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DISTRICT OF WYOMING
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MARGARET BETHUNE, CLERK
CASPER

Attorneys for Plaintiff

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF WYOMING**

AVUS DESIGNS, INC., a California)
corporation,)
)
Plaintiff,)
)
v.)
)
GREZXX, LLC, a Wyoming limited liability)
company,)
)
Defendant.)

Civil No. 22-10-173-SWS

COMPLAINT

Plaintiff Avus Design, Inc. (“Avus” or “Plaintiff”), by and through its attorneys, files its Complaint for Patent Infringement against Defendant GREZXX, LLC (“GREZXX” or “Defendant”), alleging as follows:

NATURE OF THE ACTION

1. This is an action for patent infringement under the patent laws of the United States, title 35 United States Code. Avus seeks remedies for GREZXX’s infringement of Avus’s U.S. Patent No. 7,513,856 (“the ’856 Patent”).

PARTIES

2. Avus is a company organized and existing under the laws of California having its principal place of business at 2210 Hudson Drive, Santa Barbara, California 93109.

3. On information and belief, GREZXX is a Wyoming entity with its principal place of business at 30 N Gould St, Suite 5261, Sheridan, WY 82801.

JURISDICTION AND VENUE

4. This Court has subject matter jurisdiction of Avus's federal claims pursuant to 28 U.S.C. §§ 1331 and 1338(a).

5. This Court has general personal jurisdiction over GREZXX because GREZXX is Wyoming entity and has its principal place of business in Wyoming. Moreover, this Court has specific jurisdiction over GREZXX because a substantial portion of the events giving rise to the claim occurred within this District, the Defendant has committed acts of infringement in and has significant contacts within the District, and is infringing Avus's intellectual property in its product listings targeted at this District and/or are using, selling, or offering to sell the infringing product in this District.

6. Venue is proper in this judicial district pursuant to 28 U.S.C. § 1391(b)(1) and (c)(2) because GREZXX is a corporation residing in Wyoming.

THE PATENT-IN-SUIT

7. The '856 Patent, entitled "Weight Plate Retention Collar," was duly and legally issued by the United States Patent and Trademark Office on April 7, 2009. A true and correct copy of the '856 Patent is attached as **Exhibit 1**.

8. Avus is the exclusive licensee of all right, title and interest in the '856 Patent, including the sole, exclusive, and undivided right to sue for infringement and collect damages for past and future infringement of the '856 Patent. The '856 Patent is valid and enforceable. GREZXX has no license or authority under the '856 Patent.

9. The '856 Patent relates to a retention collar for securing weights to a barbell. The '856 Patent describes the retention collar by including two side plates with a pull bar and a cam lever, two sets of pressure pins providing a frictional fit with the barbell when the collar is in its closed position, which is achieved by use of the arm lever, and the side plates being secured to each other by screws or rivets.

10. The named inventor of the '856 Patent is Dylan Jones ("Jones").

11. The '856 Patent was filed as U.S. Application No. 11/803,582 ("the '582 Application"). On November 20, 2008, the United States Patent and Trademark Office published the '582 Application as U.S. Publication No. 2008/0287271 ("the '271 Publication"). A true and correct copy of the '271 Publication is attached as **Exhibit 2**.

ACTS GIVING RISE TO THIS ACTION

16. Avus originally launched its weight retention collar product in 2006 and has since become the leading weight retention collar seller in the world. Avus sells its product covered by the '856 Patent ("Covered Products") on various online platforms such as Amazon and its website located at <https://lockjawcollar.com> as well as in popular brick and mortar stores such as Dicks Sporting Goods. The Covered Products include those assigned the Universal Product Codes ("UPC") in the following table:

634458702140	634458704304
634458702157	665355861395
665355861401	634458702126
634458702133	665355861401
665355861357	665355861371
634458705325	634458704298
665355861388	

("Covered UPC's).

17. Avus's weight retention collar covered by the '856 Patent (the "Lock-Jaw Product") has achieved widespread popularity causing sales to grow steadily and exponentially, achieving record sales in 2020. Exemplary images of genuine weight retention collars covered by the '856 Patent are shown below:



18. Defendant began selling its product which infringes the '856 Patent online via its Amazon storefront under the name "GREZXX". An exemplary image of Defendant's product infringing the '856 Patent is shown below (the "Accused Product") which is sold under the trademark "Greententljs":



19. On information and belief, GREZXX manufactures, previously sold, and continues to offer for sale and to sell, in this judicial district the Accused Product depicted above including Accused Products which infringe on the Covered UPC's.

20. On information and belief, GREZXX designed the Accused Product after seeing Avus's Lock-Jaw Product.

23. Defendant is aware of Avus and Avus's rights in the '856 Patent at least due to Avus's presence on Amazon, and Avus's website (see, e.g., <https://lockjawcollar.com/pages/counterfeit>), which identifies its patent rights.

24. Despite notice of infringement, GREZXX's infringement of the '856 Patent continues.

COUNT I FOR INFRINGEMENT OF PATENT NO. 7,513,856

25. Avus hereby re-alleges and incorporates by reference, as if fully set forth herein, the allegations of Paragraphs 1 through 24.

26. On information and belief, GREZXX has infringed, either literally or under the doctrine of equivalents, by manufacturing, using, offering to sell, and selling infringing products covered by one or more claims of the '856 Patent pursuant to 35 U.S.C. § 271(a).

27. Claim 1 of the '856 Patent recites, generally, a retention collar for securing weight plates to a barbell comprising an outer frame, a plurality of substantially cylindrical pressure pins attached to the outer frame, a pull bar, and a lever, wherein the lever pulls the pull bar, which causes the pressure pins to close the outer frame around the barbell.

28. As shown in Figure 1, and described in the specification, the outer frame (14) of the retention collar (10) forms an interior space for surrounding a barbell to secure weight plates in place. The retention collar includes substantially cylindrical pressure pins (13) attached to the frame, a pull bar (12) attached to one such pressure pin, and a lever (11) attached to the pull bar.

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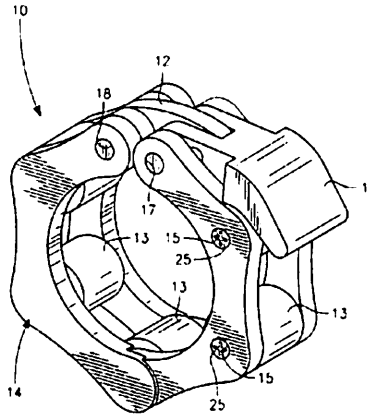


FIG. 1

29. When lever (11) is activated, it pulls the pull bar (12), which causes the pressure pins to close the outer frame (14) around the barbell. Figures 5A, 5B, and 5C, below, illustrate the general principles of operation, and operating states, of the claimed retention collar.

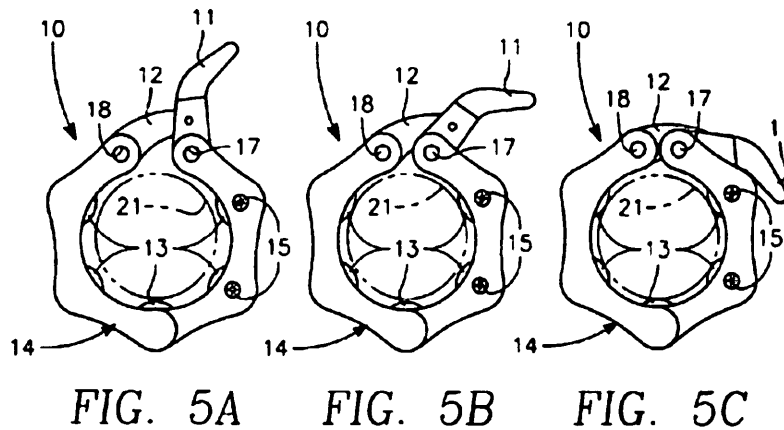


FIG. 5A FIG. 5B FIG. 5C

30. Figure 5A depicts the retention collar in the fully open position. Figure 5B depicts the retention collar in an intermediate position when the lever is activated, pulling the pull bar, and the pressure pins closing the outer frame. Figure 5C depicts the retention collar in the closed position following the activation of the lever. Figure 7 illustrates the claimed retention collar (10), also in the closed position, this time in the presence of a barbell and weights.

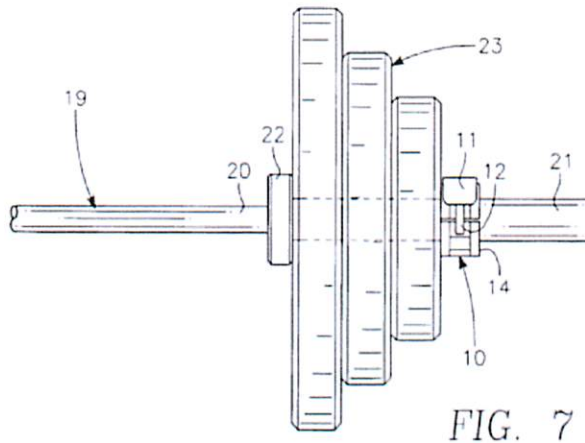
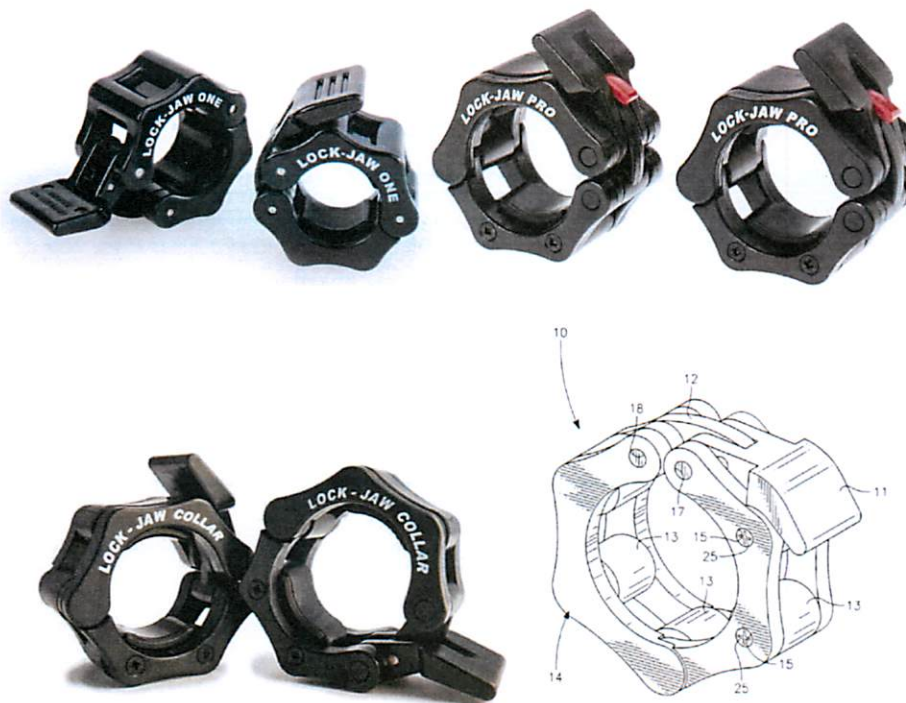


FIG. 7

31. Several of Avus's Lock-Jaw Products practice the invention as recited in claim 1 of the '856 Patent.



32. On information and belief, GREZXX has manufactured, used, offered to sell, and continues to sell products containing all of the elements and features as described in Paragraphs 27-31 such that Defendant's Accused Product infringes claim 1 of the '856 Patent, either literally or under the doctrine of equivalents. Defendant's Accused Product includes an outer frame, of a retention collar, which forms an interior space for surrounding a barbell to secure

weight plates in place. The retention collar includes substantially cylindrical pressure pins attached to a frame, a pull bar attached to one such pressure pin, and a lever that, when pulled, causes the pressure pins to close the outer frame.



33. On information and belief, GREZXX's acts were intentional, and GREZXX acted with specific intent in manufacturing, using, offering to sell, and continuing to sell products infringing at least one or more claims of the '856 Patent.

34. On information and belief, GREZXX knew, should have known, or was willfully blind that its action would induce infringement of at least one or more claims of the '856 Patent by another.

35. Avus has suffered and continues to suffer harm as a result of GREZXX's direct infringement of the '856 Patent.

36. Avus has no adequate remedy at law for GREZXX's infringement. As a direct and proximate of GREZXX's infringement, Avus has suffered and continues to suffer irreparable harm. Unless this Court enjoins GREZXX's acts, Avus will continue to suffer irreparable harm.

37. Avus is entitled to injunctive relief in accordance with 35 U.S.C. §§ 271, 281, 283, and 284.

PRAYER FOR RELIEF

WHEREFORE, Avus respectfully requests the following relief:

A. Judgment in favor of Avus and against GREZXX that GREZXX has infringed at least one or more claims of the '856 Patent;

B. Judgment that infringement of the '856 Patent has been willful;

C. An award of damages adequate to compensate Avus for GREZXX's infringement of the '856 Patent;

D. An award of damages from issuance of the '856 Patent pursuant to 35 U.S.C. § 154(d);

E. An award of pre and post-judgment interest, and the taxation of all allowable costs against GREZXX;

F. An award of all other damages permitted by 35 U.S.C. § 284;

G. A determination that this is an exceptional case and award Avus its costs, expenses, and reasonable attorney's fees pursuant to 35 U.S.C. § 285;

H. That GREZXX account to Avus for their profits and any damages sustained by Avus arising from their acts of counterfeiting and infringement;

I. Judgment in favor of Avus enjoining GREZXX from further acts of infringement, induced infringement, and contributory infringement of the '856 Patent;

J. Judgment in favor of Avus enjoining GREZXX from selling, disposing, destroying, transferring, or otherwise distributing any counterfeit or infringing products in inventory or otherwise currently possessed or under the control of GREZXX or GREZXX's agents, whether to customers or to any third party.

K. That, upon Avus's request, all in privity with GREZXX and with notice of the injunction, including but not limited to any online marketplace platforms, such as Amazon and vendors of sponsored search terms or online ad-word providers, financial services providers,

including but not limited to credit card providers, banks, merchant account providers, third party payment processors, web hosts, and Internet search engines, such as Google, Bing, and Yahoo shall:

- i. cease providing services used by Defendants, currently or in the future, to sell or offer for sale goods which infringe the '856 Patent;
 - ii. cease displaying any advertisements in any form, connected or associated with GREZXX in connection with the sale of counterfeit or infringing goods which infringe the '856 Patent; and
 - iii. disable all links to the marketplace accounts associated with GREZXX offering for sale goods which infringe the '856 Patent from displaying in search results, including from any search index.
- L. That Defendants disgorge any profits earned by their tortious activities;
- M. That Avus be awarded punitive damages;
- N. Such other relief as this Court deems just and proper.

DATED: August 5TH, 2022.

PLAINTIFF AVUS DESIGN, INC.

By: 

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