

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

SOLO BRANDS, LLC,	§	
	§	
Plaintiff,	§	
	§	
vs.	§	
	§	Civil Action No.:
TARGET CORPORATION,	§	
	§	
Defendant.	§	

COMPLAINT

Plaintiff Solo Brands, LLC (fka Frontline Advance, LLC), (dba Solo Stove) (“Solo Stove”) brings this Complaint against Target Corporation (“Target”), and alleges as follows:

THE PARTIES

1. Solo Stove is a limited liability company organized under the laws of Texas, with a principal place of business in Grapevine, Texas.

2. Upon information and belief, Target is a corporation organized under the laws of Minnesota, and doing business in Texas, including in this District.

Upon information and belief, Target may be served through its registered agent, CT Corporation System, 1999 Bryan St., STE 900, Dallas, TX 75201.

JURISDICTION AND VENUE

3. This case involves claims arising under the patent laws of the United States. As such, this Court has subject matter jurisdiction under 28 U.S.C. §§ 1331 and 1338(a).

4. Target is subject to personal jurisdiction in this District at least because it, directly or through subsidiaries, conducts business within the State of Texas and this District, including regularly conducting business from the Target store located at 3092 N. Eastman Rd., Longview, Texas 75605 and its retail website, www.target.com. Upon information and belief, Target has over 150 stores in the State of Texas, including several in this District. Target has purposefully availed itself of the privileges of conducting business in the State of Texas and in this District and has sought protection and benefit from the laws of the State of Texas. Target, directly and/or through intermediaries, ships, distributes, uses, offers for sale, sells, and/or advertises products and services in the State of Texas this District, including products that infringe Solo Stove's patents. Additionally, upon information and belief, Target has infringed and/or is infringing Solo Stove's patents by selling and/or offering for sale the infringing articles in the State of Texas, including in this District.

5. This Court has general jurisdiction over Target due to its continuous and systematic contacts with the State of Texas and this District. Further, Target is subject to this Court's jurisdiction because, upon information and belief, it has committed acts of patent infringement in this District.

6. Venue is proper in this District under 28 U.S.C. § 1400(b) because Target has a regular and established place of business in this District, including a store located at 3092 N. Eastman Rd., Longview, Texas 75605, and, upon information and belief, has committed acts of infringement in this District. For

example, upon information and belief, Target has sold or offered for sale its infringing products to customers in this District through its retail stores and through its website, www.target.com.

BACKGROUND

7. Founded in 2011 in Fort Worth, Texas, Solo Stove creates and sells inventive outdoor products designed to help people connect with the outdoors and each other.

8. Solo Stove's products include Solo Stove's Bonfire, Ranger, and Yukon fire pits.

9. As a result of its commitment to innovation, Solo Stove has been granted several U.S. Patents that protect its inventions, including patents related to its innovative fire pits.

10. Solo Stove owns U.S. Patent Number D923,163 (the "D'163 Patent"), for the ornamental design of a smokeless fire pit. A copy of the D'163 Patent is attached hereto as Exhibit 1.

11. Target advertises, promotes, offers for sale, sells, and/or distributes a Duraflame-brand 19.5" Smokeless Wood Burning Firepit (the "Duraflame Fire Pit"). A copy of Target's listing of the Duraflame Fire Pit for sale on its website, www.target.com, is attached hereto as Exhibit 2.

12. The Duraflame Fire Pit is a virtually identical copy of the design disclosed in the D'163 Patent.

13. The Duraflame Fire Pit directly competes with Solo Stove's Bonfire, Ranger, and Yukon fire pits in the market for portable fire pits.

14. Solo Stove has lost significant sales because of having to compete with the Duraflame Fire Pit.

15. Solo Stove demanded that Target cease and desist infringing Solo Stove's rights. Specifically, on January 27, 2022, Solo Stove wrote to Target, informing it of its infringement of the D'163 Patent. Target received that letter. Target, however, continued to offer the Duraflame Fire Pit for sale.

COUNT I – INFRINGEMENT OF THE D'163 PATENT

16. Solo Stove realleges and incorporates by reference the paragraphs above.

17. The U.S. Patent Office duly and legally issued the D'163 Patent on June 22, 2021.

18. As shown in the claim chart attached hereto as Exhibit 3, the Duraflame Fire Pit infringes claim 1 of the D'163 Patent.

19. Target has directly infringed and continues to directly infringe the D'163 Patent under 35 U.S.C. § 271(a) by using, selling, offering for sale, and/or importing the Duraflame Fire Pit.

20. Target has known of the D'163 Patent since at least January 27, 2022. Nevertheless, Target has continued to sell, offer for sale, and/or import the Duraflame Fire Pit. As such, Target's infringement is knowing and willful.

21. Target's infringing conduct has caused Solo Stove to suffer substantial damages, including lost profits, lost sales, and/or lost royalties. In light of Target's ongoing infringement, Solo Stove's damages are continuing.

22. Solo Stove has suffered, and will continue to suffer, permanent and irreparable injury because of Target's infringement, for which Solo Stove has no adequate remedy at law. As such, Solo Stove is entitled to equitable relief, including but not limited to an injunction restraining Target's infringing conduct.

PRAYER FOR RELIEF

Wherefore, Solo Stove prays for judgment as follows:

1. That the Court issue a permanent injunction restraining Target's actions in violation of Solo Stove's patent rights, on such terms as the court deems reasonable, as provided by 35 U.S.C. § 283;
2. That the Court award damages adequate to compensate Solo Stove for Target's infringement in an amount to be proved at trial, up to three times the amount found or assessed, but in no event less than a reasonable royalty for the use made of the invention by Target, together with interest and costs as fixed by the court, as provided by 35 U.S.C. § 284;
3. That the Court award Solo Stove its reasonable attorney fees, as provided by 35 U.S.C. § 285;
4. That the Court order Target to disgorge its total profit from the infringement, as provided by 35 U.S.C. § 289; and
5. That the Court award and/or order such other and further relief as is just and proper.

Dated: April 15, 2022

Respectfully submitted,

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