

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS
Oakworks, Inc.
(b) County of Residence of First Listed Plaintiff
(c) Attorneys (Firm Name, Address, and Telephone Number)
S Anastasi, G Werner, J Falcon, Barley Snyder 2 Great Valley Parkway #110, Malvern, PA 19355 610-889-3699

DEFENDANTS
Earthlite, LLC
County of Residence of First Listed Defendant
NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.
Attorneys (If Known)
Michael Switzer, Actuate Law LLC 641 West Lake, 5th FL, Chicago, IL 6661 312-579-3132

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)
1 U.S. Government Plaintiff
2 U.S. Government Defendant
3 Federal Question (U.S. Government Not a Party)
4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)
PTF DEF
Citizen of This State 1 1
Citizen of Another State 2 2
Citizen or Subject of a Foreign Country 3 3
Incorporated or Principal Place of Business In This State 4 4
Incorporated and Principal Place of Business In Another State 5 5
Foreign Nation 6 6

IV. NATURE OF SUIT (Place an "X" in One Box Only) Click here for: Nature of Suit Code Descriptions.

Table with columns: CONTRACT, REAL PROPERTY, CIVIL RIGHTS, TORTS, PRISONER PETITIONS, FORFEITURE/PENALTY, LABOR, IMMIGRATION, BANKRUPTCY, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER STATUTES. Includes various legal categories like Personal Injury, Labor, Intellectual Property Rights, etc.

V. ORIGIN (Place an "X" in One Box Only)
1 Original Proceeding
2 Removed from State Court
3 Remanded from Appellate Court
4 Reinstated or Reopened
5 Transferred from Another District (specify)
6 Multidistrict Litigation - Transfer
8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION
Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
35 U.S.C. § 271
Brief description of cause:
Patent Infringement

VII. REQUESTED IN COMPLAINT:
CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.
DEMAND \$ In excess of \$150,000
CHECK YES only if demanded in complaint:
JURY DEMAND: [X] Yes [] No

VIII. RELATED CASE(S) IF ANY (See instructions):
JUDGE
DOCKET NUMBER

DATE April 18, 2022
SIGNATURE OF ATTORNEY OF RECORD /s/ George C. Werner

FOR OFFICE USE ONLY
RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
- (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
- (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
- United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here. United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
- Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
- Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- V. Origin.** Place an "X" in one of the seven boxes.
- Original Proceedings. (1) Cases which originate in the United States district courts.
- Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441.
- Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
- Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
- Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
- Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.
- Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.
- PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7.** Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service.
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
- Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
- Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.

**FOR THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

OAKWORKS, INC.,	:	
	:	CIVIL ACTION
Plaintiff	:	
	:	NO. _____
vs.	:	
	:	Jury Trial Demanded
EARTHLITE, LLC	:	
	:	
Defendant	:	

COMPLAINT

Plaintiff Oakworks, Inc., (“Oakworks”) hereby brings this Complaint for damages and injunctive relief against Defendant Earthlite, LLC, trading as Living Earth Crafts (“LEC”), and hereby alleges as follows:

NATURE OF THE ACTION

1. This is an action for patent infringement under 35 U.S.C. § 271. LEC has infringed and continues to infringe on each patent owned by Oakworks, including United States Patent No. 9,295,602, (the “’602 Patent”), U.S. Patent No. 9,925,108 (the “’108 Patent”) and U.S. Patent No. 11,207,233 (the “’233 Patent”) (collectively the “Oakworks Patents”).

2. Accordingly, Oakworks now brings this action against LEC for patent infringement under 35 U.S.C. § 271.

THE PARTIES

3. Oakworks, Inc. is a Pennsylvania corporation having a principal place of business at 923 E Wellspring Rd, New Freedom, PA 17349.

4. Earthlite, LLC is a California limited liability company with a principal place of business at 990 Joshua Way, Vista, CA 92081, and doing business as Living Earth Crafts.

JURISDICTION AND VENUE

5. This Court has jurisdiction over the subject matter of this action under 28 U.S.C. §§ 1331, 1332 and 1338(a).

6. This Court has personal jurisdiction over LEC by virtue of the fact that LEC conducts substantial business in Pennsylvania.

7. LEC purposefully avails itself to the privilege of conducting business in the Commonwealth of Pennsylvania, and it is its advertising and sale of products in Pennsylvania that gives rise to this action, in part.

8. Moreover, LEC's unlawful conduct complained of herein has caused, and continues to cause, injury to Oakworks within Pennsylvania and this District.

9. Venue in this Court is proper under 28 U.S.C. § 1391(b)(2) because a substantial part of the events giving rise to the claims occurred in this District.

FACTUAL BACKGROUND

10. Oakworks is a 40-year-old manufacturer of quality massage, spa, treatment and medical examination tables.

11. Oakworks designed and developed an adjustable body comfort system that allows various tables to be adjusted to a level of support required for varying body design and chest sizes, and which is protected under the Oakworks Patents.

12. Oakworks has invested significant time, energy, and money advertising, promoting, and selling the product that is patented under the Oakworks Patents, as well as ensuring the high quality of products it sells under the Oakworks Patents.

13. The Oakworks Patents are generally directed to a support platform for body treatment which consists of a cushion movable through a passageway extending through a pad on the support platform. A copy of the Oakworks Patents are attached hereto as Exhibit A, B, and C.

14. LEC began manufacturing and selling products, namely massage tables having a moveable cushion, in 2016 as shown in Figure 1 of Exhibit D, which infringe on the Oakworks Patents (the “Infringing Product”).

15. LEC has offered to sell and sold the Infringing Product within the United States, including Pennsylvania, and continues to do so, as shown in Figure 1 of Exhibit E.

16. On November 6, 2017, Oakworks sent Mr. Chenevey, CEO of LEC, through its counsel, a letter asserting that the Infringing Product may infringe one or more claims of the ‘602 Patent, as well as pending claims in the U.S. Patent Application 14/724,881, which then issued into the ‘108 Patent. Oakworks further requested information on the Infringing Product as it was not publicly available for analysis.

17. On December 4 and 5, 2017, LEC disclosed the Infringing Product at the Hawaii Live Love Spa trade show.

18. On January 4, 2017, LEC responded, through its counsel, that the Infringing Product does not infringe any valid claims of the ‘602 Patent.

19. Oakworks learned that LEC continued to market the Infringing Product, specifically at the Green Spa Network Buyers Conference on May 6, 2018 in Park City, UT.

20. On May 15, 2018, Oakworks' counsel provided a response that appended an exemplary claim chart that compares claims 1, 10, 21, and 22 of the '602 Patent to the Infringing Product, as well as an ancillary claim chart comparing claim 1 of the '108 Patent that had recently issued. Oakworks again made an effort to learn more about the Infringing Product

21. On June 11, 2018, LEC's counsel provide an unsatisfactory response to the May 15, 2018 letter. LEC generically asserted noninfringement and provide no information concerning the Infringing Product. Oakworks expressed dissatisfaction in LEC's failure to try and resolve the matter in a follow-up letter on June 15, 2018.

22. On July 27, 2018, LEC filed a third-party submission against U.S. Application 15/888,523 (the "Third Party Submission").

23. LEC continued to actively market the Infringing Product, including promotion at the 2019 ISPA Conference and Expo on September 11-13, 2019 in Las Vegas in defiance to a process to resolve the matter.

24. While Oakworks was waiting on disposition of the Third Party Submission, Oakworks sent another letter on October 16, 2019 stressing the concern that LEC has increased promotion of the Infringing Product and found that the Infringing Product has been in competition to Oakworks' model in various bids. Again, Oakworks requested a detailed analysis of infringement or information concerning the Infringing Product to make a detailed analysis of patent infringement.

25. Oakworks subsequently learned more information concerning the Infringing Product, including a lifting mechanism provided therewith.

26. On December 28, 2021, U.S. Application 15/888,523 issued as the '233 Patent.

27. On January 6, 2022, Oakworks sent a letter to LEC identifying that the Infringing Product infringes at least one or more claims of each of the Oakworks Patents.

28. On January 12, 2022, LEC responded and outlined various defenses, including noninfringement and invalidity.

29. Claim 21 of the '602 Patent recites a platform, comprising:

a supporting frame having an upper frame and a pair support legs connected and extending downward from the upper frame;

a resilient pad having an upper surface and a lower surface opposite the upper surface;

a receiving chamber extending from the upper surface and extending through the resilient pad; and

a resilient cushion having a top wall extending through the receiving chamber and advanceable above and below the upper surface;

a cushion support plate positioned on a bottom of the resilient cushion; and

a positioning mechanism connected to the cushion support plate and having a motor assembly to advance the resilient cushion above and below the upper surface

30. LEC makes and sells the Infringing Product which includes each and every element of claim 21, as detailed in Exhibit F, and therefore infringes claim 21 of the '602 Patent.

31. Claim 22 of the '602 Patent recites a platform, comprising:

a supporting frame having an upper frame and a pair support legs connected and extending downward from the upper frame;

a resilient pad having an upper surface and a lower surface opposite the upper surface;

a receiving chamber extending from the upper surface and extending through the resilient pad;

a resilient cushion disposed within the receiving chamber and having a top wall extending through the receiving chamber and advanceable above and below the upper surface and a plurality of sidewalls corresponding to sidewalls of the receiving chamber; and

a moveable support plate positioned below and supporting the resilient cushion.

32. LEC makes and sells the Infringing Product which includes each and every element of claim 22 and therefore infringes claim 22 of the '602 Patent.

33. LEC has been aware of the '602 Patent and its infringement thereof since at least November 2017, when undersigned counsel sent LEC correspondence which specifically identified the '602 Patent and the Infringing Product.

34. Claim 1 of the '108 Patent recites a support platform for body treatment, comprising:

a supporting frame having:

- (a) an upper frame,
- (b) legs extending downwardly from the support frame at each end of the support frame;

a resilient pad having an upper surface and a lower surface attached to the upper frame;

a guide passageway in the resilient pad opening into the upper surface of the resilient pad;

a cushion positioned in and movable along the guide passageway; and

a control assembly connected to the cushion and moveable about the guide passageway to control the position of the cushion in the guide passageway

a lower support structure connected supporting frame; and
an extension arm supporting the cushion and connected to the lower support structure.

35. LEC makes and sells the Infringing Product which includes each and every element of claim 1, as detailed in Exhibit G, and therefore infringes claim 1 of the '108 Patent.

36. LEC has been aware of the '108 Patent and its infringement thereof since at least May 2018, when undersigned counsel sent LEC correspondence which specifically identified the '108 Patent and the Infringing Product.

37. Claim 1 of the '233 Patent recites a support platform for body treatment, comprising:

a supporting frame having:

- (a) an upper frame, and
- (b) a plurality of legs extending downwardly from the supporting frame at each end of the supporting frame;

a resilient pad secured to the supporting frame and having an upper surface positioned opposite the supporting frame;

a guide passageway extending from the upper surface and through the resilient pad toward the supporting frame;

a cushion positioned in the guide passageway and having a lower surface side;
and

a control assembly:

- (a) connected to the cushion and that vertically positions the lower surface side along the guide passageway,
- (b) including an upper support structure connected to the cushion

(c) including a lower support structure connected to the upper support structure through a plurality of extension arms.

38. LEC makes and sells the Infringing Product which includes each and every element of claim 1, as detailed in Exhibit H, and therefore infringes claim 1 of the '233 Patent.

39. LEC has been aware of the '233 Patent and its infringement thereof since at least January 2022, when undersigned counsel sent LEC correspondence which specifically identified the '233 Patent and the Infringing Product.

40. Each time LEC chose to produce, manufacture, advertise, and sell the Infringing Product, it was well-aware of Oakworks' rights and its infringement.

41. Though Oakworks has sent LEC several correspondences notifying it of its patent infringement and demanding that it immediately remove the products infringing on the Oakworks Patents from the marketplace, LEC has nevertheless willfully refused to take any action to abate its continuing infringements and violations of Oakworks' rights.

42. LEC continues to make and sell its Infringing Product.

43. LEC' conduct is willful and represents a conscious disregard for Oakworks' rights.

COUNT ONE:
PATENT INFRINGEMENT

44. Oakworks repeats and realleges all foregoing paragraphs as if fully set forth herein.

45. LEC has directly infringed, and continues to directly infringe at least claims 21, 22 of the '602 Patent, claim 1 of the '108 Patent and claim 1 of the '233 Patent by its manufacture, sale, and advertisement of the Infringing Product.

46. LEC's infringement of the Oakworks Patents has been and continues to be willful under 35 U.S.C. § 284 because LEC has acted with knowledge of the Oakworks Patents and knowledge and notice that its actions constitute infringement of the Oakworks Patents, or have at least acted with knowledge of an objectively high likelihood that their actions constitute infringement of the Oakworks Patents.

47. LEC's actions render this an exceptional case under 35 U.S.C. § 285.

48. Oakworks has complied with the statutory requirement of giving notice of the Oakworks Patents to LEC by sending correspondence beginning in November 2017 to LEC, in which Oakworks alleged that the Infringing Product infringed at least one claim of the Oakworks Patents, and a willingness to resolve the matter.

CLAIM FOR RELIEF

Oakworks respectfully requests that this Court award the following relief:

A. Enter a permanent injunction enjoining and restraining LEC from manufacturing, producing, advertising, or selling the Infringing Product;

B. An accounting and judgment against LEC for all profits or other income received from or in connection with the Infringing Product;

C. Money damages in excess of \$150,000 and such other and further relief as the equities of the case may require and as this Court may deem just and proper under the circumstances.

BARLEY SNYDER

By: /s/ George C. Werner

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