

UNITED STATES INTERNATIONAL TRADE COMMISSION

Washington, D.C.

In the Matter of: Certain Apparatus and Methods of Opening Containers	Investigation No. 337- TA- _____
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**COMPLAINT UNDER SECTION 337
OF THE TARIFF ACT OF 1930**

COMPLAINANT:

Draft Top, LLC
179 Riddle Avenue
Long Branch, NJ 07740
908-963-9960

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China

Kingskong Enterprises Co., Ltd.
126 Zhaohui Rd
Hangzhou 310050
China

Du Zuojun
Level 1
Shenzhen International Airport Cargo
Shenzhen, Guangdong 510810
China

WN Shipping USA, Inc.
475 Doughty Blvd.
Inwood, NY 11098

Shuje Wei
2855 S. Reservoir Drive
No. 130
Pomona, CA 91766

Express Cargo Forwarded, Ltd.
10722 S. La Cienega Blvd
Los Angeles, CA 90304

Tofba International, Inc.
12833 Chadron Avenue
Hawthorne, CA 90250

Hou Wenzheng
1200 Worldwide Blvd.
Hebron, KY 41408

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APPENDIX

1. Certified Copy of the U.S. Patent No. US 10, 519,0162, and Assignment
2. Prosecution History of U.S. PATENT No. US 10,519,016 B2
3. Technical References Mentioned in Prosecution History of U.S. PATENT NO.
 US 10,519,016 B2

LIST OF EXHIBITS

1. U.S. Patent No. US 10,519,016 B2, and Assignment
2. The Draft Top
3. Claim Chart for U.S. Patent No. US 10519016 B2 (Draft Top).
4. Mintiml - Import Sales and Marketing Materials
5. WN Shipping USA, Inc. - Import Sales and Marketing Materials
6. Shujewei - Import Sales and Marketing Materials
7. Express Cargo - Import Sales and Marketing Materials
8. Tofba International, Inc. - Import Sales and Marketing Materials
9. KKS Enterprises Co., Ltd. - Import Sales and Marketing Materials
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11. Hou Wenzheng - Import Sales and Marketing Materials
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13. Declaration of Sean Kelly (Importation)
14. Declaration of Armand Ferranti (Domestic Industry)
15. Draft Top, LLC's Manufacturers and Suppliers

I. INTRODUCTION

A. History of the Invention

1. Draft Top LLC (hereinafter, "Draft Top") hereby files this Complaint pursuant to Section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337, based on the importation into the United States, sale for importation, and/or sale after importation of certain apparatus and methods of opening containers that are intentionally and willfully designed to be used, and are used, in such a manner as to infringe upon certain such apparatus and methods of opening containers which are covered by and subject to claim 12 of U.S Patent No.: US 10, 519, 016 B2 (hereinafter the '016 patent") entitled "Apparatus and Methods of Opening Containers." A certified copy of the '016 patent, and the assignment of the patent to Draft Top, accompanies this Complaint as Exhibit 1 hereto. (Due to COVID restrictions, the original certified copies are in the custody of undersigned counsel, and are available upon request. True and correct photo copies are attached as the exhibits to the electronic Complaint.) The '016 patent is exclusively assigned to Draft Top. The inventors are Sean P. Kelly of Marietta, Georgia, and Armand Joseph Ferranti, Jr. of Long Branch, New Jersey("Inventors"), "Draft Top."

2. It is well accepted that drinking a beverage from a can is not the most enjoyable way to drink a beverage. This is for two main reasons:

a) The aluminum top blocks the beverage's aroma from reaching one's nose. One's sense of taste is directly linked to your sense of smell.

This is the same reason why children hold their nose when eating their least favorite vegetables, and why a draft beer always tastes

better than a canned or bottled beer.

b) The "clugging" of the beverage creates a sense of fullness. Everyone has experienced the bloated feeling of imbibing a canned drink far too quickly. One can feel the Co₂ building up with every gulp taken. That is because the liquid becomes aerated as it pours out of the tiny opening. Not only is this feeling unpleasant, but it can also cause dangerous buildup of stomach acid.

3. Removing the top of the can completely eliminates these problems. It allows the beverage to "breathe," which enhances both taste and smell. It easily allows one to add ice, garnishment and spirits to the drink, and eliminates the "clugging" problem.

B. Plain English Statement of the Invention (210.12(a)(12))

4. Draft Top is an LLC consisting of four men who set out to elevate the canned beverage experience. These four men worked for eight years to develop a barware product that consumers now use to improve the experience of drinking from cans. Although Draft Top was initially focused on products for craft beer, the company evolved into offering this product for all types of beverages (soda, seltzer, canned beer and canned wine).

5. The signature product which was designed and is sold by Draft Top is 100 percent American made, and Draft Top takes pride in its ability to create jobs from its product, one that is widely used throughout the world. *See Exhibit 2.*¹ In fact, Draft

¹ The signature product sold by Draft Top is known by the product name "Draft Top".

Top has sold its USA-made product to 30 plus countries and has generated hundreds of thousands of dollars that feed the American economy.

6. The “Draft Top” product works in the following manner:
 - i) Simply open the handle to the tool, which retracts the splitters to the center of the can.
 - ii) Place the tool on the can and press down lightly.
 - iii) Squeeze the handle, which sends the splitters outward towards the inner rim of the can.
 - iv) Rotate the tool on the can in either direction to separate the lid from the rim, then push the lid in OR remove it entirely depending on one's preference.
 - v) The result is a very safe, non-sharp, drinking surface from which one can enjoy the beverage as one would from a glass or cup.

C. The Unfair Act

7. The Inventors applied for, and were granted, a patent protecting their novel idea. On December 31, 2019, the United States Patent and Trademark Office (hereinafter "PTO") duly and properly issued the '016 patent, entitled, "Apparatus and Methods of Opening Containers" to the Inventors. The Inventors thereafter assigned this '016 patent to their company (and the Complainant), Draft Top. Draft Top makes its patented “Draft Top” apparatus available to the public.

8. Respondents manufacture for importation and sale in the United States, import into the United States, and/or sell after importation into the United States

apparatus(es) which is/are especially designed to be used and is used in such manner as to infringe upon the '016 Patent. Respondents make and sell such apparatus primarily through the internet, and ship mainly through freight forwarders.

II. COMPLAINANT

9. Draft Top is organized under the laws of the State of New Jersey with its principal place of business at 179 Riddle Avenue, Long Branch, New Jersey. Draft Top manufactures and sells the "Draft Top" apparatus (hereinafter also referred to as the "device" or "can-opening device"), which is covered by the claims of the '016 patent, and which is designed to be used in connection with the methods covered by the '016 patent. A claim chart is attached. *See* Exhibit 3.

III. PROPOSED RESPONDENTS

10. Mintiml is a Chinese company with its principal place of business at Longhe Industrial Concentration Zone, Panshui Town, Yangzhou, Jiangsu 225800 China, which manufactures and sells the apparatus covered by the patent.

11. KKS Enterprises Co., Ltd., is a Chinese company with its principal place of business at Room 701, Xigang Xinje 7C, No. 206, Zhenhua Road, Sandun Town, Hangzhou 310030 China, which manufactures and sells the apparatus covered by the patent.

12. Kingskong Enterprises Company, Ltd., is an affiliate of KKS Enterprises Company, Ltd., with its principal place of business at 126 Zhaohui Rd, Hangzhou 310050 China, which manufactures and sells the apparatus covered by the patent.

13. Du Zuojun is a Chinese company with its principal place of business at

Level 1, Shenzhen International Airport Cargo, Shenzhen, Guandong 510810 China, which manufactures and sells the apparatus covered by the patent.

14. WN Shipping, USA, Inc. is a New York corporation with its principal place of business at 475 Doughty Blvd., Inwood, NY, 11098, which imports and sells the apparatus covered by the '016 patent.

15. Shuje Wei, is a California company with its principal place of business at 2855 S. Reservoir Drive, No. 130, Ponomo, CA, 91766, which imports and sells the apparatus covered by the '016 patent.

16. Express Cargo Forwarded, Ltd., is a California company with its principal place of business at 10722 Blvd, Los Angeles, CA, 90304, which imports and sells the apparatus covered by the '016 patent.

17. Tofba International, Inc., is a California corporation with its principal place of business at 1283 Chadron Ave., Hawthorne, CA, 90250, which imports and sells the apparatus covered by the '016 patent.

18. Hou Wenzheng, is a Kentucky corporation with its principal place of business at 1200 Worldwide Blvd., Hebron, KY, 41408, which imports and sells the apparatus covered by the '016 patent.

IV. '016 PATENT

A. Identification of the Patent-in-Suit and Ownership

19. The '016 patent is entitled "Apparatus and Method of Opening Containers," and was issued on December 31, 2019 to the inventors, Sean P. Kelly and Armand Joseph Ferranti, Jr. ("Inventors"). The '016 patent expires on or about October 8, 2040. *See* Exhibit 1.

20. The Inventors own all rights, title, and interest in '016 patent.

21. Pursuant to Rule 210.12(c), this Complaint is accompanied by one certified copy and three additional copies of the prosecution history of the '016 patent, and four copies of the '016 patent and the applicable pages of each technical reference mentioned in the prosecution history. (Due to COVID restrictions, the original certified copies are in the custody of undersigned counsel, and are available upon request.)

22. The Inventors have assigned the '016 patent to their company, Draft Top, LLC. See Exhibit 1.

B. Background of the Invention

23. As noted above, traditional cans and other metal containers have openings which limit the flow of the beverage, adversely affecting the taste of the beverage therein, and thereby limiting its use as a drinking vessel. Traditional means of removing the top of a can tended to leave sharp edges which were dangerous and could cause severe cuts to the user's hands or mouth.

24. Recognizing these problems, the inventors Sean Kelly and Armand Ferranti embarked on a quest to invent a device, which would be comprised of a single tool, and was easy and quick to operate, to remove the top of a can in a way that left the top edges smooth to the touch and not dangerous. Kelly and Ferranti developed a device and the method for using it, which allowed the removal of the can's top, with minimal physical effort, in a way that the can could be guided by the user, while using the device without denting the malleable middle of the can, with

the result that the inner lip of the can would remain intact and provide a smooth surface at the top of the can.

25. In the prior art, traditional devices which were designed to remove the planar upper surface of a sealed container are limited in the types of containers they can open and are constrained in the method of accessing the contents of the container contents. A recent trend among planar top surface soda or beverage cans is to engage the installed tab located at the top while including a perforated indentation opposite the tube to improve flow of soda or beverage from the can once opened. This conventional technique is problematic because a separate tool is typically used to puncture the perforated indentation such as a key or other instrument. Additionally, for applications in a bar or concession environment, the necessity to quickly deliver the container contents is not achieved because this two-step process is cumbersome or impractical. Finally, engaging the installed tab and puncturing the perforated indentation only increases flow of the soda or beverage from the can based on the limited dimensions of the tabbed mouth opening.

26. Traditional opening devices present various access challenges for planar top containers without an engagement tab or “mouth”. These devices use a single blade to remove the entire planar upper surface. These conventional devices require many rotations of a handle or a crank to utilize the single blade to cut around the entire circumferential edge of the container. In addition, traditional mechanical and electrical devices remove the planar upper surface of a container while leaving sharp edges that are harmful to the operator upon removal. The contents of such containers subsequently need to be removed to an intermediate

container for operator safety following the opening process.

C. Non-technical Description

27. The '016 patent overcame these obstacles by making a device/apparatus available to users having a combination of blades that could be opened or closed by the operation by pressing a lever attached to the device. The device works by positioning a surface of a platform of a device over an outer rim of a container, the surface having a perimeter; extending each of a plurality of blades outward toward the perimeter of the surface to engage respective portions of an inner face extending downward from a top edge of the outer rim of the container by rotating a gear by compressing a lever of the device toward the platform, wherein the gear is operatively coupled to each of the plurality of blades; and cutting the inner face extending downward from the top edge of the outer rim of the container by maintaining the lever compressed and rotating the platform.

28. An apparatus and methods of opening cans which permit the user to remove the entire upper top surface of the can. The apparatus and methods, incorporate a platform with a plurality of arms coupled to blades that engage the inner circumferential edge of a container by folding the edges inward. The blades and arms are coupled to a lever and rotate outward when the lever is compressed. The apparatus and methods are able to adhere to the different sizes and contours of a sealed can lid. Additionally, the apparatus and methods employed by the device permits the user to safely remove the top of the can with both ease and efficiency with no burrs or sharp edges that could hurt or cut the user.

VI. RESPONDENTS' UNFAIR ACTS

29. Respondents infringe claim 12 of the '016 patent.

30. Use of Respondents' products is covered by claim 12 of the '016 patent.

31. All Respondents' apparatus(es), as defined by the '016 patent, are essentially identical. They are all can-opening devices which designed to be used for the purpose of creating an open drinking container by removing the lid off the can, by utilizing the methods covered by claim 12 of the '016 patent. They are all intended to be used primarily, if not solely, in a manner that infringes the claims of the '016 patent.

32. A claim chart setting forth claim 12 of the '016 patent for Respondents' products is annexed hereto as Exhibit 3.

33. All the Respondents make the apparatus for importation and sale in the United States, and which are specifically made for use in employing the patented methods of the '016 patent. The consumer buys the apparatus for the specific purpose of using it to open cans and other containers, by the patented method, to use the opened container in the manner taught by the '016 patent. Therefore, Respondents are infringing the claims of the '016 patent, including claim 12.

VII. SPECIFIC INSTANCES OF UNFAIR IMPORTATION AND SALE

34. All the Respondents make the patented device primarily, if not specifically, for the United States market. The devices are imported into the United States in three primary methods: 1) sale on the website of the manufacturer, 2) sale on internet platforms like Amazon, Etsy, eBay, and the like, and/or 3) sent directly to the purchaser through freight forwarders.

35. In many instances, the imported devices, sold on internet platforms, have no identification markings on them, nor indicate on them the source, or the manufacturer in China, with the exception that these devices show they are imported from China.

36. All of the devices named in this Complaint were purchased by, and shipped to Draft Top, thus showing the importation and sale of these infringing devices in the United States. The physical exhibits which are referred to in paragraphs 37-45 of this Complaint and which are also referred to in Exhibits 4-11 annexed hereto are in the custody of Complainant's counsel and are available upon request. These physical exhibits include the devices themselves, the packaging, which shows "Made in China," and the envelopes in which they were received, which show's Draft Top's receipt of the devices and packaging and the addresses from which they were mailed.

37. Mintiml manufactures the device in China for sale in the United States. Mintiml offers for sale and sells the devices from websites, one of which is Brogrowshop, to persons in the United States. The devices are shipped from an address marked, "P.O. Box 6368, Rosemend, CA 91770, USA. " The postage markings show "Global Mail" - USPS, meaning the package was mailed from China. Exhibit 4 shows in order: 1) the shipping documents to the United States, including the purchase order, 2) photographs of the packaging and the device, which are marked to show the goods were made in China; the mailing envelopes in which they were received by Complainant, and 3) various internet screenshots which show the device being offered for sale in the United States. *See also* Exhibit 13.

38. Exhibit 5 is an unmarked device which has no markings on the package or the device itself, other than it was manufactured in China, and is sold on the internet, including eBay. This device is offered for sale and sold to persons in the United States. It is shipped from "CS@Orangeconnex.com, 475 Doughty Blvd, Inwood, NY 11098. A search of that address shows it to be for a company named WN Shipping USA, Inc., which is the freight forwarder for the imported product. Exhibit 5 shows in order: 1) the shipping documents to the United States, including the purchase order, 2) photographs of the packaging and the device, which are marked to show the goods were made in China; the mailing envelopes in which they were received by Complainant, and 3) various internet screenshots which show the device being offered for sale in the United States. *See also* Exhibit 13.

39. Exhibit 6 is an unmarked device which has no markings on the package or the device itself, other than it was manufactured in China, and is sold on the internet, including a website named aliexpress. This device is offered for sale and sold to persons in the United States. It is shipped from: "Shuje Wei, 2855 S. Reservoir St., No -130, Pomona, CA 91766. This "entity" appears to be a "drop shipper" or freight forwarder. The "Global Mail" postage shows it was mailed from China. The packaging, while not marked with any name, appears essentially the same as the Mintiml packaging. *Compare* Pictures contained in Exhibit 4 with the photos contained in Exhibit 6.) Exhibit 6 shows in order: 1) the shipping documents to the United States, including the purchase order, 2) photographs of the packaging and the device, which are marked to show the goods were made in China; the mailing envelopes in which they were received by Complainant, and 3) various

internet screenshots which show the device being offered for sale in the United States. *See also* Exhibit 13.

40. Exhibit 7 is an unmarked device which has no markings on the package or the device itself, other than it was manufactured in China, is sold on the internet, including a website named aliexpress. This device is offered for sale and sold to persons in the United States. This time, however, it is shipped from: "Shipping Dept., Dept. CA, 10722, South La Cienega Blvd., Inglewood, CA 90304, which is the address of Express Cargo, Ltd. This "entity" appears to be a "drop shipper," or freight forwarder. Exhibit 7 shows in order: 1) the shipping documents to the United States, including the purchase order, 2) photographs of the packaging and the device, which are marked to show the goods were made in China; the mailing envelopes in which they were received by Complainant, and 3) various internet screenshots which show the device being offered for sale in the United States. *See also* Exhibit 13.

41. Exhibit 8 is an unmarked device which has no markings on the package or the device itself, other than it was manufactured in China, and is sold on the internet, including Etsy. This device is offered for sale and sold to persons in the United States. It is shipped from Tofba International, Inc., 12833 Chadron Ave., Hawthorne, CA 90250. This "entity" appears to be a "drop shipper" or freight forwarder. The postage markings show that it was mailed from China. Exhibit 8 shows in order: 1) the shipping documents to the United States, including the purchase order, 2) photographs of the packaging and the device, which are marked to show the goods were made in China; the mailing envelopes in which they were

received by Complainant, and 3) various internet screenshots which show the device being offered for sale in the United States. *See also* Exhibit 13.

42. KKS Enterprises Co., Ltd. ("KKS") manufactures the device in China for sale in the United States. KKS offers for sale and sells the devices from its own website to persons in the United States. The devices are shipped from an address marked "Dept. CA #73, Shipping Dept., 13725 Pipeline Ave, China, CA 91710". Exhibit 9 shows in order: 1) the shipping documents to the United States, including the purchase order, 2) photographs of the packaging and the device, which are marked to show the goods were made in China; the mailing envelopes in which they were received by Complainant, and 3) various internet screenshots which show the device being offered for sale in the United States. *See also* Exhibit 13.

43. Exhibit 9 also shows the import information on Kingskong Enterprises Co., Ltd., 126 Zhaohui Rd, Hangzhou 310050, China, an affiliate of KKS Enterprises Co. Ltd. Kingskong manufactures and sells the apparatus covered by the patent. Exhibit 9 shows for Kingskong, in order: 1) the shipping documents to the United States, including the purchase order, 2) photographs of the packaging and the device, which are marked to show the goods were made in China; the mailing envelopes in which they were received by Complainant, and 3) various internet screenshots which show the device being offered for sale in the United States. *See also* Exhibit 13.

44. Exhibit 10 is an unmarked device which has no markings on the package or the device itself, other than it was manufactured in China, and is sold on the internet, including a website named aliexpress. This device is offered for sale and sold to persons in the United States. It is shipped from Du Zuojun, Level 1, Shenzhen

International Airport Cargo, Shenzhen Guangdong, 510810 China. The postage clearly shows it was mailed from China. The devices inside the packaging are in Mintiml boxes, and the devices are accompanied by a hand written, yellow post-it note. Exhibit 10 shows in order: 1) the shipping documents to the United States, including the purchase order, 2) photographs of the packaging and the device, which are marked to show the goods were made in China; the mailing envelopes in which they were received by Complainant, and 3) various internet screenshots which show the device being offered for sale in the United States. *See also* Exhibit 13.

45. Exhibit 11 is an unmarked device which has no markings on the package or the device itself, other than it was manufactured in China, is sold on the internet, including a website named aliexpress. This device is offered for sale and sold to persons in the United States. It is shipped from: Hou Wenzheng, 1200 Worldwide Blvd., Hebron, KY 41048. The devices inside the packaging are in Mintiml boxes, and the devices are marked Mintiml. They are accompanied by the **same** handwritten yellow post-it note as in Exhibit 10. Exhibit 11 shows in order: 1) the shipping documents to the United States, including the purchase order, 2) photographs of the packaging and the device, which are marked to show the goods were made in China; the mailing envelopes in which they were received by Complainant, and 3) various internet screenshots which show the device being offered for sale in the United States. *See also* Exhibit 13.

46. A claim chart reading Claim 12 of the '016 patent on respondents' devices is attached as Exhibit 12. The Claim Chart analyzes the Mintiml device. The devices from the other Chinese suppliers, KKS Enterprises, Kingskong Enterprises,

and Du Zuojun are identical, or substantially identical, in their operative parts covered by Claim 12 of the '016 patent, and the Mintiml Claim Chart reads completely on these devices. See Exhibit 13, Declaration of Sean P. Kelly, at paragraph 11.

47. All of the devices sold by the importers, Exhibits 5, 6, 7, 8 and 11, appear to be sourced by these same Chinese manufacturers. These devices are all covered by the Mintiml Claim Chart and by Claim 12 of the '016 Patent. See Exhibit 12; see also Exhibit 13, Declaration of Sean P. Kelly, at paragraph 12.

VII. **CLASSIFICATION OF INFRINGING PRODUCTS UNDER THE HARMONIZED TARIFF SCHEDULE OF THE UNITED STATES**

48. Upon information and belief, Respondents' products, may be classified under subheadings 8210.00, 8205.00, or 8205.51 of the Harmonized Tariff Schedule of the United States.

VIII. **THE DOMESTIC INDUSTRY**

49. Pursuant to Section 337 (a)(1), Complainant is engaged in an industry in the United States relating to the articles and the methods protected by the '016 patent.

50. The technical prong of domestic industry is clearly shown in Exhibit 3, the claim chart for the '016 patent which reads claim 12 of the patent directly on Draft Top's device.

51. For the economic prong, pursuant to Section 337 (a)(3), Complainant is engaged in an industry in the United States with respect to the articles and methods protected by the '016 patent because of (A) significant investment in plant and equipment; (B) significant employment of labor or capital; or (C) substantial

investment in its exploitation, including engineering, research and development, or licensing.

52. Draft Top's can-opening device is completely made in America. The Draft Top device is manufactured by Daystar Manufacturing, Hurlock, Maryland. All of Daystar's suppliers are also American companies in the United States. The number of employees, when known, and the amount of Draft Top purchases are listed for each company in Exhibit 14. *See Exhibits 14 and 15.*

53. Draft Top represents about 40-50 percent of Daystar's manufacturing capacity. Draft Top orders all the parts and components, as well as the packaging, from the other companies listed. These are then delivered to Daystar for assembly and shipping. Draft Top's Fulfillment Partner is ITB Fulfillment for customer marketing and ordering. *Id.*

54. Draft Top has invested over \$65,000.00 in new machinery since 2020 for hardware, jigging and tooling. These machine tools are supplied to Daystar for the dedicated use in the manufacture of Draft Top's device. Draft Top has also spent approximately \$32,000.00 on pin machines, provided to Spirol for the manufacture of the assembly pins for Draft Top's device. This includes a recent \$7,395.00 expenditure for the assembly pin machine. *Id.*

55. In 2020, Draft Top manufactured and sold over 100,000 units and has gross sales in excess of 2 million dollars. Draft Top is currently expanding its manufacturing capacity to accommodate rising demand, and is raising its capital base to finance further development. *Id.*

56. The Draft Top can-opening device was completely invented, engineered and developed by the Inventors, Sean Kelly and Armand Ferranti, in the United States. Approximately \$100,000 was spent in direct development costs for the “Draft Top” apparatus/device, in addition to the thousands of hours spent by Mr. Kelly and Mr. Ferranti in research, development, engineering and building the patented Draft Top can-opening device.

IX. RELATED LITIGATION

57. The alleged unfair methods of competition and unfair acts of the subject matter of this investigation, are not and have not been the subject of any court or agency litigation.

X. FOREIGN PATENTS AND PATENT APPLICATION

58. The following patent application corresponding to the '016 patent has been filed under International Publication No. WO 2016/085958 A1. This patent application is pending and has not yet been issued as a patent. No foreign patent application has been denied, abandoned, or withdrawn corresponding to the '016 patent.

XI. RELIEF REQUESTED

59. Complainant Draft Top LLC respectfully requests that the Commission:

(a) Institute an immediate investigation pursuant to 19 U.S.C. § 1337(a)(1)(B)(i) and (b)(1) into violations based on Respondents' unlawful importation into the United States, sale for importation, and/or sale after importation of certain apparatus and methods of opening containers that are designed to be used, and are used in such a manner as to infringe one or more of the

claims of the U.S. Patent No. US 10, 519, 016 B2.

(b) Issue a general exclusion order to prohibit the importation into the United States of the accused apparatus.

(c) Issue an order pursuant to 19 U.S.C. § 1337(f) directing Respondents to cease and desist from importing, marketing, advertising, demonstrating, selling, offering for sale, using and supporting the use of the accused apparatus.

(d) Grant such other further relief as the Commission deems appropriate and just under the law, based on the facts complained of herein and determined by the investigation.

Date: January 19, 2021

Respectfully Submitted,

/s/ Donald R. Dinan, Esq.

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VERIFICATION OF COMPLAINT

I, Armand Ferranti, declare, in accordance with 19 CFR §§ 210.4 and 210.12 (a), under penalty of perjury that the following statements are true:

1. I am the Co-Inventor and Founder of Draft Top, LLC., and am duly authorized to sign this complaint on behalf of Complainant;
2. I have read the complaint and am aware of its contents;
3. The complaint is not being presented for any improper purpose, such as to harass or to cause unnecessary increase in 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. 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.

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

Executed on JANUARY 19, 2021


Armand Ferranti, Founder
and Inventor of Draft Top, LLC.