS AND
COMPONENTS THEREOF**

Investigation No. 337-TA-_____

PUBLIC INTEREST STATEMENT OF COMPLAINANT APEKS, LLC

Complainant Apeks, LLC (“Apeks” or “Complainant”) respectfully submits this public interest statement under 19 C.F.R. § 210.8(b). Apeks manufactures and sells the most innovative and technologically advanced centrifugal ethanol-based extraction systems in the world. Among the ground breaking technologies offered in these centrifugal ethanol-based extraction systems are Apeks’s patented centrifuge utility platforms and falling film evaporators. Apeks seeks to protect itself and its United States operations from a growing list of companies injecting infringing products into the U.S. market, without any license from Apeks.

Apeks seeks a General Exclusion Order, or, in the alternative, a Limited Exclusion Order directed to its protected centrifuge utility platforms and falling film evaporators, and centrifugal ethanol-based extractions systems containing same, barring from entry into the United States those centrifuge utility platforms and falling film evaporators (“Accused Products”), and products containing same, as well as those components thereof manufactured by or on behalf of, or imported by or on behalf of, the Proposed Respondents, that infringe one or more of the asserted claims of U.S. Patent Nos. 10,814,338 (“’338 patent”); 11,014,098 (“’098 patent”); and 10,899,728 (“’728 patent”) (collectively “Asserted Patents”). Granting Apeks the requested remedial relief will serve the public’s strong interest in protecting intellectual property rights, an

interest that the Commission routinely recognizes. *See, e.g., Certain Baseband Processor Chips and Chipsets*, Inv. No. 337-TA-543, Comm'n Op., 2011 WL 611182, at *68 (Oct. 1, 2011).

The remedies requested do not implicate any compelling public interest that would weigh against entry of a General Exclusion Order, Limited Exclusion Order and/or cease and desist orders. The Accused Products do not implicate any particular public health, safety, welfare or other concerns. U.S. purchasers do not face any potential shortage of competitive products because the market is replete with alternative competitive offerings. The requested remedial orders will provide effective relief in the face of on-going and open patent infringement in the United States by the Proposed Respondents. Protecting Apeks's intellectual property rights will serve the public interest while having little or no adverse effect on public health and welfare.

I. USE OF ARTICLES POTENTIALLY SUBJECT TO REMEDIAL ORDER IN THE UNITED STATES

The Accused Products include certain centrifuge utility platforms and falling film evaporators and Proposed Respondents' products containing the same, and components thereof. Specifically, the Accused Products are used primarily for the environmentally friendly isolation and extraction of compounds with medicinal, therapeutic, and/or commercial value from hemp, biomass and cannabis.

II. THERE ARE NO PUBLIC HEALTH, SAFETY OR WELFARE CONCERNS IN THE UNITED STATES RELATING TO THE POTENTIAL REMEDIAL ORDERS

Exclusion of the Accused Products does not implicate any particular public health, safety or welfare concerns. Specifically, the Accused Products at issue are not medical or health devices and are not essential for public safety or welfare. Moreover, as discussed below, there

are other sources of like alternatives in the United States, and no health or safety-related features unique to the Accused Products. Accordingly, there are no public health, safety or welfare considerations that counsel against excluding the Accused Products.

III. THIRD PARTIES MAKE LIKE OR COMPETITIVE ARTICLES WHICH COULD REPLACE THE ACCUSED PRODUCTS IN A COMMERCIALY REASONABLE TIME

Third parties make like and directly competitive articles. For example, the various model EcoChyll Rotary Evaporators supplied by Lab Society are refrigerated rotary cooling device that condenses solvent vapors. *See generally* https://labsociety.com/lab-equipment/eco-chyll-rotary-evaporator/?attribute_pa_model=x9-2001. Similarly, the 50L Rotary Evaporator RotoVap RE-1050 is a rotary evaporator used for the recovery of solvents supplied by USA Lab. *See* <https://www.usalab.com/usa-lab-50l-rotary-evaporator-rotovap-re-1050-optional-etl-certification-to-ul-and-csa-standards/>. Either of these are alternative to Complainant's domestic industry falling film evaporator. ExtractCraft makes smaller ethanol extraction platforms competitive with Complainant's domestic industry centrifuge utility platforms. *See* <https://www.extractcraft.com/>. In addition, there are co-solvent Ethanol/CO2 options such as Vitalis make. *See generally* <https://vitaliset.com/learn/stories/cosolvent-injection-system:-15-most-common-questions/>.

IV. THE REQUESTED REMEDIAL ORDERS WILL NOT HAVE A SIGNIFICANT NEGATIVE IMPACT ON CONSUMERS IN THE UNITED STATES

As indicated above, if Proposed Respondents' Accused Products are excluded by way of a General Exclusion Order or a Limited Exclusion Order, consumers will not be deprived of like

or competitive products, and consumers will not be adversely impacted because other manufacturers and retailers can plainly meet United States market demand. Thus the requested General and Limited Exclusion Orders and Cease and Desist Orders will have no meaningful impact on U.S. Consumers. *See, e.g., Certain Personal Data and Mobile Commc'n Devices and Related Software*, Inv. 337-TA-710, Comm'n Op., 2011 WL 12488979, at *40 (Dec. 29, 2011) (“Accordingly, the mere constriction of choice cannot be a sufficient basis for denying the issuance of an exclusion order.”)

V. CONCLUSION

Issuing a General Exclusion Order, or, in the alternative, a Limited Exclusion Order and cease and desist orders in this Investigation against Proposed Respondents' Infringing Accused Products will not negatively affect the public health, safety or welfare of the United States, competitive conditions in the United States economy, the production of like or competitive articles in the United States, and the availability of such products to consumers. The Accused Products manufactured by the Proposed Respondents are not essential to public health and safety and Apeks and third parties have the ability to provide customers with like or competitive products. Accordingly, there are no public interest concerns preventing the issuance of a General Exclusion Order, Limited Exclusion Orders and/or Cease and Desist Orders or that would necessitate discovery and trial on this issue by the ALJ.

Dated: March 29, 2022

Respectfully Submitted,

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4843-9044-4265 v4 [66370-34]

UNITED STATES INTERNATIONAL TRADE COMMISSION
WASHINGTON DC 20436

In the Matter of

CERTAIN CENTRIFUGE UTILITY
PLATFORM AND FALLING FILM
EVAPORATOR SYSTEMS AND
COMPONENTS THEREOF

Investigation No. 337-TA-_____

**COMPLAINT OF APEKS, LLC UNDER
SECTION 337 OF THE TARIFF ACT OF 1930, AS AMENDED**

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TABLE OF CONTENTS

TABLE OF CONTENTS..... v

TABLE OF EXHIBITS viii

LIST OF PHYSICAL EXHIBITS* xvii

APPENDICES xviii

I. INTRODUCTION - 1 -

II. COMPLAINANT APEKS..... - 8 -

III. RESPONDENTS - 8 -

A. AMBIOPHARM, INC. ('338 AND '098) - 8 -

B. CALPHA INDUSTRIES, INC. ('338, '098, AND '728)..... - 9 -

C. CHANGZHOU HAOMAI DRYING ENGINEERING CO., LTD ('728)..... - 9 -

D. COMERG, LLC ('728)..... - 9 -

E. EZHYDRO ('728) - 9 -

F. HENAN LANPHAN INDUSTRY CO., LTD. (“HL”) ('728) - 10 -

G. HX LABS, LLC ('338 AND '098)..... - 10 -

H. HYDRION SCIENTIFIC INSTRUMENT LLC ('338 AND '098) - 10 -

I. IDEA MAKERS, LLC ('728)..... - 10 -

J. LAB1ST SCIENTIFIC AND INDUSTRIAL EQUIPMENT, INC. ('338, '098, AND '728) - 11 -

K. LIAOYANG ZHONGLIAN PHARMACEUTICAL MACHINERY CO., LTD. ('338 AND '098)..... - 11 -

L. MIRACLE EDUCATION DISTRIBUTORS, INC. ('338)..... - 11 -

M. MOUNTAIN PURE, LLC ('338)..... - 12 -

N. REDFORD MANAGEMENT ('338)..... - 12 -

O. RI HEMP FARMS, LLC ('338 AND '098) - 12 -

P. SHANGHAI YUANHUAI INDUSTRIES CO., LTD. ('338, '098 AND '728) - 12 -

Q. TOOLOTS.COM ('338 AND '098)..... - 13 -

R. TOPTION INSTRUMENT CO. LTD. ('338 AND '098) - 13 -

S. TRADEWHEEL.COM ('338, '098, AND '728)..... - 13 -

T. VCENNA ('338 AND '098)..... - 14 -

U.	ZHANGJIAGANG BLOVEBIRD SEPARATIONS CO., LTD. (’728).....	- 14 -
V.	ZHANGJIAGANG CHUNK TRADING CORP. (’338 AND ’098) A/K/A ZHANGJIAGANG CHARME TRADING CORP. LTD (’338 AND ’098).....	- 14 -
W.	ZHANGJIAGANG CITY HUAXIANG CENTRIFUGE MANUFACTORY CO., LTD. (’338 AND ’098)	- 15 -
X.	ZHANGJIAGANG HEIGHTON MACHINERY CO., LTD. (’338 AND ’098)	- 15 -
Y.	UNNAMED RESPONDENTS	- 15 -
IV.	PRODUCTS AND TECHNOLOGY AT ISSUE	- 16 -
V.	THE ASSERTED PATENTS	- 17 -
A.	THE ’338 AND ’098 PATENTS	- 17 -
1.	IDENTIFICATION OF THE ’338 AND ’098 PATENTS AND OWNERSHIP BY APEKS	- 17 -
2.	THE EXPIRATION DATES OF THE ’338 AND ’098 PATENTS	- 17 -
3.	NON-TECHNICAL DESCRIPTION OF THE ’338 AND ’098 CLAIMED INVENTIONS.....	- 18 -
4.	FOREIGN COUNTERPARTS TO THE ’338 AND ’098 PATENTS	- 18 -
B.	THE ’728 PATENT	- 19 -
1.	IDENTIFICATION OF THE ’728 PATENT AND OWNERSHIP BY APEKS	- 19 -
2.	THE EXPIRATION DATE OF THE ’728 PATENT	- 19 -
3.	NON-TECHNICAL DESCRIPTION OF THE ’728 CLAIMED INVENTIONS	- 19 -
4.	FOREIGN COUNTERPARTS TO THE ’728 PATENT	- 20 -
VI.	UNLAWFUL AND UNFAIR ACTS OF RESPONDENTS	- 20 -
A.	RESPONDENTS’ INFRINGEMENT OF THE ’338 PATENT	- 20 -
B.	RESPONDENTS’ INFRINGEMENT OF THE ’098 PATENT	- 22 -
C.	RESPONDENTS’ INFRINGEMENT OF THE ’728 PATENT	- 23 -
VII.	SPECIFIC INSTANCES OF UNFAIR IMPORTATION AND SALE	- 25 -
A.	IMPORTATION OF ACCUSED PRODUCTS THAT INFRINGE THE ’338 PATENT	- 25 -

B.	IMPORTATION OF ACCUSED PRODUCTS THAT INFRINGE THE '098 PATENT	- 27 -
C.	IMPORTATION OF ACCUSED PRODUCTS THAT INFRINGE THE '728 PATENT	- 28 -
VIII.	HARMONIZED TARIFF SCHEDULE.....	- 29 -
IX.	THE DOMESTIC INDUSTRY	- 29 -
A.	THE TECHNICAL PRONG.....	- 30 -
B.	ECONOMIC PRONG.....	- 31 -
X.	LICENSES	- 31 -
XI.	RELATED LITIGATION	- 31 -
XII.	REQUESTED RELIEF.....	- 31 -

TABLE OF EXHIBITS

Exhibit Number	Description
Asserted Patents and Assignments¹	
1	Copy of U.S. Patent No. 10,814,338 with Certificate of Correction (“’338 patent”)
2	Certified Copy of U.S. Patent No. 11,014,098 (“’098 patent”)
3	Certified Copy of U.S. Patent No. 10,899,728 (“’728 patent”)
4	Copy of Abstract of Title of Assignment Documents for ’338 and ’098 patents
5	Copy of Abstract of Title of Assignment Document for ’728 patent
’338 Infringement Claim Charts (Accused) Exhibits	
6	Lab1st Scientific and Industrial Equipment, Inc. (“Lab1st”) (Claims 1, 10, 14)
6	Ambiopharm, Inc. (Claims 1, 10, 14) (Lab1st Customer/Ex. 35)
6	Calpha Industries Inc. (Claims 1, 10, 14) (Lab1st Customer/Ex. 35)
6	Mountain Pure, LLC (Claims 1, 10, 14) (Lab1st Customer/Ex. 35)
6	Redford Management (Claims 1, 10, 14) (Lab1st Customer/Ex. 35)

¹ Complainant has ordered a certified copy of the ’338 patent and certified copies of the ’338, ’098 and ’728 patent assignment records and will promptly file those documents with the Commission upon receipt.

7	Calpha Industries Inc. (Claims 1, 10, 14) (additional products) (Lab1st Customer/Ex. 35)
8	Liaoyang Zhonglian Pharmaceutical Machinery Co., Ltd. (“Pharm”) (Claims 1, 10, 14)
9	Shanghai Yuanhuai Industrial Co., Ltd. (“YHCHEM”) (Claims 1, 10, 14) (Hydrion Supplier/Ex. 37)
9	Hydrion Scientific Instrument, Inc. (“Hydrion”) (Claims 1, 10, 14) (YHCHEM Customer/Ex. 37)
10	Toption Instrument Co., Ltd. (“Toption”) (Claims 1,10, 14)
10	HX Labs, LLC (Claims 1,10, 14) (Toption Customer/Ex. 40)
10	Ri Hemp Farms, LLC (Claims 1,10, 14) (Toption Customer/Ex. 40)
11	Vcenna Technology & Labs (“Vcenna”) (Claims 1, 10, 14) (Import at Ex. 41)
12	Zhangjiagang Chunk Trading Corp. d/b/a Zhangjiagang Charme Trading Corp. Ltd (via Tradewheel) (Claims 1, 10,14)
12	Miracle Education Distributors, Inc. (Claims 1, 10, 14) (Chunk Customer/Ex. 43)
12	Tradewheel.com (Claims 1, 10, 14)
13	Zhangjiagang City Huaxiang Centrifuge Manufactory Co., Ltd. (“CM”) (Claims 1, 10, 14)

13	Toolots.com (Claims 1, 10, 14) (CM Customer/Ex. 44)
14	Zhangjiagang Heighton Machinery Co., Ltd. (“Heighton”) (Claims 1, 10, 14)
14	Toolots.com (Claims 1, 10, 14) (Heighton Customer/Ex.45 and 46)
15	Zhangjiagang Heighton Machinery Co., Ltd. (“Heighton”) <i>(additional products)</i> (Claims 1, 10, 14)
15	Toolots.com (Claims 1, 10, 14) (Heighton Customer/Ex.45 and 46)
’098 Infringement Claim Chart (Accused) Exhibits	
16	Lab1st Scientific and Industrial Equipment, Inc. (“Lab1st”) Claims (1, 10, 18)
16	Ambiopharm, Inc. Claims (1, 10, 18) (Lab1st Customer/Ex. 35)
16	Calpha Industries Inc. Claims (1, 10, 18) (Lab1st Customer/Ex. 35)
17	Calpha Industries Inc. Claims (1, 10, 18) (Lab1st Customer/Ex. 35)
18	Liaoyang Zhonglian Pharmaceutical Machinery Co., Ltd. (“Pharm”) (Claims 1, 10, 18)
19	Shanghai Yuanhuai Industrial Co., Ltd. (“YHCHEM”) (Claims 1, 10, 18) (Hydrion Supplier Exs. 38/39)

19	Hydrion Scientific, Inc. (“Hydrion”) (Claims 1, 10, 14)
20	Toption Instrument Co., Ltd. (“Toption”) (Claims 1, 10, 18)
20	HX Labs, LLC (Claims 1, 10, 18) (Toption Customer/Ex. 40)
20	Ri Hemp Farms, LLC (Claims 1, 10, 18) (Toption Customer/Ex. 40)
21	Vcenna (Claims 1, 10, 18) (Import at Ex. 41)
22	Zhangjiagang Chunk Trading Corp. d/b/a Zhangjiagang Charme Trading Corp. Ltd (Claims 1, 10, 18)
22	Tradewheel.com (Claims 1, 10, 18)
23	Zhangjiagang City Huaxiang Centrifuge Manufactory Co., Ltd. (“CM”) (Claims 1, 10, 18)
23	Toolots.com (Claims 1, 10, 18) (CM Customer/Ex. 44)
24	Zhangjiagang Heighton Machinery Co., Ltd. (“HM”) (Claims 1, 10, 18)
24	Toolots.com (HM Customer/Ex. 45 an 46) (Claims 1, 10, 18)
25	Zhangjiagang Heighton Machinery Co., Ltd. (“HM”) (Claims 1, 10, 18) (additional products)
25	Toolots.com (HM Customer/Ex. 45 an 46) (Claims 1, 10, 18)
’728 Infringement Claim Chart (accused) Exhibits	

26	Changzhou Haomai Drying Engineering Co., Ltd. (“Haomai”) (Claims 1, 9, 19)
26	Tradewheel.com (Claims 1, 9, 19) (Haomai Customer/Ex. 31)
27	Henan Lanphan Industry Co., Ltd. (“HL”) (Claims Nos. 1, 9, 19)
27	Comerg, LLC (Claims Nos. 1, 9, 19) (HL Customer/Ex. 33)
27	Tradewheel.com (Claims Nos. 1, 9, 19) (HL Customer/Ex. 32)
28	Lab1st Scientific and Industrial Equipment (“Lab1st”) (Claims 1, 9, 19)
28	Calpha Industries, Inc. (Claims 1, 9, 19) (“Lab1st Customer/Ex. 35)
28	Ezhydro (Claims 1, 9, 19) (“Lab1st Customer/Ex. 35)
28	Tradewheel.com (Claims 1, 9, 19) (“Lab1st Customer/Ex. 35)
29	Shanghai Yuanhuai Industries Co. LTD (“YHCHEM”) (Claims 1, 9, 19)
29	Idea Makers, LLC (Claims 1, 9, 19) (YHCHEM Customer/Ex. 39)
29	Tradewheel.com (Claims 1, 9, 19) (YHCHEM Customer/Ex. 38)

30	Zhangjiagang Blovebird Separations Co., Ltd. (“Blovebird”) (Claims Nos. 1, 9, 19)
30	Tradewheel.com (Claims Nos. 1, 9, 19) (Blovebird Customer/Ex. 42)
Accused Product Import Documents	
31	Changzhou Haomai Drying Engineering Co., Ltd.
31	Tradewheel.com – FFE Customer
32/33	Henan Lanphan Industry Co., Ltd.
32	Tradewheel.com – FFE Customer
33	Comerg, LLC – FFE Customer
34/35	Lab1st Scientific and Industrial Equipment, Inc.
34	Tradewheel.com – FFE Customer
35	Ambiopharm, Inc. – CUP Customer
35	Calpha Industries, Inc. – CUP/FFE Customer
35	Ezhydro – FFE Customer
35	Mountain Pure, LLC – CUP Customer
35	Redford Management – CUP Customer
36	[INTENTIONALLY BLANK]
37	Hydrion Scientific Instrument LLC
38/39	Shanghai Industries Co., Ltd. (“YHCHEM”)
38	Tradewheel.com – FFE Customer
39	Idea Makers, LLC – FFE Customer
40	Toption Instrument Co., Ltd.
40	HX Labs, LLC – CUP Customer

40	Ri Hemp Farms, LLC – CUP Customer
41	Vcenna
42	Zhangjiagang Blovebird Separations Co., Ltd.
42	Tradewheel.com – FFE Customer
43	Zhangjiagang Chunk Trading Corp. d/b/a Zhangjiagang Charme Trading Corp. Ltd
43	Miracle Education Distributors, Inc. – CUP Customer
44	Zhangjiagang City Huaxiang Centrifuge Manufactory Co., Ltd. (“CM”)
44	Toolots.com – CUP Customer
45/46	Zhangjiagang City Heighton Machinery Co., Ltd.
45/46	Toolots.com – CUP Customer
47	Representative Social Media Images of Additional Sellers/Importers
Foreign Prosecution	
48	Foreign Prosecution of ’728 Patent
Declaration of Jim Moore	
49	Declaration of Jim Moore in Support of ’728 DI/Infringement
Domestic Industry Documents	
50	Public Version of Confidential Declaration of Rafael Nieves (DI)
50C	Confidential Declaration of Rafael Nieves (DI)
51	CUP 15 Domestic Industry Claim Charts for ’338 Patent (DI)
52	CUP 30 Domestic Industry Claim Charts for ’338 Patent (DI)
53	CUP 15 Domestic Industry Claim Charts for ’098 Patent (DI)

54	CUP 30 Domestic Industry Claim Charts for '098 Patent (DI)
55	FFE 45 Domestic Industry Claim Charts for '728 Patent (DI)
56	FFE 60 Domestic Industry Claim Charts for '728 Patent (DI)
57	[INTENTIONALLY BLANK]
58	[INTENTIONALLY BLANK]
Proposed Respondents	
59	Ambiopharm, Inc.
60	Calpha Industries, Inc.
61	Changzhou Haomai Drying Engineering Co., Ltd
62	Comerg, LLC
63	Ezhydro Inc.
64	Henan Lanphan Industry Co., Ltd.
65	HX Labs, LLC
66	Hydrion Scientific, Inc. (“Hydrion”)
67	Idea Makers, LLC
68	Lab1st Scientific and Industrial Equipment, Inc.
69	Liaoyang Zhonglian Pharmaceutical Machinery Co., Ltd.
70	Miracle Education Distributors, Inc.
71	Mountain Pure, LLC
72	Redford Management
73	Ri Hemp Farms, LLC
74	[INTENTIONALLY BLANK]
75	Shanghai Yuanhuai Industries Co., Ltd.
76	Toolots.com

77	Toption Instruments Co., Ltd.
78	Tradewheel.com
79	Vcenna
80	Zhangjiagang Blovebird Separations Co., Ltd.
81	Zhangjiagang Chunk Trading Corp. d/b/a Zhangjiagang Charme Trading Corp., Ltd.
82	Zhangjiagang City Huaxiang Centrifuge Manufactory Co., Ltd.
83	Zhangjiagang Heighton Machinery Co., Ltd.

LIST OF PHYSICAL EXHIBITS*

*Physical exhibits will not be forwarded to the Commission at this time because of concerns related to COVID-19. It also is not practical to provide physical exhibits because of their large size, heavy weight and expense.

APPENDICES²

Appendix Number	Description
A	Prosecution history of U.S. Patent No. 10,814,338
B	Copies of References cited in the prosecution of U.S. Patent No. 10,814,338
C	Certified copy of prosecution history of U.S. Patent No. 11,014,098
D	Copies of References cited in the prosecution of U.S. Patent No. 11,014,098
E	Certified copy of prosecution history of U.S. Patent No. 10,899,728
F	Copies of References cited in the prosecution of U.S. Patent No. 10,899,728

² Complainant has ordered a certified copy of the prosecution history of the '338 patent and will promptly file that copy with the Commission upon receipt.

I. INTRODUCTION

1.1 Complainant Apeks, LLC (“Complainant” or “Apeks”) engineers, manufactures and sells innovative centrifugal ethanol-based extraction systems. Apeks develops, markets and sells its innovative extraction systems for the safe extraction of high-quality oil from plant based biomass. Apeks manufactures out of Santa Rosa, California and Johnstown, Ohio.

1.2 Apeks sells its innovative ethanol-based extraction systems direct to hemp, biomass, and cannabis processors for the production of botanical oil extracts. Apeks’s extraction systems provide customers with cold ethanol processing for solvent/extract to pass through direct chillers, centrifugal utility platform extractors, falling film evaporators, and rolled film distillers. The result is safe extraction and distillation of high-quality oil from plant-based biomass.

1.3 Complainant pioneered the development of its innovative centrifuge utility platforms and falling film evaporator and component thereof that since their introduction into the U.S. market have been a resounding commercial success. Three U.S. Patents are asserted by Complainant: U.S. Patent No. 10,814,338 (“’338 patent”), U.S. Patent No. 11,014,098 (“’098 patent”) and U.S. Patent No. 10,899,728 (“’728 patent”).

1.4 The invented botanical extraction/purification device and novel process described in the ’338 and ’098 patents provide the improved ability to extract and purify botanical compounds from a diverse plant species, including reducing processing time and increasing product quality in an environmentally friendly way. The invention of the ’338 and ’098 patents consists of two main processing centers. The first component of this package is a Centrifuge Utility Platform (“CUP”) that transfers chemical compounds from botanical material into a solvent. The second component is an Adsorption Interface and Separation Platform (“AISP”), which is the second portion of the overall extraction and purification process. The patented

technology delivers capabilities in product throughput speed and product purity not available using previously available separation methods. This combination of processing centers provides an ideal methodology for organic compound extraction from botanical material by delivering a personalized methodology that effectively liberates the desired pharmacological compound(s) or commercial product from plants despite their dramatically different anatomical characteristics.

1.5 The '728 patent covers a novel distillation system and method for the recovery of cannabinoid extracts from a tincture comprising such extracts and a solvent, usually ethanol. Such extracts are used in pharmaceutical compounds, such as CBD extracts, which are prescribed in the treatment of epilepsy, among other indications. The invention increases the efficiency of the distillation process. In the prior art, such processes were both energy- and resource-intensive, requiring energy to heat and distill the mixture and solvents to extract the beneficial compounds from organic matter. In the claimed invention of the '728 patent, heat is recovered from the cooling evaporant and reused to preheat a new batch of incoming tincture and, through multiple condensation steps, the patented system maximizes the recovery of solvent for reuse.

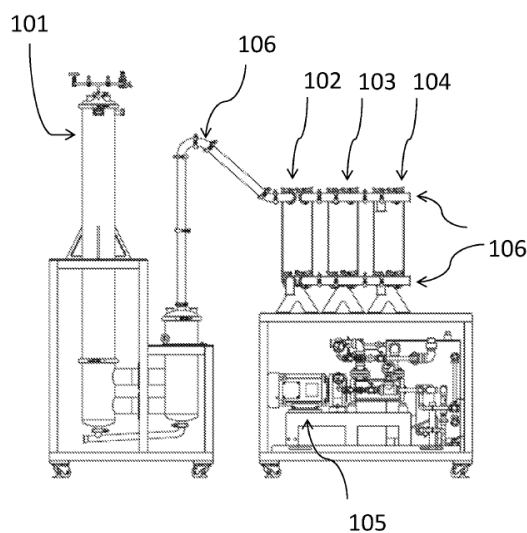






Fig. 1



1.6 Apeks's novel centrifugal utility platform extractor systems ("CUP DI Products") and methods of extraction are protected by the '338 and '098 patents. Apeks's falling film evaporator systems ("FFE DI Products") and methods of evaporation are protected by the '728 patent.

1.7 Apeks files this Complaint pursuant to Section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337 ("Section 337") to combat a steadily increasing volume of unlawful activity coming from a variety of often changing foreign and domestic sources whose activity – largely Internet and social media sources -- includes the unlawful sale for importation into the United States, importation into the United States, and/or sale within the United States after importation of certain infringing centrifuge utility platforms and certain infringing falling film evaporator systems and components thereof (the "Accused Products").



1.8 The Accused Products are manufactured for importation, imported into the United States, and/or offered for sale in the United States after importation by at least the following proposed respondents AmbioPharm Inc., Calpha Industries Inc., **Changzhou Haomai Drying Engineering Co., Ltd.**, Comerg LLC, Ezhydro, **Henan Lanphan Industry Co., Ltd.**, HX Labs, LLC, Hydrion Scientific Instrument, LLC, Idea Makers, LLC, **Lab1st Scientific and Industrial Equipment, Inc.**, **Liaoyang Zhonglian Pharmaceutical Machinery Co., Ltd.**, Miracle Education Distributors, Inc., Mountain Pure, LLC, Redford Management, Ri Hemp Farms, LLC, **Shanghai Yuanhuai Industries Co. LTD**, Toolots.com, **Toption Instrument Co., Ltd.**, Tradewheel.com, **Vcenna**, **Zhangjiagang Blovebird Separations Co., Ltd.**, **Zhangjiagang Chunk Trading Corp. a/k/a Zhangjiagang Charme Trading Corp. Ltd**, **Zhangjiagang City Huaxiang Centrifuge Manufactory Co., Ltd.**, and **Zhangjiagang Heighton Machinery CO., LTD.** (Collectively, "Respondents").




1.9 The Respondents identified in the left column of the table immediately below are manufacturing, selling for importation into the United States, importing into the United States, selling in the United States after importation accused product that infringes one or more claims of the valid and enforceable '338 and '098 patents (“CUP patents”). The Respondents identified in the right column are customers and are importing into the United States and/or selling after importation accused product that infringes either or both CUP patent as indicated obtained from the Respondents shown on the left.

SUMMARY OF '338/'098 PATENT RESPONDENTS		
Proposed Respondent Non-U.S. Suppliers	Imported Product	Proposed U.S. Customer Respondents
Lab1st Scientific and Industrial Equipment, Inc. ('338 and '098)		Ambiopharm, Inc. ('338 and '098) Calpha Industries Inc. ('338 and '098) Mountain Pure, LLC ('338) Redford Management ('338)
Shanghai Yuanhuai Industries Co., Ltd. ('338 and '098)		Hydrion Scientific Instrument LLC ('338 and '098)
Toption Instrument Co., Ltd. ('338 and '098)		HX Labs, LLC ('338 and '098) Ri Hemp Farms, LLC ('338 and '098)
Zhangjiagang Chunk Trading Corp. d/b/a Zhangjiagang Charme		Miracle Education Distributors, Inc. ('338)

SUMMARY OF '338/'098 PATENT RESPONDENTS		
Proposed Respondent Non-U.S. Suppliers	Imported Product	Proposed U.S. Customer Respondents
Trading Corp. Ltd ('338 and '098)		Tradewheel.com ('338 and '098)
Zhangjiagang City Huaxiang Centrifuge Manufactory Co., Ltd. ('338 and '098)		Toolots.com ('338 and '098)
Zhangjiagang Heighton Machinery Co., Ltd. ('338 and '098)		Toolots.com ('338 and '098)

1.10 In addition, Respondents identified in the left column of the table shown immediately below are manufacturing, selling for importation into the United States, importing into the United States, selling in the United States after importation accused product that infringes one or more claims of the valid and enforceable '728 patent (“FFE patent”). The Respondents identified in the right column are customers and are importing into the United States and/or selling after importation accused product that infringes the FFE patent obtained from the Respondents shown on the left:

Proposed Respondent Non-U.S. Suppliers	Imported Product	Proposed U.S. Customer Respondents
Changzhou Haomai Drying Engineering Co., Ltd.		Tradewheel.com
Henan Lanphan Industry Co., Ltd.		Comerg, LLC Tradewheel.com

Proposed Respondent Non-U.S. Suppliers	Imported Product	Proposed U.S. Customer Respondents
Lab1st Scientific and Industrial Equipment, Inc.		Calpha Industries Inc. Ezhydro Tradewheel.com
Shanghai Yuanhuai Industries Co., Ltd.		Idea Makers, LLC Tradewheel.com
Zhangjiagang Blovebird Separations Co., Ltd.		Tradewheel.com

1.11 Each of Respondents is violating 19 U.S. Code § 337 – Unfair Practices in Import Trade -- by way of infringement of asserted claims, as set forth herein, of the Asserted Patents through the manufacture, unlawful importation into the United States, the sale for importation into the United States, or sale within the United States after importation of Accused Product and components thereof, described more fully herein, and in particular in the accompanying claim charts.

1.12 The Respondents’ activities are unlawful under 19 U.S.C. §1337(a)(1)(B)(i) and Complainants are entitled to relief because of the existence of Apeks’s domestic industry, which is protected by one or more valid claims each of the Asserted Patents.

1.13 The Accused Products infringe, either literally or under the doctrine of equivalents, one or more of the Asserted Patents as shown in the accompanying claim charts.

1.14 The Respondents unlawful activities are interfering with Apeks’s right to realize the value of their innovations and are unlawfully harming Complainant’s domestic industry.

1.15 A copy the '338 patent accompanies this Complaint as **Exhibit 1**. A certified copy the '098 patent accompanies this Complaint as **Exhibit 2**. A certified copy of the '728 patent accompanies this Complaint as **Exhibit 3**.

1.16 Apeks owns the entire right, title, and interest in and to the '338 patent. Apeks also owns the entire right, title, and interest in and to the '098 patent. A copy of the abstract of the recorded assignments for the '338 and '098 patent accompanies this Complaint as **Exhibit 4**.

1.17 Apeks owns the entire right, title, and interest in and to the '728 Patent. A copy of the recorded abstract of assignments for the '728 patent accompanies this Complaint as **Exhibit 5**.

1.18 As required by Section 337(a)(2) and defined in Section 337(a)(3), an industry in the United States exists relating to articles protected by the Asserted Patents. Complainant's domestic industry products are engineered and manufactured in the United States. *See* Declaration of Mr. Rafael Nieves attached hereto as **Exhibit 50/50C** and the domestic industry claim charts attached hereto as **Exhibits 51-56**.

1.19 Apeks seeks as relief for the unfair acts of Respondents (i) an investigation into Respondents' violations; (ii) a public hearing; (iii) a general exclusion order barring from entry articles that infringe one or more claims of the Asserted Patents, (iv) a limited exclusion order, barring from entry into the United States all of the Accused Product that infringe one or more claims of the Asserted Patents; (v) a permanent cease and desist order directing all Respondents to cease and desist from activities that include, but are not limited to, importing, selling, selling for importation, offering for sale, transferring, distributing, warehousing inventory for distribution, using, assembling, qualifying for use in the products of others, testing, installing, promoting, marketing, advertising, demonstrating, and soliciting the sale in the United States, all

Accused Product and/or products containing the Accused Product that infringe one or more claims of the Asserted Patents during the 60-day Presidential review period pursuant to 19 U.S.C. § 1337(j), and (vi) such other relief as the Commission deems proper.

II. COMPLAINANT APEKS

2.1 Complainant, Apeks, is organized under the laws of Ohio, and operates facilities near Columbus, Ohio and San Francisco Bay area.

2.2 Apeks is a domestic manufacturing company that today is a leading manufacturer and seller of ethanol extraction, recovery and distillation systems, including in particular the CUP-15, CUP-30 (“CUP DI Products”) and the Falling Film Evaporator FFE-45 and FFE-60 Series ethanol evaporation systems (“FFE DI Products”).

2.3 Apeks has made (i) significant investment in plant and equipment in the United States (ii) significant employment of labor and/or capital in the United States, and/or (iii) made substantial investment in the exploitation of articles protected by the Asserted Patents in the United States, either by way of engineering, research or development, or licensing. *See* Declaration of Mr. Rafael Nieves attached hereto as Exhibits 50/50C.

III. RESPONDENTS

a. Ambipharm, Inc. ('338 and '098)

3.1 In information and belief, Respondent **Ambipharm, Inc.** is located at 1024 Dittman Court, Beech Island, SC 29842 (Ex. 59). Ambipharm imports, sells for importation, sells and distributes after importation products that infringe the '338 and '098 patents obtained at least from Respondent **Lab1st**. *See* Exhibits 6, 16, and 35. Photographs of the accused product are shown in the referenced claim charts.

b. Calpha Industries, Inc. ('338, '098, and '728)

3.2 On information and belief, Respondent **Calpha Industries, Inc.** (“Calpha”) is located at 22732 Granite Way, Suite A, Laguna Hills, California 92653 (Ex. 60). Calpha imports, sells for importation, sells and distributes after importation products that infringe the '338, '098, and '728 patents obtained at least from Respondent **Lab1st**. *See* Exhibits 6, 7, 16, 17, 28, and 35. Photographs of the accused product are shown in the referenced claim charts.

c. Changzhou Haomai Drying Engineering Co., Ltd ('728)

3.3 On information and belief, Respondent **Changzhou Haomai Drying Engineering Co., Ltd.** (“Haomai”) is a Chinese manufacturer having a principal place of business at Sanhekou Industrial Park, Zhenglu Town, Tianning District, Changzhou City, Jiangsu Province, China, 213000 (Ex. 61). Haomai imports, sells for importation, sells and distributes after importation products that infringe the '728 patent. *See* Exhibits 26 and 31. Photographs of the accused product are shown in the referenced claim charts.

d. Comerg, LLC ('728)

3.4 On information and belief, Respondent **Comerg, LLC** (“Comerg”) is located at 12620 N Cave Creek Rd, Phoenix, AZ 85022 (Ex. 62). **Comerg** manufactures, imports, sells for importation, sells and distributes after importation products infringing the '728 patent obtained at least from Respondent **HL**. *See* Exhibits 27 and 33. Photographs of the accused product are shown in the referenced claim charts.

e. Ezhydro ('728)

3.5 On information and belief, Respondent **Ezhydro** is located at 10255 Old Placerville Rd., Sacramento, CA 95827 (Ex. 63). Ezhydro imports, sells and distributes after importation, products that infringe the '728 patent obtained at least from Respondent **Lab1st**.

See Exhibits 28 and 35. Photographs of the accused product are shown in the referenced claim charts.

f. Henan Lanphan Industry Co., Ltd. (“HL”) (’728)

3.6 On information and belief, Respondent **Henan Lanphan Industry Co., Ltd. (“HL”)** is a Chinese company having a principal place of business at Room 801, Building B, CC Mall, Jianshe Road, Zhongyuan District, Zhengzhou, Henan Province, China, 450000 (Ex. 64). **HL** is a manufacturer, seller for import, exporter and/or importer and/or distributor and/or seller of products infringing the ’728 patent. See Exhibits 27, 32, and 33. Photographs of the accused product are shown in the referenced claim charts.

g. HX Labs, LLC (’338 and ’098)

3.7 On information and belief, Respondent **HX Labs, LLC** is located at 34004 Texas St SW, Albany, OR 97321 (Ex. 65). **HX Labs, LLC** imports, sells and distributes after importation, products infringing the ’338 and ’098 patents obtained at least from Respondent **Toption**. See Exhibits 10, 20, and 40. Photographs of the accused product are shown in the referenced claim charts.

h. Hydrion Scientific Instrument LLC (’338 and ’098)

On information and belief, Respondent **Hydrion** is located at 1240 Activity Drive, Suite D, Vista, CA 92081 (Ex. 66). **Hydrion** imports, sells and distributes after importation, products infringing the ’338 and ’098 patents obtained from at least **YHCHEM**. See Exhibits 9, 19, 36, 37, 38/39. Photographs of the accused product are shown in the referenced claim charts.

i. Idea Makers, LLC (’728)

3.8 On information and belief, Respondent **Idea Makers, LLC (“Idea Makers”)** is located at 722 S State St., Salt Lake City, UT 84111 (Ex. 67). **Idea Makers** imports and/or sells and distributes after importation products infringing the ’728 patent obtained at least from

Respondent **YHCHEM**. *See* Exhibits 29 and 39. Photographs of the accused product are shown in the referenced claim charts.

j. Lab1st Scientific and Industrial Equipment, Inc. ('338, '098, and '728)

3.9 On information and belief, Respondent **Lab1st Scientific and Industrial Equipment, Inc. ("Lab1st")** is a Chinese company having a principal place of business at No. 248 Guanghai Road, MinHang District, Shanghai, China, 201612 (Ex. 68). **Lab1st** is a manufacturer, seller for import, importer and/or seller after import of products infringing the '338, '098, and '728 patents. *See* Exhibits 6, 7, 16, 17, 28, 34, 35. Photographs of the accused product are shown in the referenced claim charts.

k. Liaoyang Zhonglian Pharmaceutical Machinery Co., Ltd. ('338 and '098)

3.10 On information and belief, Respondent **Liaoyang Zhonglian Pharmaceutical Machinery Co. ("Pharm")** is a Chinese company having a principal place of business at 119 Jianshe Rd, Dadong Qu, Shenyang Shi, Liaoning Province, China, 110127 (Ex. 69). **Pharm** is a seller for import, importer and/or distributor and/or marketer of products infringing the '338 and '098 Patents. *See* Exhibits 8 and 18. Photographs of the accused product are shown in the referenced claim charts.

l. Miracle Education Distributors, Inc. ('338)

3.11 On information and belief, Respondent **Miracle Education Distributors, Inc. ("Miracle")** is located at 68366 Kieley Rd, Cathedral City, CA 92234 (Ex. 70). **Miracle** imports, sells and distributes after importation products that infringe the '338 patent obtained at least from Respondent **Charme a/k/a Chunk**. *See* Exhibits 12 and 43. Photographs of the accused product are shown in the referenced claim charts.

m. Mountain Pure, LLC ('338)

3.12 On information and belief, Respondent **Mountain Pure, LLC (“Mountain Pure”)** is located at 496 E 1750 N, Unit E, Vineyard, UT 84057 (Ex. 71). **Mountain Pure** imports and sells and distributes after importation products that infringe the '338 patent obtained at least from Proposed Respondent **Lab1st**. *See* Exhibits 6 and 35. Photographs of the accused product are shown in the referenced claim charts.

n. Redford Management ('338)

3.13 On information and belief, Respondent **Redford Management (“Redford”)** is located at 4625 Alger St, Los Angeles, CA 90039 (Ex. 72). **Redford** and imports, sells for importation and/or sells and distributes after importation products infringing the '338 patent obtained at least from Respondent **Lab1st**. *See* Exhibits 6 and 35. Photographs of the accused product are shown in the referenced claim charts.

o. Ri Hemp Farms, LLC ('338 and '098)

3.14 On information and belief, Respondent **Ri Hemp Farms, LLC (“Ri Hemp”)** is located at 39 Nooseneck Hill Rd. West Greenwich RI 02817 (Ex. 73). **Ri Hemp** imports and sells and distributes after importation products infringing the '338 and '098 patents obtained at least from Proposed Respondent **Toption**. *See* Exhibits 10, 20, and 40. Photographs of the accused product are shown in the referenced claim charts.

p. Shanghai Yuanhuai Industries Co., Ltd. ('338, '098 and '728)

3.15 On information and belief, **Shanghai Yuanhuai Industries Co., Ltd. (“YHCHEM”)** is a Chinese company having a principal place of business at No. 99 Shenbei Yi Rd, Songjiang District, Shanghai City, China, 201612 (Ex. 75). On information and belief, **YHCHEM** is a manufacturer, exporter and/or importer and/or distributor and/or seller of products that infringe the '338 and '098 patents. *See* Exhibits 9, 19, 38 and 39. On information

and belief, and **YHCHEM** is also a manufacturer, exporter and/or importer and/or distributor and/or seller of products that infringe the '728 patent. *See* Exhibits 29, 38, and 39. Photographs of the accused product are shown in the referenced claim charts.

q. Toolots.com ('338 and '098)

3.16 On information and belief, Respondent **Toolots.com** is located at 17783 Indian St, Moreno Valley, CA. 92551 (Ex. 76). **Toolots.com** imports, sells and distributes after importation, products infringing the '338 and '098 patents obtained from at least the following Respondents: **CM** (*See* Exhibits 13, 23, and 44) and **Heighton** (*See* Exhibits 14, 15, 24, 25, 45, and 46). Photographs of the accused product are shown in the referenced claim charts.

r. Toption Instrument Co. Ltd. ('338 and '098)

3.17 On information and belief, Respondent **Toption Instrument Co. Ltd.** ("**Toption**") is a Chinese company having a principal place of business located both at 21501 Room HeCheng, TaiBai Road, YanTa District, Xi'an, Shaanxi Province, China, 710000 (Ex. 77). On information and belief, **Toption** is a manufacturer, exporter and/or importer and/or seller after importation of products that infringe the '338 and '098 patents. *See* Exhibits 10, 20, and 40. Photographs of the accused product are shown in the referenced claim charts.

s. Tradewheel.com ('338, '098, and '728)

3.18 On information and belief, Respondent **Tradewheel.com** is located at 1201 N Orange Street Suite #7185 Wilmington DE 19801-1186 (Ex. 78). Tradewheel.com imports, sells and distributes after importation products that infringe the '338, '098, '728 patents obtained from the following Respondents: **Blovebird** (*See* Exhibits 30 and 42), **Chunk** (*See* Exhibits 12 and 22), **Haomai** (*See* Exhibits 26 and 31), **HL** (*See* Exhibits 27 and 32), **Lab1st** (*See* Exhibits 28 and 34) and **YHCHEM** (*See* Exhibits 29 and 38). Photographs of the accused product are shown in the referenced claim charts.

t. Vcenna ('338 and '098)

3.19 On information and belief, Respondent **Vcenna** is a Canadian company having a principal place of business at 68 Water St. Unit 401, Vancouver BC, V6B 1A4, Canada, (Ex. 79). **Vcenna** is a seller for import e and/or importer and/or distributor and/or seller of products after importation of products that infringe the '338 and '098 Patents. *See* Exhibits 11, 21, and 41. Photographs of the accused product are shown in the referenced claim charts.

u. Zhangjiagang Blovebird Separations Co., Ltd. ('728)

3.20 On information and belief, Respondent **Zhangjiagang Blovebird Separations Co., Ltd. (“Blovebird”)** is a Chinese company having a principal place of business at Dingsheng Village, Sanxing Street, Jinfeng Town, Suzhou, Jiangsu Province, China, 215600 (Ex. 80). On information and belief, **Blovebird** is a manufacturer, exporter and/or importer and/or seller after importation of products that infringe the '728 patent. *See* Exhibits 30 and 42. Photographs of the accused product are shown in the referenced claim charts.

v. Zhangjiagang Chunk Trading Corp. ('338 and '098) a/k/a Zhangjiagang Charme Trading Corp. Ltd ('338 and '098)

3.21 On information and belief, Respondent **Zhangjiagang Chunk Trading Corp. (“Chunk”) a/k/a Zhangjiagang Charme Trading Corp. Ltd (“Charme”)** is a Chinese Company having a principal place of business at Wang Xi Lu, Gusu Qu, Suzhou Shi, Jiangsu Province, China, 215000 (Ex. 81). On information and belief, and as set for the in the attached exhibits, **Chunk or Charme** is a manufacturer, exporter and/or importer and/or seller after importation of products that infringe the '338 and '098 patents. *See* Exhibits 12, 22, and 43. Photographs of the accused product are shown in the referenced claim charts.

w. **Zhangjiagang City Huaxiang Centrifuge Manufactory Co., Ltd. ('338 and '098)**

3.22 On information and belief, Respondent **Zhangjiagang City Huaxiang Centrifuge Manufactory Co., Ltd. ("CM")** is a Chinese company having a principal place of business at 31 Tongyun Road, Modern Agriculture Demonstration Park, Zhangjiagang City, Jiangsu Province, China, 215627 (Ex. 82). On information and belief, **CM** is manufacturer, exporter and/or importer and/or seller after importation of products that infringe the '338 and '098 patents. *See* Exhibits 13, 23, and 44. Photographs of the accused product are shown in the referenced claim charts.

x. **Zhangjiagang Heighton Machinery Co., LTD. ('338 and '098)**

3.23 On information and belief, Respondent **Zhangjiagang Heighton Machinery Co., LTD. ("Heighton")** is a Chinese company having a principal place of business at Donglin Village, Leyu Town, Zhangjiagang City, Suzhou City, Jiangsu Province, China, 215000 (Ex. 83). On information and belief, **Heighton** is a manufacturer, exporter and/or importer and/or seller after importation of products that infringe the '338 and '098 patents. *See* Exhibits 14, 15, 24, 25, 45, and 46. Photographs of the accused product are shown in the referenced claim charts.

y. **Unnamed Respondents**

3.24 In addition to the above named Respondents, numerous additional sellers are manufacturing for import, importing or selling after importation similar products that also appear to infringe the asserted patents. Moreover, these sales are often by way of social media Internet web sites and/or online commerce sites. *See* Exhibit 47. As a result, the extent any named Respondent defaults, it is expected that they will circumvent any exclusion remedy by selling through alternative names, entities, and social media or commerce sites. Moreover, because a

complex online commerce market place consisting of various distribution networks exists, it is extremely difficult to identify sources of infringing product.

IV. PRODUCTS AND TECHNOLOGY AT ISSUE³

4.1 In plain English, the products at issue relate to certain centrifuge utility platforms and falling film evaporators. The centrifuge utility platforms combine closed-loop, alcohol extraction with mechanical centrifugation ensuring a high-purity, consistent extraction capable of targeting specific plant compounds through programmable sequences, effectively isolating the desired separation. The falling film evaporators is a distillation system and method for processing cannabinoids and recovering solvent has a vessel for a mixture of cannabinoids and solvent, such as ethanol.

4.2 Apeks's novel centrifuge utility platforms streamline production times and maximize extraction yield. The falling film evaporator is used for botanical oil separation and ethanol extraction from extracted biomass tincture. Apeks's innovative falling film evaporators maintain high evaporation rates, significantly increasing throughput of botanical oil production, eliminating the need for multiple rotary evaporator systems.

4.3 As a result of their significant investment in engineering, design, and manufacturing, Apeks's innovative centrifuge utility platform and falling film evaporators overcome many of the problems formerly encountered during the extraction of oil from plant based biomass. Moreover, the ingenuity, investment, design, manufacturing, sales and customer support of Apeks's products all take place exclusively in the United States. Apeks's domestic industry products are protected by the Asserted Patents.

³ The allegations set forth in the Complaint and in particular Section IV of the Complaint are solely to provide general information regarding the nature of the technology at issue and are not to be interpreted so as to limit in any way the scope of any claim of the Asserted Patents.

V. THE ASSERTED PATENTS

a. The '338 and '098 Patents

1. Identification of the '338 and '098 Patents and Ownership by Apeks

5.1 The '338 and '098 patent are valid, enforceable, and currently in full force and effect. A copy of the '338 Patent is attached hereto as Exhibit 1. The '338 Patent, entitled "Device, System and Methods for Separation and Purification of Organic Compounds from Botanical Material," issued October 27, 2020 from Application No. 15/672,490 filed August 9, 2017.

5.2 The '098 patent is a continuation of Application No. 15/672,490 filed August 9, 2017. A certified copy of the '098 patent is attached hereto as Exhibit 2. The '098 Patent, entitled "Device, System and Methods for Separation and Purification of Organic Compounds from Botanical Material," issued May 25, 2021.

5.3 Apeks owns by assignment the entire right, title, and interest to the '338 and '098 patents. Copies of the assignments for the '338 and '098 patents are attached hereto as Exhibit 4.

5.4 Pursuant to Rule 210.12(c) of the Commission's Rules of Practice and Procedure, this Complaint is accompanied by Appendices A through D. **Appendix A** contains an electronic copy of the prosecution history of the '338 Patent. **Appendix B** contains an electronic copy of each reference mentioned in the prosecution history for the '338 patent. **Appendix C** contains an electronic copy of the prosecution history of the '098 Patent. **Appendix D** contains an electronic copy of each reference mentioned in the prosecution history of the '098 patent.

2. The Expiration Dates of the '338 and '098 Patents

5.5 The expiration date of the '338 Patent is April 24, 2039.

5.6 The expiration date of the '098 patent is August 9, 2037.

3. Non-technical Description of the '338 and '098 Claimed Inventions

5.7 Plants have historically been a resource for compounds with medicinal and commercial value. The compounds are typically made available through an extraction process that can begin with coarse separation of plant material to minimize the volume that typically undergoes one or more refined separation processes. The invented botanical extraction/purification device and novel process described in the '338 and '098 patents provide the improved ability to extract and purify botanical compounds from a diverse plant species, including reducing processing time and increasing product quality in an environmentally friendly way.

5.8 The invention consists of two main processing centers. The first component of this package is a Centrifuge Utility Platform ("CUP") that transfers chemical compounds from botanical material into a solvent. The second component is an Adsorption Interface and Separation Platform ("AISP"), which is the second portion of the overall extraction and purification process. The patented technology delivers capabilities in product throughput speed and product purity not available using previously available separation methods.

4. Foreign Counterparts to the '338 and '098 Patents

5.9 There are no foreign counterparts to the '338 and '098 patents.

5.10 No other foreign patents or patent applications corresponding to the '338 or '098 patent have been filed, abandoned, withdrawn or rejected.

b. The '728 Patent

1. Identification of the '728 Patent and Ownership by Apeks

5.11 The '728 patent is valid, enforceable, and currently in full force and effect. An electronic copy of the '728 patent is attached hereto as Exhibit 3.

5.12 The '728 Patent, entitled "System, Method and Apparatus for Cannabinoid Mixture Separation and Solvent Recovery," issued from Application No. 16/837,776 filed April 1, 2020 and Provisional application No. 62/827,426, filed on April 1, 2019.

5.13 Apeks owns by assignment the entire right, title, and interest to the '728 patent. Electronic copies of the assignments for the '338 patent are attached hereto as Exhibit 4.

5.14 Pursuant to Rule 210.12(c) of the Commission's Rules of Practice and Procedure, this Complaint is accompanied by Appendices E through F. **Appendix E** contains an electronic copy of the prosecution history of the '728 Patent. **Appendix F** contains and contains an electronic copy of each reference mentioned in the prosecution history of the '728 patent.

2. The Expiration Date of the '728 Patent

5.15 The expiration date of the '728 patent is April 1, 2039.

3. Non-technical Description of the '728 Claimed Inventions

5.16 The '728 patent covers a novel distillation system and method for the recovery of cannabinoid extracts from a tincture comprising such extracts and a solvent, usually ethanol. Such extracts are used in pharmaceutical compounds, such as CBD extracts, which are prescribed in the treatment of epilepsy, among other indications. The invention increases the efficiency of the distillation process.

5.17 In the prior art, such processes were both energy- and resource-intensive, requiring energy to heat and distill the mixture and solvents to extract the beneficial compounds from organic matter. In the claimed invention, heat is recovered from the cooling evaporant and reused to pre-heat a new batch of incoming tincture and, through multiple condensation steps, the patented system maximizes the recovery of solvent for reuse.

4. Foreign Counterparts to the '728 Patent

5.18 Foreign counterparts to the '728 patent as at Exhibit 49

5.19 No other foreign patents or patent applications corresponding to the '728 Patent have been filed, abandoned, withdrawn or rejected.

VI. UNLAWFUL AND UNFAIR ACTS OF RESPONDENTS

6.1 Each Respondent manufactures outside of the United States and imports into the United States, and/or sells within the United States after importation one or more Accused Product that infringes at least one claim of one or more of the Asserted Patents.

6.2 Discovery may reveal additional infringing products that are imported into the United States, sold for importation into the United States, and/or sold after importation into the United States by Respondents and/or Respondents' suppliers.

a. Respondents' Infringement of the '338 Patent

6.3 The Accused CUP Products infringe at least the following independent claims of the '338 patent:

'338 Patent			
Respondent	Claim 1	Claim 10	Claim 14
Lab1st Scientific and Industrial Ex. 6	√	√	√

'338 Patent			
Respondent	Claim 1	Claim 10	Claim 14
Ambiopharm, Inc. Ex. 6	√	√	√
Calpha Industries, Inc. Ex. 7	√	√	√
Mountain Pure, LLC Ex. 6	√	√	√
Redford Management Ex. 6	√	√	√
Liaoyang Zhonglian Pharmaceutical Machinery Co., Ltd. Ex. 8	√	√	√
Shanghai Yuanhuai Industrial Co., Ltd., Ex. 9	√	√	√
Hydrion Scientific Instrument LLC Ex. 9			
Toption Instrument Co., Ltd. Ex. 10	√	√	√
HX Labs, LLC Ex. 10	√	√	√
Ri Hemp Farms, LLC Ex. 10	√	√	√
Vcenna Ex. 11	√	√	√
Zhangjiagang Chunk Trading Corp. d/b/a Zhangjiagang Charme Trading Corp. Ltd Ex. 12	√	√	√
Miracle Education Distributors, Inc. Ex. 12	√	√	√
Tradewheel.com Ex. 12	√	√	√

'338 Patent			
Respondent	Claim 1	Claim 10	Claim 14
Zhangjiagang City Huaxiang Centrifuge Manufactory Co., Ltd. Ex. 13	√	√	√
Toolots.com Ex. 13	√	√	√
Zhangjiagang Heighton Machinery Co., Ltd. Ex. 14/15	√	√	√
Toolots.com Ex. 14/15	√	√	√

b. Respondents' Infringement of the '098 Patent

6.4 The Accused CUP Products infringe at least the following independent claims of the '098 patent:

'098 Patent			
Respondent	Claim 1	Claim 10	Claim 18
Lab1st Scientific and Industrial Ex. 16	√	√	√
Ambiopharm, Inc. Ex. 16	√	√	√
Calpha Industries, Inc. Ex. 16/17	√	√	√
Liaoyang Zhonglian Pharmaceutical Machinery Co., Ltd. Ex. 18	√	√	√
Shanghai Yuanhuai Industrial Co., Ltd., Ex. 9	√	√	√
Hydrion Scientific Instrument LLC Ex. 9	√	√	√
Toption Instrument Co., Ltd.	√	√	√

'098 Patent			
Respondent	Claim 1	Claim 10	Claim 18
Ex. 20			
HX Labs, LLC Ex. 20	√	√	√
Ri Hemp Farms, LLC Ex. 20	√	√	√
Vcenna Ex. 21	√	√	√
Zhangjiagang Chunk Trading Corp. d/b/a Zhangjiagang Charme Trading Corp. Ltd Ex. 22	√	√	√
Tradewheel.com Ex. 22	√	√	√
Zhangjiagang City Huaxiang Centrifuge Manufactory Co., Ltd. Ex. 23	√	√	√
Toolots.com Ex. 23	√	√	√
Zhangjiagang Heighton Machinery Co., Ltd. Ex. 24/25	√	√	√
Toolots.com Ex. 24/25	√	√	√

c. Respondents' Infringement of the '728 Patent

6.5 The Accused FFE Products infringe at least the following independent and/or dependent claims of the '728 Patent:

'728 Patent			
'728 Patent	Claim 1	Claim 9	Claim 19
Changzhou Haomai Drying Engineering Co., Ltd. Ex. 26	√	√	√

'728 Patent			
'728 Patent	Claim 1	Claim 9	Claim 19
Tradewheel.com Ex. 26	√	√	√
Henan Lanphan Industry Co., Ltd. Ex. 27	√	√	√
Comerg, LLC Ex. 27	√	√	√
Tradewheel.com Ex. 27	√	√	√
Lab1st Scientific and Industrial Equipment Ex. 28	√	√	√
Calpha Industries, Inc. Ex. 28	√	√	√
Ezhydro Ex. 28	√	√	√
Tradewheel.com Ex. 28	√	√	√
Shanghai Yuanhuai Industries Co., Ltd. Ex. 29	√	√	√
Idea Makers, LLC Ex. 29	√	√	√
Tradewheel.com Ex. 29	√	√	√
Zhangjiagang Blovebird Separations Co., Ltd. Ex. 30	√	√	√
Tradewheel.com Ex. 30	√	√	√

VII. SPECIFIC INSTANCES OF UNFAIR IMPORTATION AND SALE

7.1 On information and belief, Respondents, and/or others on Respondents behalf, and/or in concert with Respondents, assemble and manufacture the Accused Product in China, Canada or elsewhere outside the United States, and the Accused Product is then imported into the United States, sold for importation into the United States and/or sold after importation in the United States.

7.2 On information and belief, Respondents offer for sale its infringing articles to customers in the United States both directly and/or through intermediary suppliers.

a. Importation of Accused Products that Infringe the '338 Patent

7.3 On information and belief, and according to publically available shipping records (Panjiva records), Accused Product was sold for importation and imported into the United States for sale within the United States by Proposed Foreign Respondent Supplier **Lab1st Scientific and Industrial Equipment, Inc.** to the following United States Customers Respondents: Ambiofarm, Inc. (Ex. 35), Calpha Industries, Inc. (Ex. 35), Mountain Pure, LLC (Ex. 35) and Redford Management (Ex. 35).

7.4 On information and belief, and according to publically available records, Accused Product was sold for importation and imported into the United States for sale within the United States by Proposed Foreign Suppliers **Shanghai Yuanhuai Industrial Co., Ltd.** for the following United States Customer Respondents: Hydrion Scientific Instrument LLC (Exs. 37, 38/39).

7.5 On information and belief, and according to publically available shipping records (Panjiva records), Accused Product was sold for importation and imported into the United States for sale within the United States by Respondent Supplier **Toption Instrument Co., Ltd.** to the

following United States Customers Respondents: HX Labs, LLC (Ex. 40) and Ri Hemp Farms, LLC (Ex. 40).

7.6 On information and belief, and according to publically available shipping records (customer company website), Accused Product was sold for importation and imported into the United States for sale within the United States by Respondent Supplier **Vcenna** (Ex. 41).

7.7 On information and belief, and according to publically available shipping records (Panjiva records), Accused Product was sold for importation and imported into the United States for sale within the United States by Respondent Supplier **Zhangjiagang Chunk Trading Corp. d/b/a Zhangjiagang Chunk Trading Corp. Ltd.** to the following United States Customers Respondents: Miracle Education Distributors, Inc. (Ex. 43) and Tradewheel.com (Ex. 12 and 22).

7.8 On information and belief, and according to publically available shipping records (customer company website), Accused Product was sold for importation and imported into the United States for sale within the United States by Respondent Supplier **Zhangjiagang City Huxiang Centrifuge Manufactory Co., Ltd.** to the following United States Customer Respondent: Toolots.com (Ex. 44).

7.9 On information and belief, and according to publically available shipping records (customer company website), Accused Product was sold for importation and imported into the United States for sale within the United States by Respondent Supplier **Zhangjiagang Heighton Machinery Co., Ltd.** to the following United States Customer Respondent: Toolots.com (Ex. 45 and 46).

b. Importation of Accused Products that Infringe the '098 Patent

7.10 On information and belief, and according to publically available shipping records (Panjiva records), Accused Product was sold for importation and imported into the United States for sale within the United States by Proposed Foreign Respondent Supplier **Lab1st Scientific and Industrial Equipment, Inc.** to the following United States Customers Respondents: Ambipharm, Inc. (Ex. 35) and Calpha Industries, Inc. (Ex. 35).

7.11 On information and belief, and according to publically available shipping records (Panjiva records), Accused Product was sold for importation and imported into the United States for sale within the United States by Proposed Foreign Respondent Supplier **Toption Instrument Co., Ltd.** to the following United States Customers Respondents: HX Labs, LLC (Ex. 40) and Ri Hemp Farms, LLC (Ex. 40).

7.12 On information and belief, and according to publically available shipping records (customer company website), Accused Product was sold for importation and imported into the United States for sale within the United States by Proposed Foreign Respondent Supplier **Vcenna** (Ex. 41).

7.13 On information and belief, and according to publically available shipping records (Panjiva records), Accused Product was sold for importation and imported into the United States for sale within the United States by Proposed Foreign Respondent Supplier **Zhangjiagang Chunk Trading Corp. d/b/a Zhangjiagang Chunk Trading Corp.** Ltd. to the following United States Customers Respondent: Tradewheel.com (Ex. 12 and 22).

7.14 On information and belief, and according to publically available shipping records (customer company website), Accused Product was sold for importation and imported into the United States for sale within the United States by Proposed Foreign Respondent Supplier

Zhangjiagang City Huaxiang Centrifuge Manufactory Co., Ltd. to the following United States Customer Respondent: Toolots.com (Ex. 44).

7.15 On information and belief, and according to publically available shipping records (customer company website), Accused Product was sold for importation and imported into the United States for sale within the United States by Proposed Foreign Respondent Supplier **Zhangjiagang Heighton Machinery Co., Ltd.** to the following United States Customer Respondent: Toolots.com (Ex. 45 and 46).

c. Importation of Accused Products that Infringe the '728 Patent

7.16 On information and belief, and according to publically available shipping records (customer company website), Accused Product was sold for importation and imported into the United States for sale within the United States by Proposed Foreign Respondent Supplier **Changzhou Haomai Drying Engineering Co., Ltd.** to the following United States Customer Respondent: Tradewheel.com (Ex. 31).

7.17 On information and belief, and according to publically available shipping records (Panjiva records and customer company website), Accused Product was sold for importation and imported into the United States for sale within the United States by Proposed Foreign Respondent Supplier **Henan Lanphan Industry Co., Ltd.** to the following United States Customers Respondents: Comerg, LLC (Ex. 33) and Tradewheel.com (Ex. 32).

7.18 On information and belief, and according to publically available shipping records (Panjiva records and customer company website), Accused Product was sold for importation and imported into the United States for sale within the United States by Proposed Foreign Respondent Supplier **Lab1st Scientific and Industrial Equipment** to the following United

States Customers Respondents: Calpha Industries, Inc. (Ex. 35), Ezhydro (Ex. 35) and Tradewheel.com (Ex. 34).

7.19 On information and belief, and according to publically available shipping records (Panjiva records and customer company website), Accused Product was sold for importation and imported into the United States for sale within the United States by Proposed Foreign Respondent Supplier **Shanghai Yuanhuai Industries Co. Ltd** to the following United States Customers Respondents: Idea Makers, LLC (Ex. 39) and Tradewheel.com (Ex. 38).

7.20 On information and belief, and according to publically available shipping records (customer company website), Accused Product was sold for importation and imported into the United States for sale within the United States by Proposed Foreign Respondent Supplier **Zhangjiagang Blovebird Separations Co., Ltd.** to the following United States Customer Respondent: Tradewheel.com (Ex. 42).

VIII. HARMONIZED TARIFF SCHEDULE

8.1 The Accused Product is believed to fall within at least the following classification of the Harmonized Tariff Schedules of the United States: 8421.19 ('338 and '098 Patents) and 8419.89 ('728 Patent).

8.2 This classification is intended for illustrative purposes only and is not intended to restrict the scope of the type of Accused Product.

IX. THE DOMESTIC INDUSTRY

9.1 A domestic industry exists as defined by 19 U.S.C. §§ 1337(a)(2)-(3) relating to Apeks's significant investment in plant and equipment; significant employment of labor or capital; and substantial investment in the exploitation of the Asserted Patents, including a variety

of manufacturing, engineering, and technical support, sales and marketing, field training, and service with respect to Apeks's domestic industry systems and components thereof.

9.2 Apeks's assembly and manufacturing, distribution, research, engineering, sale, and support activities in the United States with respect to these products constitute a domestic industry for purposes of Section 337.

9.3 Apeks's domestic industry products are protected by one or more claims of the Asserted Patents.

a. The Technical Prong

9.4 Apeks manufacture, assemble, sell, research, engineer and distribute the CUP Series (CUP-15 and CUP-30) Centrifuge Utility Platform and FEE falling film evaporator systems and components thereof protected by one or more claims of the Asserted Patents.

9.5 As set forth in more detail herein, Complainant's CUP Series and FEE systems and components thereof incorporate the inventions claimed in the Asserted Patents.

9.6 The CUP-15 and CUP-30 are exemplary domestic industry centrifuge utility platforms that are protected by one or more claims of the '338 Patent.

9.7 Claim charts demonstrating how the CUP-15/CUP-30 DI products are protected by at least independent claims 1, 10 and 14 of the '338 patent are attached to the Complaint as Exhibits 51 and 52 hereto. Photographs of the CUP-15 and CUP-30 are shown in these claim charts.

9.8 Claim charts demonstrating how the exemplary CUP-15/CUP-30 DI products are protected by at least independent claims 1, 10 and 14 of the '098 patent are attached to the

Complaint as Exhibits 53 and 54 hereto. Photographs of the CUP-15 and CUP-30 are also shown in these claim charts.

9.9 A claim chart demonstrating how the FEE DI product is protected by at least independent claims 1, 9 and 19 of the '728 Patent are attached to the Complaint as Exhibits 55 and 56 hereto. Photographs of the CUP-15 and CUP-30 are shown in these claim charts.

b. Economic Prong

9.10 Every product Complainant offers is researched, designed, engineered, marketed and built with pride in the United States.

9.11 As shown in attached Confidential Declaration of Mr. Rafael Nieves, all of which is incorporated herein by reference, Proposed Complainant has built through innovation and manufacturing excellence a significant domestic industry that is entitled to protection. *See generally* Exhibit 50/50C.

X. LICENSES

10.1 Complainants have not licensed the Asserted Patents.

XI. RELATED LITIGATION

11.1 None

XII. REQUESTED RELIEF

13.1 WHEREFORE, by reason of the foregoing, Complainant requests 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)(ii), with respect to violations of Section 337 arising from Respondents' unlawful importation into the United States, sale for importation in

the United States, and/or sale within the United States after importation of certain centrifuge utility platform systems and falling film evaporator systems and components thereof that infringe one or more claims of the Asserted Patents;

(b) Schedule and conduct a hearing on relief, pursuant to Section 337(c) and (d), for the purpose of receiving evidence and hearing argument concerning whether there has been a violation of Section 337;

(c) Determine that there has been a violation of Section 337;

(d) Issue a General Exclusion Order; or, in that alternative, issue a limited exclusion order specifically directed to the named Proposed Respondents and their subsidiaries and affiliates and suppliers, pursuant Section 337(d) prohibiting entry into the United States of all Accused Product and components thereof that infringes one or more claims of the Asserted Patents;

(e) Issue a cease and desist order, pursuant to Section 337(f) of the Tariff Act of 1930, as amended, prohibiting the Proposed Respondents, their affiliates, others acting on behalf of Proposed Respondents, and others who are in active concert or participation with the Proposed Respondents from marketing, advertising, demonstrating, warehousing inventory for distribution, sale and use of all Accused systems and components, including any that infringe one or more claims of the Asserted Patents; and

(f) Issue 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.

Respectfully submitted,

DICKINSON WRIGHT PLLC

Dated: March 29, 2022

By: *H. Jonathan Redway*

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VERIFICATION OF COMPLAINT

I, Jamer Moore, declare under penalty of perjury under the laws of the United States of America, and in accordance with 19 C.F. R. §§ 210.4 and 210.12(a), that the following is true in correct:

1. I am Disector RDE, OPS ("Apeks"). I am duly authorized to verify this Complaint on behalf of Complainant.
2. I have read the Complaint and I am aware of its contents;
3. The Complaint is not being presented for any improper purpose, such as to harass or to cause unnecessary delay or needlessly increase the cost of litigation;
4. To the best of my knowledge, information and belief founded upon reasonable inquiry, the claims and legal contentions of this Complaint are warranted by existing law or a good faith argument for the extension, modification or reversal of existing law;
5. To the best of my knowledge, information and belief founded upon reasonable inquiry, the allegations and other factual contentions in the Complaint have evidentiary support or are likely to have evidentiary support after a reasonable opportunity for further investigation or discovery.

Executed on March 25, 2022

