

JUDGE WOODS

FERENCE & ASSOCIATES LLC

Stanley D. Ference III (SF1086)

409 Broad Street

Pittsburgh, Pennsylvania 15143

Telephone: (412) 741-8400

Facsimile: (412) 741-9292

Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

18 CV 6132

-----X
AIRIGAN SOLUTIONS, LLC,

Plaintiff,

Civil Action No.

v.

YIWU LANHOME JEWELRY CO., LTD.,
NINGBO GLORY IMP & EXP CO., LIMITED,
NINGBO JIANGBEI JIAMIN COMMODITY
CO., LTD., JIANGSHAN TOPME IMPORT &
EXPORT CO., LTD., NINGHAI HONGHAO
PLASTIC CO., LTD., NINGBO ONTIME
IMP. & EXP. CO., LTD., NINGBO HAISHU
GREENWELL COMMODITY INDUSTRIAL
CO., LTD., HEFEI FENGZHISHENG TRADE
CO., LTD., and THE INDIVIDUALS,
PARTNERSHIPS AND UNINCORPORATED
ASSOCIATIONS IDENTIFIED ON
SCHEDULE "A",

Jury Trial Requested

FILED UNDER SEAL

Defendants.
-----X

**DECLARATION OF STANLEY D. FERENCE III AND ACCOMPANYING EXHIBITS
IN SUPPORT OF PLAINTIFF'S *EX PARTE* APPLICATION FOR: 1) A TEMPORARY
RESTRAINING ORDER AND PRELIMINARY INJUNCTION; 2) AN ORDER
RESTRAINING ASSETS AND MERCHANT STOREFRONTS; 3) AN ORDER TO
SHOW CAUSE WHY A PRELIMINARY INJUNCTION SHOULD NOT ISSUE; 4) AN
ORDER AUTHORIZING ALTERNATIVE SERVICE BY ELECTRONIC MEANS; AND
5) AN ORDER AUTHORIZING EXPEDITED DISCOVERY**

I, STANLEY D. FERENGE III, hereby declare as follows:

1. I am an attorney with the law firm of Ference & Associates LLC (“the Ference Firm”), located at 409 Broad Street, Pittsburgh, Pennsylvania 15143 and represent Plaintiff Airigan Solutions, LLC (“Airigan Solutions”) in the above-referenced action.

2. I make and submit this declaration in support of Plaintiff’s *ex parte* application for the following: 1) a temporary restraining order; an order restraining assets and Merchant Storefronts; 3) an order to show cause why a preliminary injunction should not issue; 4) an order authorizing alternative service and 5) an order authorizing expedited discovery against the above-named Defendants, Third Party Service Providers, and Financial Institutions, in light of Defendants’ intentional and willful offerings for sale and/or sales of Counterfeit Products (“Application”).

Background

2. In 1989, I received a J.D. from the The Dickinson School of Law in Carlisle, Pennsylvania.

3. I was registered as a Patent Attorney before the United States Patent and Trademark Office (“PTO”) on December 22, 1989. My PTO Registration No. is 33,879.

4. I have been actively involved in numerous intellectual property lawsuits and have obtained over 1,000 patents and trademarks for my clients.

5. I am “AV” rated by Martindale-Hubbell. I have previously been on the faculty of PLI’s Patent Bar Review Course and am currently on the faculty of PLI’s Patent Fundamentals Bootcamp.

Plaintiff's Patent

6. Plaintiff's patent is attached as **Exhibit 3** to the Complaint. U.S. Patent No. 9,968,211 for PERSONAL EGG PEELER issued May 15, 2018 (hereinafter "the '211 patent").

7. In general, non-legal terms, the '211 patent relates to a device that permits a user to quickly and effortlessly separate an egg shell from the body of a hard-boiled egg.

8. The '211 patent has not expired and is presumed valid.

Defendants' Egg Peeler Products

9. I purchased an egg peeler from a Some interesting store [sic] Seller ID on Amazon.com that I had shipped to me at an address in New York, New York. Attached hereto as **Exhibit 1** is a print out from Amazon.com from the URL <https://www.amazon.com/MPS-boiled-peeler-peeling-kitchen/dp/B07BFT9WBZ> showing the advertising of the egg peeler, together with redacted copy of the order details showing the shipping address within the Southern District of New York.

10. Below is a picture of the packaging of the product purchased from the Some interesting store [sic] Seller ID on Amazon.com:



A copy of this packaging is attached as **Exhibit 2**.

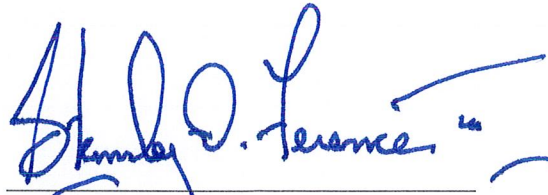
11. I have inspected certain egg peeler products ordered from sellers on Amazon. Each of these products is nearly an identical copy of Plaintiff's NEGG® egg peeler and the packaging for each product indicated the product was made in China. Based on my review of the items I have ordered, there appears to be two variants of the product packaging. The first is shown in the preceding paragraph. The second is shown in **Exhibit 3**. The only difference in the packaging is "The NEGG" has been replaced by "Anroll". The products, however, appear to be identical. The only differences between the genuine NEGG® product itself and the counterfeit products ordered from Amazon are the absence of "The NEGG" on the product's caps and the absence of "Patent Pending" and "neggmaker.com" on the body of the product.

12. An exemplar of the products I inspected is in the photographs in the representative claim chart I have prepared for Claim 1 of the '211 patent attached hereto as

Exhibit 4. What is depicted in the in these photographs is the product that was ordered from the
Some interesting store [sic] Seller ID on Amazon.com.

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

Dated: Pittsburgh, Pennsylvania
July 5, 2018



Stanley D. Ference III

Ference Declaration

EXHIBIT 1

Final Details for Order #113-2895004-1454613

[Print this page for your records.](#)

Order Placed: June 22, 2018
Amazon.com order number: 113-2895004-1454613
Order Total: \$9.99

Shipped on June 23, 2018

Items Ordered

1 of: *MPS Hard boiled egg peeler, peeling kitchen tool - Black color*
Sold by: Some interesting store ([seller profile](#))

Condition: New

Price

\$9.99

Shipping Address:

Stanley Ference

NEW YORK, NY 10025-6168
United States

Item(s) Subtotal: \$9.99
Shipping & Handling: \$0.00

Total before tax: \$9.99
Sales Tax: \$0.00

Shipping Speed:

Two-Day Shipping

Total for This Shipment: \$9.99

Payment information

Payment Method:

American Express | Last digits: 3001

Item(s) Subtotal: \$9.99
Shipping & Handling: \$0.00

Billing address

Stanley D. Ference

Sewickley, PA 15143
United States

Total before tax: \$9.99
Estimated tax to be collected: \$0.00

Grand Total: \$9.99

Credit Card transactions

AmericanExpress ending in 3001: June 23, 2018: \$9.99

To view the status of your order, return to [Order Summary](#).

[Conditions of Use](#) | [Privacy Notice](#) © 1996-2018, Amazon.com, Inc. or its affiliates

Try Prime

Home & Kitchen ▾ negg

Deliver to Beverly 01915

Departments ▾ Your Amazon.com

EN | Hello, Sign in Account & Lists ▾

Orders Try Prime ▾

0 Cart

Amazon Home Shop by Room Shop by Look Home Décor Furniture Kitchen & Dining Bed & Bath Garden & Outdoor Home Improvement



Back to search results for "negg"



Roll over image to zoom in

ed egg | kitchen tool

ustomer reviews

on orders over \$25
wo-Day Shipping
me

r to the MPS™ egg
d-boiled egg and
cm / 3.86 * 2.48

the shell begin to
tely 4 to 12 times.
body is clear so
rogress.
ant sheller you may
embrane after
hell to release. This
remely fresh eggs,

hite of the egg
. Mission
egg will then slip out

or its shell.

Compare with similar items

New (1) from \$9.99 & FREE shipping on orders over \$25.00 shipped by Amazon. Details

CHEF'N
Safely an...

> Shop now
Chef'n Cob Corn Stripp...
408

\$7.99

Ad feedback

Share

\$9.99

FREE Shipping on orders over \$25—or get FREE Two-Day Shipping with Amazon Prime

Want it Friday, June 22? Order within 19 hrs 20 mins and choose One-Day Shipping at checkout. Details

In Stock.

Sold by Some interesting store and Fulfilled by Amazon. Gift-wrap available.

Qty: 1 ▾

Yes, I want FREE Two-Day Shipping with Amazon Prime

Add to Cart

Buy Now

Turn on 1-Click ordering for this browser

Deliver to Beverly 01915

Add to List

Add to Wedding Registry

Have one to sell? Sell on Amazon

Frequently bought together

Total price: \$39.94

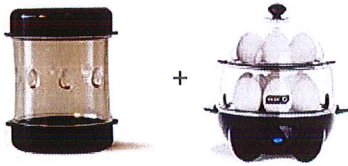
Add both to Cart

Add both to List



\$19.99 ✓prime

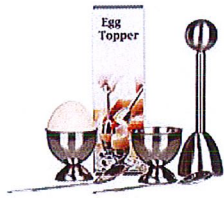
Ad feedback



These items are shipped from and sold by different sellers. [Show details](#)

- ✓ **This item:** MPS Hard boiled egg peeler, peeling kitchen tool - Black color **\$9.99**
- ✓ **Dash Deluxe Rapid Egg Cooker:** 12 Egg Capacity Electric Egg Cooker: Hard Boiled Eggs, Poached Eggs... **\$29.95**

Sponsored products related to this item (What's this?)



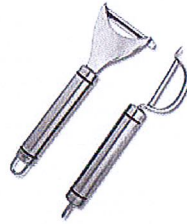
Egg Cutter Topper Set Egg Cracker for Hard & Soft Boiled Eggs Include 2 Egg Cups, 2...

\$16.99



Brieftons QuickPush Food Chopper: Strongest & 200% More Container Capacity, 30% Hea...

\$24.99



Spring Chef Vegetable Peeler Set with Stainless Steel Swivel Blade for Potato, Carr...

\$9.97



Grania Original Egg Stripper, Peel 5 Hard Boiled Eggs, in 10 Seconds. Hard Boiled Mu...

\$22.95



Pawhut Dog Obstacle Agility Training Kit - Blue and Yellow

\$63.19

[Ad feedback](#)

Customers who viewed this item also viewed



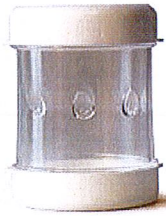
THE NEGG BOILED EGG PEELER YELLOW

\$17.45



Grania Original Egg Stripper, Peel 5 Hard Boiled Eggs, in 10 Seconds. Hard Boiled...

\$22.95



THE NEGG BOILED EGG PEELER WHITE

\$16.62



THE NEGG BOILED EGG PEELER RED

\$16.62



Iprimio Hard Boiled Egg Peeler and Cracker - Remove Egg Shell Easily and Instantly - Up to 2...

\$10.95



THE NEGG BOILED EGG PEELER BLACK

\$16.63





Special offers and product promotions

- Your cost could be **\$0.00** instead of **\$9.99!** Get a **\$50 Amazon.com Gift Card** instantly upon approval for the **Amazon Rewards Visa Card** [Apply now](#)

Have a question?

Find answers in product info, Q&As, reviews

Compare with similar items

			
<p>This item MPS Hard boiled egg peeler, peeling kitchen tool - Black color</p>	<p>Grania Original Egg Stripper, Peel 5 Hard Boiled Eggs, in 10 Seconds. Hard Boiled Multi Egg Peeler, Shake and Peel, Great kitchen tool peeler Genuine By AMZMATRIX</p>	<p>THE NEGG BOILED EGG PEELER WHITE</p>	<p>Iprimio Hard Boiled Egg Peeler and Cracker - Remove Egg Shell Easily and Instantly - Up to 2 Eggs at Once - Made up of Food Safe Material and BPA Free</p>
<p>Add to Cart</p>	<p>Add to Cart</p>	<p>Add to Cart</p>	<p>Add to Cart</p>
<p>Customer Rating (3)</p>	<p>(93)</p>	<p>(463)</p>	<p>(19)</p>
<p>Price \$9⁹⁹</p>	<p>\$22⁹⁵</p>	<p>\$16⁶²</p>	<p>\$10⁹⁵</p>
<p>Shipping FREE Shipping</p>	<p>FREE Shipping</p>	<p>FREE Shipping</p>	<p>FREE Shipping</p>
<p>Sold By Some interesting store</p>	<p>AMZMATRIX</p>	<p>Artisan Owl</p>	<p>iPrimio USA</p>
<p>Color —</p>	<p>Transparent</p>	<p>White</p>	<p>White</p>
<p>Item Dimensions —</p>	<p>7.6 x 5.3 x 5.1 in</p>	<p>4 x 3.1 x 3 in</p>	<p>—</p>
<p>Size 8ml</p>	<p>—</p>	<p>—</p>	<p>White</p>

Product description

Compact and sturdy, the MPS™ makes the once tedious task of peeling boiled eggs ingeniously simple, Fast and fun! Add a little water and your boiled egg to the MPS™. SNAP on the cap. SHAKE it a few times. Remove the shelled egg. It takes just seconds. Order today and join our growing family of MPS™ Heads.

Product information

Package Dimensions	7.1 x 3.1 x 3.1 inches
Item Weight	2.88 ounces
Shipping Weight	2.88 ounces (View shipping rates and policies)
Manufacturer	Mps
ASIN	B07BFT9WBZ
Customer Reviews	3 customer reviews 1.0 out of 5 stars
Best Sellers Rank	#84,762 in Kitchen & Dining (See Top 100 in Kitchen & Dining) #239 in Kitchen & Dining > Kitchen Utensils & Gadgets > Graters, Peelers & Slicers > Peelers #911 in Kitchen & Dining > Kitchen Utensils & Gadgets > Fruit & Vegetable Tools

Feedback

If you are a seller for this product, would you like to [suggest updates through seller support?](#)
Would you like to [tell us about a lower price?](#)

Date first listed on Amazon

March 14, 2018

Sponsored products related to this item (What's this?)



Grania Original Egg Stripper, Peel 5 Hard Boiled Eggs, in 10 Seconds. Hard Boiled Mu... 93 \$22.95



Pawhut Dog Obstacle Agility Training Kit - Blue and Yellow 26 \$63.19



Briefons QuickPush Food Chopper: Strongest & 200% More Container Capacity, 30% Hea... 154 \$24.99



Automatic Electric Egg Cooker E-Zee Eggs White - 7 Egg Capacity Soft Medium Hard - ... 20 \$24.99



OXO Good Grips Swivel Peeler 3049 \$8.99

Ad feedback



Ad feedback

Customer Questions & Answers

See questions and answers

Customer Reviews

3

1.0 out of 5 stars

5 star	<input type="checkbox"/>	0%
4 star	<input type="checkbox"/>	0%
3 star	<input type="checkbox"/>	0%
2 star	<input type="checkbox"/>	0%
1 star	<input checked="" type="checkbox"/>	100%

Share your thoughts with other customers

Write a customer review

[See all 3 customer reviews](#)

Top customer reviews

jeanette mcdonald

One Star

June 6, 2018

Verified Purchase

It does not work anymore than if I threw the egg against the wall.

One person found this helpful

[Comment](#) [Report abuse](#)

Amazon Customer

MPS HB Egg Peeler is Cheap Copy of the Negg®

May 25, 2018

So many reasons this is bad. Infringes on so much of Airigan Solution's Intellectual Property, i.e. patent #9968211, copyright, and trademark #5142630. Is there anything left? I don't know about you but I don't want them anywhere near my food. What do you think? I'll stick with my real Negg®, the best egg peeler ever.

2 people found this helpful

[Comment](#) [Report abuse](#)

Voreader

This cheap copy is a violation of U. S ...

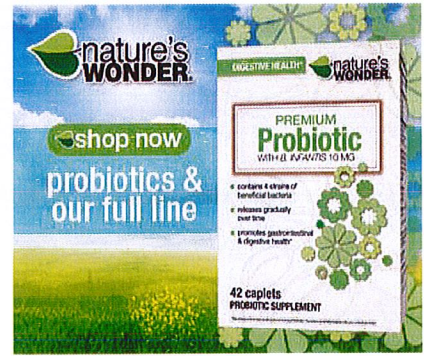
June 3, 2018

This cheap copy is a violation of U.S. patent, trademark, and copyright laws.

One person found this helpful

[Comment](#) [Report abuse](#)

[See all 3 reviews](#)



[Ad feedback](#)

Customer images



[See all customer images](#)

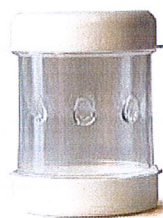
Search customer reviews

Customers who bought this item also bought



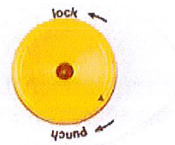
Dash Deluxe Rapid Egg Cooker: 12 Egg Capacity Electric Egg Cooker: Hard Boiled Eggs, Poached...
547

\$29.95



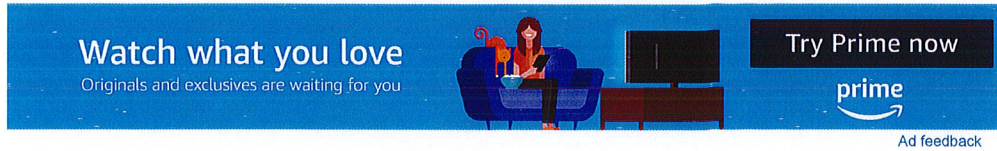
THE NEGG BOILED EGG PEELER WHITE
463

\$16.62



Fox Run 5711 Egg Piercer, Plastic
759

\$5.46



[Back to top](#)

Get to Know Us

- [Careers](#)
- [Blog](#)
- [About Amazon](#)
- [Investor Relations](#)
- [Amazon Devices](#)

Make Money with Us

- [Sell on Amazon](#)
- [Sell Your Services on Amazon](#)
- [Sell on Amazon Business](#)
- [Sell Your Apps on Amazon](#)
- [Become an Affiliate](#)
- [Advertise Your Products](#)
- [Self-Publish with Us](#)
- [› See all](#)

Amazon Payment Products

- [Amazon Rewards Visa Signature Cards](#)
- [Amazon.com Store Card](#)
- [Amazon.com Corporate Credit Line](#)
- [Shop with Points](#)
- [Credit Card Marketplace](#)
- [Reload Your Balance](#)
- [Amazon Currency Converter](#)

Let Us Help You

- [Your Account](#)
- [Your Orders](#)
- [Shipping Rates & Policies](#)
- [Amazon Prime](#)
- [Returns & Replacements](#)
- [Manage Your Content and Devices](#)
- [Amazon Assistant](#)
- [Help](#)

English

United States

[Amazon Music](#)
Stream millions of songs

[Amazon Drive](#)
Cloud storage from Amazon

[6pm](#)
Score deals on fashion brands

[AbeBooks](#)
Books, art & collectibles

[ACX](#)
Audiobook Publishing Made Easy

[Alexa](#)
Actionable Analytics for the Web

[Amazon Business](#)
Everything For Your Business

[AmazonFresh](#)
Groceries & More Right To Your Door

[AmazonGlobal](#)
Ship Orders Internationally

[Home Services](#)
Handpicked Pros Happiness Guarantee

[Amazon Inspire](#)
Digital Educational Resources

[Amazon Rapids](#)
Fun stories for kids on the go

[Amazon Restaurants](#)
Food delivery from local restaurants

[Amazon Web Services](#)
Scalable Cloud Computing Services

[Audible](#)
Download Audiobooks

[AudiobookStand](#)
Discount Audiobooks on Disc

[Book Depository](#)
Books With Free Delivery Worldwide

[Box Office Mojo](#)
Find Movie Box Office Data

[ComiXology](#)
Thousands of Digital Comics

[CreateSpace](#)
Indie Print Publishing Made Easy

[DPReview](#)
Digital Photography

[East Dane](#)
Designer Men's Fashion

[Fabric](#)
Sewing, Quilting & Knitting

[Goodreads](#)
Book reviews & recommendations

[IMDb](#)
Movies, TV & Celebrities

[IMDbPro](#)
Get Info Entertainment Professionals Need

[Jungles.com](#)
Shop Online in India

[Kindle Direct Publishing](#)
Indie Digital Publishing Made Easy

[Prime Now](#)
FREE 2-Hour Delivery on Everyday Items

[Prime Photos](#)
Unlimited Photo Storage Free With Prime

[Prime Video Direct](#)
Video Distribution Made Easy

[Shopbop](#)
Designer Fashion Brands

[TenMarks.com](#)
Math Activities for Kids & Schools

[Amazon Warehouse](#)
Great Deals on Quality Used Products

[Whole Foods Market](#)
America's Healthiest Grocery Store

[Withoutabox](#)
Submit to Film Festivals

[Woot!](#)
Deals and Shenanigans

[Zappos](#)
Shoes & Clothing

[Souq.com](#)
Shop Online in the Middle East

[Subscribe with Amazon](#)
Discover & try subscription services

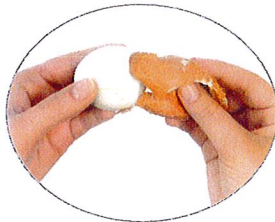
[Conditions of Use](#) [Privacy Notice](#) [Interest-Based Ads](#) © 1996-2018, Amazon.com, Inc. or its affiliates

Ference Declaration

EXHIBIT 2



**EASY
FAST
FUN**



**FOOD SAFE
BPA FREE**



SIMPLE TO USE

Add a little water and
your egg

SNAP on the cap
SHAKE a few times

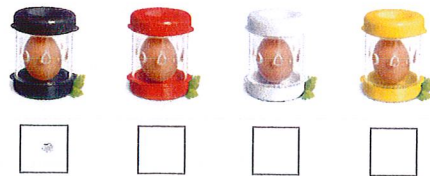
SLIDE off the shell
ENJOY!





EGG PEELER

**EASY
FAST
FUN**



X001Q2EGRF

Egg peeler
New

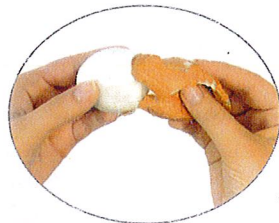
MADE IN CHINA

Ference Declaration

EXHIBIT 3



**EASY
FAST
FUN**



**FOOD SAFE
BPA FREE**



SIMPLE TO USE

Add a little water and
your egg

SNAP on the cap
SHAKE a few times

SLIDE off the shell
ENJOY!





EGG PEELER

EA
 F
 LZX80315731TE
 1A0AR41-42-041
 18661413013103007
 MADE IN CHINA (C)



6 995232 415309

Made in China

Ference Declaration

EXHIBIT 4

1. An egg peeler apparatus, comprising:
a container having a hollow main body and a top end cap and a bottom end cap;
the top end cap and bottom end cap having a convex shaped portion where said convex shaped portion is oriented such that the curved surface of each top and bottom end cap faces the interior of the cylindrical main body and forming the top and bottom portions of the container;
the interior surface of the container having a plurality of raised protrusions of sufficient height to extend into the hollow area of the hollow container;
the container main body having an internal dimension of sufficient diameter to permit the insertion of one or more standard size chicken eggs;
the apparatus configured to peel the one or more standard sized chicken eggs inserted into the hollow container when agitated by a user.

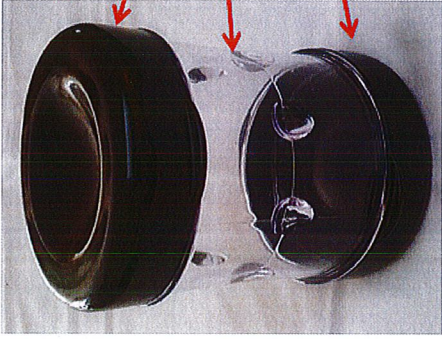
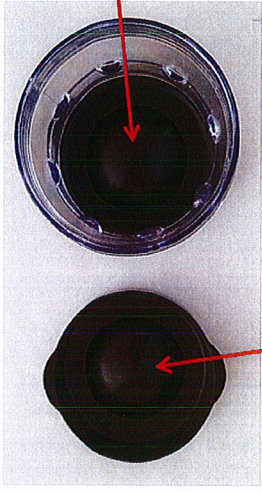


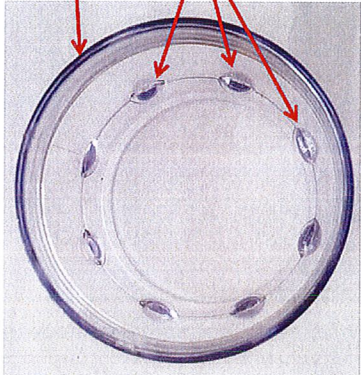
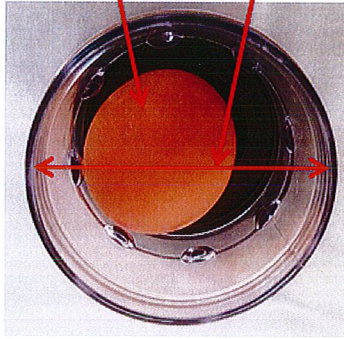
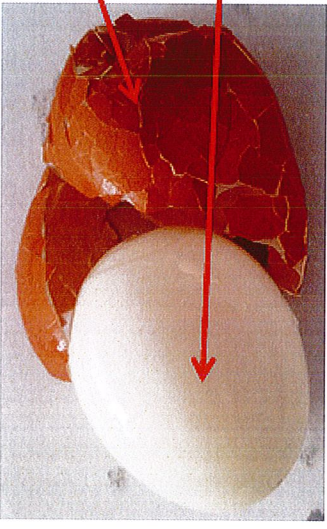
Infringing
Product

Comparison chart of the US 9,968,211 Patent claims against the Defendants' product – Claim 1

SUMMARY OF THE COMPARISON

Claim 1 (Independent Device Claim) Product infringes

Text of Claim	Comparison
<p>An egg peeler apparatus, comprising: a container having a hollow main body and a top end cap and a bottom end cap;</p>	<p>This is the preamble.</p>  <p>The photograph shows a dark-colored egg peeler apparatus. It consists of a central hollow main body with a top end cap and a bottom end cap. Red arrows point to each of these components with corresponding labels: 'Container' points to the top cap, 'Top end cap' points to the top cap, 'Hollow main body' points to the central body, and 'Bottom end cap' points to the bottom cap.</p>
<p>the top end cap and bottom end cap having a convex shaped portion where said convex shaped portion is oriented such that the curved surface of each top and bottom end cap faces the interior of the cylindrical main body and forming the top and bottom portions of the container;</p>	 <p>The photograph shows two dark-colored caps, one top and one bottom, with red arrows pointing to their convex surfaces. The text describes the orientation of these caps relative to the interior of the container.</p> <p>Bottom cap having a convex portion; oriented to face interior when forming the bottom portion of the container</p> <p>Top cap having a convex portion; oriented to face interior when forming the top portion of the container</p>

<p>the interior surface of the container having a plurality of raised protrusions of sufficient height to extend into the hollow area of the hollow container;</p>	 <p>Main body</p> <p>Plurality of raised protrusions extending into the hollow area of the hollow container</p>
<p>the container main body having an internal dimension of sufficient diameter to permit the insertion of one or more standard size chicken eggs;</p>	 <p>Standard size chicken egg</p> <p>Container main body having an internal dimension of sufficient diameter to permit the insertion of one or more standard size chicken eggs</p>
<p>the apparatus configured to peel the one or more standard sized chicken eggs inserted into the hollow container when agitated by a user.</p>	 <p>Egg shell</p> <p>Peeled egg</p>