

1 **COSTALAW**
2 **JOSEPH P. COSTA, ESQ. (CA SBN: 130131)**
3 **YASMIN KHALIFIAN, ESQ. (CA SBN: 341350)**
4 **17383 SUNSET BLVD., SUITE A-430**
5 **PACIFIC PALISADES, CA 90272**
6 **PHONE: (310) 394-6611**
7 **FAX: (310) 394-6612**
8 **E-MAIL: JOSEPH.COSTA@COSTALAW.COM**

9 ATTORNEYS FOR PLAINTIFF
10 SAVVIER FITNESS LLC

11 **UNITED STATES DISTRICT COURT**

12 **CENTRAL DISTRICT OF CALIFORNIA- CENTRAL DISTRICT**

13 SAVVIER FITNESS LLC, A CALIFORNIA LIMITED
14 LIABILITY COMPANY;

15 Plaintiff,

16 v.

17 SUPERSPEED LLC, a California Limited Liability
18 Company; LI ZOU, an individual; FANGZHEN
19 TANG dba KIIPIKA, an entity of unknown origin;
20 DONGGUANSHIHAOJUWUJIAJUYOUXIAN-
21 GONGSI dba SELEWARE, an entity of unknown
22 origin; and Does 1-10,

23 Defendants.

Case No.

Complaint for (1) Infringement of Patent;
(2) Unfair Competition (Cal. Bus. & Prof.
Code §17200).

Jury Trial Demanded

24 Plaintiff SAVVIER FITNESS LLC (“SF” or “Plaintiff”) files this complaint against SUPER-
25 SPEED LLC, a California Limited Liability Company; LI ZOU, an individual; FANGZHEN TANG
26 dba KIIPIKA, an entity of unknown origin; DONGGUANSHIHAOJUWUJIAJUYOUXIAN-
27 GONGSI dba SELEWARE, an entity of unknown origin; and Does 1-10; (collectively “Defend-
28 ants”).

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JURISDICTION AND VENUE

1. This Court has subject-matter jurisdiction over the federal claims under 28 U.S.C. §1338 (patent); and 28 U.S.C. §1338(b) (state law claims of unfair competition when joined with a substantial and related claim under the patent laws).

2. This Court has personal jurisdiction over Defendants because they ship, distribute, offer for sale, sell, and advertise their infringing products in California and in this district. This Court has personal jurisdiction over Defendants because at all relevant times, Defendants, in part, committed the acts alleged in this Complaint in California and in this district.

3. Venue is proper under 28 U.S.C. §1391(b)(c)(2) and 28 U.S.C. §1400(b) against all Defendants because a substantial part of the events or omissions giving rise to the claim occurred in this judicial district.

PARTIES

4. Plaintiff Savvier is a California Limited Liability Company with a place of business at 1493 Poinsettia Ave., Suite 139, Vista, CA 92081.

5. Upon information and belief, defendant SUPERSPEED LLC is a California limited liability company that is involved in the manufacture, sale and/or import of the Seleware branded exercise barre that is alleged to infringe upon Plaintiff’s patent rights (the “Infringing Product”).

6. Upon information and belief, defendant LI ZOU, is an individual with an address at 12851 Telegraph Rd., Sante Fe Springs, CA 90670.

7. Upon information and belief, defendant FANGZHEN TANG dba KIPIKA is an entity of unknown origin that is involved in the manufacture, sale and/or import of the Kipika branded exercise barre that is alleged to infringe upon Plaintiff’s patent rights (the “Infringing Product”), and whose operations in the United States is managed by LI ZOU at ZOU’s address at 12851 Telegraph Rd., Sante Fe Springs, CA 90670.

1 for the Infringing Products either alone or in conjunction with others in those website advertising
2 postings and knowingly, willfully, and deliberately participated jointly with the other Defendants to
3 infringe on the Patents in the United States and in this district.

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5 15. Plaintiff's vanguard exercise barre technology described and claimed in the patents-in-
6 suit has been adopted and used by fitness centers, instructors, and consumers worldwide. Moreover,
7 current fitness industry leaders have recognized the value of the Patents resultant from the patents-in-
8 suit.

9 16. The '313 patent filed on March 19, 2019. The inventor of the '313 patent is Jeff Tuller,
10 Jeff Tuller has assigned all rights in and to the '313 Patent to Plaintiff. The '313 patent is now, and has
11 been at all times since its date of issue, valid and enforceable. The '684 Patent filed on March 20,
12 2020. The inventor of the '684 Patent is Jeff Tuller. Jeff Tuller has assigned all rights in and to the
13 '684 Patent to Plaintiff.

14 **DEFENDANTS' INFRINGING ACTIVITIES AND NOTICE THEREOF**

15 17. Defendants have been, currently are and continue to directly and/or indirectly infringe
16 one or more claims of the Patents by making, using, selling, offering to sell and/or importing into the
17 United States one or more products and/or services that infringe the Patents or that are specially
18 adapted for use in infringing products. Such activities include (1) sales and distribution of infringing
19 exercise barres, through online offerings accessible by a search of customers in the district on the
20 Internet, knowingly for use by the customers in this district; (2) direct solicitation of sales and actual
21 sales of infringing exercise barres to customers, including customers in this district, via online websites
22 including but not limited to those listed above; (3) knowingly communicating with customers, includ-
23 ing customers located in this district, through telephone and online contacts for technical support of
24 the infringing use of exercise barres and associated services sold by Defendants; (4) conducting mar-
25 keting, promotion, and advertising activities for infringing exercise barres within this district and else-
26 where in the United States, such activities thereby including offers to sell directed at customers in this

1 district; and (5) upon information and belief, providing instructions, support and services to customers
2 who are Purchasing the Infringing Product.

3 18. Upon information and belief, Defendants indirectly infringe one or more claims of the
4 Patents by knowingly making, using, offering to sell or importing into the United States one or more
5 materials or components of the claimed inventions of the Patents for use in practicing the patents in-
6 ventions.

7 19. Upon information and belief, Defendants have continued to infringe the patents-in-suit,
8 despite their knowledge of them and in reckless disregard for Plaintiff's Patent rights.

9 20. Plaintiff has been irreparably harmed by the Defendants' infringement of its valuable
10 Patent rights. Moreover, Defendants' unauthorized, infringing use of Plaintiff's Patents has threatened
11 the value of this intellectual property because Defendants' conduct results in Plaintiff's loss of its
12 lawful Patent rights to exclude others from making, using, selling, offering to sell and or importing the
13 Patented inventions.

14 21. Defendants' disregard for Plaintiff's property rights similarly threatens Plaintiff's rela-
15 tionships with current and potential licensees of this intellectual property. Defendants will derive a
16 competitive advantage over any of Plaintiff's existing and future licensees from using Plaintiff's Pa-
17 tented technology without paying compensation for such use. Accordingly, unless and until Defend-
18 ants are enjoined from continued acts of infringement, Plaintiff will suffer further irreparable harm for
19 which there is no adequate remedy at law.

20 **DEFENDANTS FRAUDULENT ACITIVITY AND UNFAIR COMPETITION**

21 22. Defendants have been, currently are, and continue to engage in fraudulent activity to
22 obtain an unfair benefit over the Plaintiffs.

23 23. Upon information and belief, Defendants imported and continue to import the infring-
24 ing "exercise barre" products from a manufacturer in China to locations in California.

25 24. Upon information and belief, Defendants are falsifying manifests required by the United
26 States to allege that the receiver of the infringing products is a different entity than the exporter,
27 however this is believed to be false. Because Defendants have not officially changed custody of
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1 goods (i.e. the exporter and receiver are the same entity), Defendants are falsifying records by show-
2 ing a lower import value on their customs documents. Because of this fraudulent activity, it is be-
3 lieved that the United States customs is only receiving 20%-30% of the duties that Defendants
4 should be paying, and Defendants are marking their infringing products up three to five times and
5 thus not paying the United States customs on the correct import valuation.

6 25. This fraudulent activity results in unfair competition to Plaintiff. Because of the falsifying
7 of customs documents, Defendants are paying less in customs duties than Plaintiff, and thereby ob-
8 taining an unfair competitive advantage over the Plaintiff.

9 **FIRST CAUSE OF ACTION**

10 **(Infringement of U.S. Patent Nos. 10,821,313, and 11,389,684 against all Defend-**
11 **ants)**

12 26. Plaintiff incorporates paragraphs 1 through 25 by reference as if fully stated within this
13 paragraph.

14 27. Defendants either make, use, sell and offer to sell, and/or import into the United States
15 for subsequent use and sale exercise barre products that infringe, directly and/or indirectly, or which
16 employ components, and or steps that make use of products that infringe, directly and/or indirectly,
17 claims of the Patents. These infringements include, but are not limited to the Infringing Products
18 Infringement of Claims 1, 5,6, 7, 8, 9, 10, 11, 13 and 14 of Plaintiff’s ‘313 Patent and all of the Claims
19 of the ‘684 Patent.

20 28. The designs of the Infringing Product exercise barre products made, used, sold and
21 offered for sale, and/or imported into the United States for subsequent use and sale by Defendants are
22 so similar to the claimed design of the Patents that a purchaser familiar with the prior art would be
23 deceived by the similarity between the claimed design and the designs of the infringing exercise barre
24 products of Defendants, “inducing him to purchase one supposing it to be the other”.

25 29. Defendants continuing acts of infringement constitute willful infringement of the Pa-
26 tents.

1 30. Defendants’ activities infringing the Patents have damaged Plaintiff and will continue
2 to cause Plaintiff irreparable harm unless such infringing activities are enjoined by this Court.

3 **SECOND CAUSE OF ACTION**

4 **(Unfair Competition (Cal. Bus. & Prof. Code § 17200), Against All Defendants)**

5 31. Plaintiff hereby incorporates by reference each of the allegations set forth in paragraphs
6 1 through 25 of this Complaint as though fully set forth in this cause of action.

7 32. Plaintiff hereby alleges Defendants have committed unlawful and/or fraudulent acts
8 and/or conduct by engaging in the practice of falsifying customs documents to reduce their tax duties
9 and to obtain an unfair competitive advantage over the Plaintiff and its near identical Booty Kicker
10 product.

11 33. Defendants' California unfair competition violation is willful under California Business
12 and Professions Code sections 17200 - 17209 (“UCL”) and affected consumers are entitled to an order
13 from this Court designed to restore through an appropriate disgorgement of profits Defendants’ ill-
14 gotten gains and or injunctive relief prohibiting Plaintiff from engaging in the prohibited fraudulent
15 practice.

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17 **REQUEST FOR RELIEF**

18 WHEREFORE, Plaintiff hereby respectfully requests the following relief against Defendants,
19 jointly and severally, inclusive and against each of them as follows:

20 a. That this Court adjudge and decree that the Patents are infringed by Defendants, that
21 Defendants have induced infringement, and that Defendants have contributed to infringement.

22 b. That infringement, inducement of infringement, and contributing to infringement by
23 Defendants has been willful.

24 c. That this Court permanently enjoin Defendants and their officers, directors, agents,
25 servants, employees, attorneys, successors, licensees, assigns, and all others in active concert or par-
26 ticipation with Defendants, from engaging in any acts that constitute infringement, inducement of in-
27 fringement, or contributory infringement of the Patents.

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d. That this Court order an accounting, including a post-verdict accounting, to determine the damages to be awarded to Plaintiff as a result of Defendants' infringement.

e. Plaintiff be awarded all damages caused by the acts forming the basis of this Complaint, except where such damages are not otherwise available under California Business & Professions Codes §17200. As to this section, Plaintiff seeks a disgorgement of all profits and restoration to consumers of those monies received through Defendants' unfair competition;

f. Defendants be required to pay to Plaintiff the costs and reasonable attorneys' fees incurred by Plaintiff in this action pursuant to 35 U.S.C. § 285 and pursuant to other applicable law and the state statutes cited in this Complaint;

g. This Court find that Defendants' infringement and actions render this case an exceptional case within the meaning of 35 U.S.C. § 285 and that Plaintiffs be awarded attorneys' fees;

h. Plaintiff be awarded prejudgment and post-judgment interest on all monetary awards;

i. Plaintiff be awarded a declaration of Judgment under 28 U.S.C. §2201.

j. Plaintiff be awarded costs of suit; and

k. Plaintiff be granted such other and further relief as the Court deems just and proper.

JURY DEMAND

Plaintiff hereby demands that all issues be tried by a jury under FED. R. CIV. P. 38(b).

Dated: March 22, 2023 COSTALAW

By: /s/ Joseph P. Costa
Joseph P. Costa
**ATTORNEY FOR PLAINTIFF SAVVIER FITNESS
LLC**