

PAYNE & FEARS LLP
ATTORNEYS AT LAW
200 N. PACIFIC COAST HIGHWAY, SUITE 825
EL SEGUNDO, CALIFORNIA 90245
(310) 689-1750

1 Randy R. Haj, Bar No. 288913
2 rrh@paynefears.com
3 **PAYNE & FEARS LLP**
4 Attorneys at Law
5 200 N. Pacific Coast Highway, Suite 825
6 El Segundo, California 90245
7 Telephone: (310) 689-1750
8 Facsimile: (310) 689-1755

9 -and-

10 Seth R. Ogden (*pro hac vice* to be filed)
11 sro@iplawgroup.com
12 John W. Stevens (*pro hac vice* to be filed)
13 jws@iplawgroup.com

14 PATTERSON INTELLECTUAL PROPERTY LAW, P.C.
15 1600 Division Street, Suite 500
16 Nashville, TN 37203
17 Telephone: (615) 242-2400
18 Facsimile: (615) 242-2221

19 Attorneys for Plaintiff
20 BTL Industries, Inc.

21 **UNITED STATES DISTRICT COURT**
22 **CENTRAL DISTRICT OF CALIFORNIA**

23 BTL INDUSTRIES, INC.,

24 Plaintiff,

25 v.

26 BEAUTY WORKS OC LLC, d/b/a
27 NEWPORT PEACHES INC.;
28 SNEZHANA KURKINA

Defendants.

CASE NO. 8:23-cv-00654

**COMPLAINT FOR
PATENT INFRINGEMENT,
TRADEMARK INFRINGEMENT,
AND UNFAIR COMPETITION**

DEMAND FOR JURY TRIAL

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Plaintiff BTL Industries, Inc. (“BTL”) files this Complaint for patent infringement, trademark infringement, and unfair competition against Beauty Works OC, now doing business as Newport Peaches, Inc. (“Newport Peaches”), Snezhana “Ana” Kurkina, and alleges as follows:

PARTIES

- 1. BTL is a Delaware corporation with a principal place of business at 362 Elm Street, Marlborough, Massachusetts 01752.
- 2. On information and belief, Newport Peaches is a California corporation with a registered mailing address 28281 Crown Valley Parkway, Suite 250, Laguna Niguel, California 92677.
- 3. On information and belief, Ms. Kurkina is the Chief Executive Officer, Chief Financial Officer, Secretary, and registered agent of Newport Peaches.

JURISDICTION AND VENUE

- 4. Subject-matter jurisdiction over BTL’s claims arising under the patent laws of the United States, 35 U.S.C. § 100, *et seq.* and the Lanham Act, 15 U.S.C. §§ 1051, 1121 exists pursuant to 28 U.S.C. §§ 1331, 1332, and 1338(a)-(b).
- 5. Subject-matter jurisdiction for the trademark and unfair competition claims exists with respect to the claims asserted in this Complaint pursuant to 28 U.S.C. §1331 and 1338.
- 6. This Court has personal jurisdiction over Newport Peaches and Ms. Kurkina because they or their employees have committed acts of patent infringement under 35 U.S.C. § 271(a), (b), or (c) in this District, and are subject to this Court’s jurisdiction under 28 U.S.C. §1400(a).

PAYNE & FEARS LLP
ATTORNEYS AT LAW
200 N. PACIFIC COAST HIGHWAY, SUITE 825
EL SEGUNDO, CALIFORNIA 90245
(310) 689-1750

PAYNE & FEARS LLP
ATTORNEYS AT LAW
200 N. PACIFIC COAST HIGHWAY, SUITE 825
EL SEGUNDO, CALIFORNIA 90245
(310) 689-1750

1 technology to develop a series of new and innovative FDA-cleared devices and
2 developed protocols for using the technology for aesthetic therapies. As described
3 above, BTL denotes its products and services that feature this technology with its
4 HIFEM brand and other trademarks.

5 14. The first such device that BTL developed was the EMSCULPT device
6 (shown below), a standalone, non-invasive, FDA-cleared aesthetic body-contouring
7 device. *See Exhibit 1*, attached hereto (BTL March 2019 Press Release).

8 15. BTL’s EMSCULPT device created a new market in which it quickly
9 became the innovative industry leader. Before BTL launched the EMSCULPT
10 device in 2018, no other product used high-intensity, focused electromagnetic
11 technology to tone and firm muscle for non-invasive aesthetic body contouring.

12 16. The aesthetic industry has recognized BTL’s innovation, hailing it as
13 having taken “the aesthetics industry by storm”; praising BTL as being the first to
14 apply high-intensity, focused electromagnetic energy technology for aesthetics; and
15 lauding the EMSCULPT device as having “transformed treatment protocols.”
16 **Exhibit 2**, attached hereto (BTL 2019 Press Release).

17 17. BTL’s EMSCULPT NEO device is FDA-cleared and uses high-
18 intensity electromagnetic energy to induce powerful muscle contractions—
19 unachievable through typical voluntary contractions—to contour an individual’s
20 physique. The EMSCULPT NEO device is currently cleared by the FDA as a non-
21 invasive treatment for the abdomen, buttocks, arms, calves, and thighs. BTL markets
22 and distributes its EMSCULPT NEO device to healthcare professionals and licenses
23 these professionals to provide treatment services using the device.

24 18. The EMSCULPT NEO device has been a breakthrough development in
25 the aesthetics industry, receiving plaudits from some of the industry’s largest
26 companies. For example, the EMSCULPT NEO device won Dermascope.com’s
27 Aesthetician’s Choice Award in 2022 and Glamour magazine described the device
28 as “revolutionary.” **Exhibit 3**.

PAYNE & FEARS LLP
ATTORNEYS AT LAW
200 N. PACIFIC COAST HIGHWAY, SUITE 825
EL SEGUNDO, CALIFORNIA 90245
(310) 689-1750

1 *A. The Asserted Patent*

2 19. On November 19, 2019, the United States Patent and Trademark Office
3 (USPTO) duly and lawfully issued U.S. patent No. 10,478,634 (“the ’634 patent”),
4 entitled “Aesthetic Method of Biological Structure Treatment by Magnetic Field.” A
5 true and correct copy of the ’634 patent is attached to this Complaint as **Exhibit 4**,
6 attached hereto. The ’634 patent was exclusively licensed to BTL, and BTL
7 possesses the exclusive right of recovery for any past, present, or future
8 infringement of the ’634 patent, including equitable relief and damages.
9

10 *B. BTL’s Trademarks*

11 20. BTL uses and licenses registered and unregistered trademarks and trade
12 dress to market its aesthetic equipment and treatments in the United States,
13 including the following federally registered marks, including trademarks for EM,
14 EMSCULPT, and EMSCULPT NEO (collectively the “BTL Trademarks”):

15 (a) Registration No. 5,572,801 for EMSCULPT in Class 10 for,
16 among other services, “medical apparatus and instruments for body toning and body
17 shaping” and “medical apparatus and instruments for the removal of fat;”

18 (b) Registration No. 6,069,279 for EMSCULPT in Class 44 for,
19 among other services, “medical services;”

20 (c) Registration No. 6,373,947 for EMSCULPT NEO in Class 10
21 for, among other services, “medical apparatus and instruments for body toning and
22 body shaping” and “medical apparatus and instruments for the removal of fat” and
23 in Class 44 for, among other services, “medical services;”

24 (d) Registration No. 6,206,098 for stylized EM in Class 10 for,
25 among other things, “apparatus and instruments for body toning and body shaping,
26 and apparatus and instruments for the removal of fat” and in Class 44 for, among
27 other things, “beauty salon services;”
28

PAYNE & FEARS LLP
ATTORNEYS AT LAW
200 N. PACIFIC COAST HIGHWAY, SUITE 825
EL SEGUNDO, CALIFORNIA 90245
(310) 689-1750

1 (e) Registration No. 5,915,636 for EM in Class 10 for, among other
2 things, “apparatus and instruments for body toning and body shaping, and apparatus
3 and instruments for the removal of fat” and in Class 44 for, among other things,
4 “beauty salon services.”

5 21. BTL has continuously and exclusively used the BTL Trademarks and
6 has never abandoned them. The BTL Trademarks are validly registered in the
7 United States and are in full force and effect. True and correct status copies of the
8 trademark registrations for each of the trademarks in the table above, obtained from
9 the Trademark Status Document Retrieval (“TSDR”) database of the United States
10 Patent and Trademark Office, are attached to this Complaint as **Exhibit 5**, attached
11 hereto. These registrations constitute prima facie evidence of validity of the BTL
12 Trademarks and BTL’s exclusive right to use the BTL Trademarks under 15 U.S.C.
13 § 1057(b).

14 22. The BTL Trademarks therefore perform an important source-
15 identifying function for BTL’s aesthetic body-countering devices like the
16 EMSCULPT and associated treatment services. The BTL Trademarks signify to
17 purchasers that the body-contouring devices come from BTL, and the body-
18 contouring services are rendered by BTL’s devices and administered by BTL-
19 trained and BTL-authorized service providers. The market reputation and consumer
20 goodwill associated with the BTL Trademarks are of significant value to BTL.

21
22 **NATURE OF THIS ACTION**

23 23. This is a civil action brought by BTL arising out of the Defendants’
24 past and present patent infringement in violation of the patent laws of the United
25 States, 35 U.S.C. § 1 *et seq.*; past trademark infringement, unfair competition, false
26 designation of origin, and false advertising under the Lanham Act, 15 U.S.C. §§
27 1114, 1125(a), and common law trademark infringement and unfair competition.
28

PAYNE & FEARS LLP
ATTORNEYS AT LAW
200 N. PACIFIC COAST HIGHWAY, SUITE 825
EL SEGUNDO, CALIFORNIA 90245
(310) 689-1750

1 24. Upon information and belief, the Defendants have since at least
2 December 2021 advertised services using a device they called EM SCULPT NEO
3 and EMSCULPT NEO, alternatively, using the term EMSCULPT and EMS
4 SCULPTING as part of its advertising. Upon information and belief, the
5 Defendants’ activity is ongoing, despite attorneys for BTL informing the Defendants
6 that their activities violate BTL’s rights on at least five occasions. On December 22,
7 2021, attorneys for BTL sent by email and Federal Express an initial Notice Letter
8 apprising Defendants of their infringing conduct. On January 10, 2022, February 7,
9 2022, and February 27, 2022, follow-up emails were sent following no response
10 from Defendants. On August 12, 2022, a demand letter was sent via email and
11 Federal Express detailing Defendants’ willful and malicious infringement and
12 notifying Defendants of their unauthorized use of copyrighted images. On March
13 24, 2023, a final demand letter was sent via email and certified mail. Defendants did
14 not respond to any of the aforementioned letters or emails. *see* **Exhibit 6** attached
15 hereto (letters and email correspondences sent to Defendant by BTL’s attorneys).

16 25. Upon information and belief, on September 8, 2022, Newport Peaches,
17 Inc. filed its articles of incorporation with the state of California listing Snezhana
18 Kurkina as the agent and Lovette Dobson as the incorporator. **Exhibit 7** attached
19 hereto (State of California Articles of Incorporation filing). Upon information and
20 belief, Lovette Dobson is an alias commonly used by individuals filing multiple
21 articles of incorporation. On November 30, 2022, Newport Peaches, Inc. filed a
22 Statement of Information Corporation which listed Ana Kurkina as the
23 Officer/Director. **Exhibit 8** attached hereto (State of California Statement of
24 Information Corporation filing). Upon information and belief, Ana Kurkina is the
25 nickname of Snezhana Kurkina. Upon information and belief, Ms. Kurkina re-
26 organized Beauty Works OC into Newport Peaches in an attempt to evade BTL’s
27 attorneys and continue infringing BTL’s intellectual property further demonstrating
28

1 the willful and malicious intent of Defendants in carrying out the infringing
2 activities.

3 26. The images below are representative examples the Defendants'
4 infringing conduct:

5 **ELECTRO MUSCULAR STIMULATION**

6
7 EMSculpt NEO is a non-invasive body sculpting procedure that reduces fat and builds muscle
8 in as little as a 30 minute session. Currently, it is the only body sculpting machine that can
9 accomplish BOTH fat reduction and muscle toning. EMSculpt NEO works by emitting radio
10 frequency and high intensity electromagnetic energies.



11
12
13
14
15
16
17 **EMSCULPT NEO**

18 EMSculpt NEO builds off the legacy of its predecessor, EMSculpt, by simultaneously emitting both radio frequency and high intensity electromagnetic energies.

19 **WORK SMARTER NOT HARDER!**

20 EMSculpt neo clinical studies show that non-essential fat provides greater resistance to athletic motion thereby forcing one to increase the muscle force of contractions per given workout. This takes time, energy and a lot of patience, unless one discovers EMSculpt NEO



21
22
23
24
25
26
27
28

PAYNE & FEARS LLP
ATTORNEYS AT LAW
200 N. PACIFIC COAST HIGHWAY, SUITE 825
EL SEGUNDO, CALIFORNIA 90245
(310) 689-1750

PAYNE & FEARS LLP
ATTORNEYS AT LAW
200 N. PACIFIC COAST HIGHWAY, SUITE 825
EL SEGUNDO, CALIFORNIA 90245
(310) 689-1750

1 27. The Defendants’ use of EMSCULPT NEO, EM SCULPT NEO,
2 EMSCULPT and EMS SCULPTING are without BTL’s authorization.

3 28. Upon information and belief, the EMSCULPT NEO devices the
4 Defendants advertise (“Counterfeit Devices”) is not an authentic BTL EMSCULPT
5 NEO device yet is similarly advertised for toning muscles in a patient. Upon
6 information and belief, the Defendants’ Counterfeit Devices uses time-varying
7 magnetic fields that are applied to a patient’s skin and held there using a flexible
8 belt attached to an applicator that includes a magnetic field generating coil. Upon
9 information and belief, the magnetic field generating coil generates a time-varying
10 field magnetic field and the device applies a magnetic flux of 50 T cm² to 1,500 T
11 cm² and causes muscle contraction.

12 29. Upon information and belief, Defendant Snezhana Kurkina is the active
13 agent behind the activities of Newport Peaches, Inc.

14
15 **COUNT I: INFRINGEMENT OF U.S. PATENT NO. 10,478,634**

16 30. BTL repeats and re-alleges paragraphs 1-29 as if fully set forth herein.

17 31. The ’634 patent is directed towards a method for toning muscles in a
18 patient using time-varying magnetic fields. Claim 1 of the patent recites:

19 A method for toning muscles in a patient using time-varying magnetic fields,
20 the method comprising:

21 placing a first applicator comprising a magnetic field generating coil in
22 contact with a patient’s skin or clothing at a body region of the patient,
23 wherein the body region is an abdomen or a buttock;

24 coupling the first applicator to the patient with an adjustable flexible belt so
25 that the belt holds the first applicator to the patient’s skin or clothing;
26 providing energy to the magnetic field generating coil in order to generate a
27 time-varying magnetic field; and

28 applying a magnetic fluence of 50 T cm² to 1,500 T cm² to the body region,

PAYNE & FEARS LLP
ATTORNEYS AT LAW
200 N. PACIFIC COAST HIGHWAY, SUITE 825
EL SEGUNDO, CALIFORNIA 90245
(310) 689-1750

1 wherein the time-varying magnetic field is applied to the body region with a
2 magnetic flux density sufficient to cause a muscle contraction in the
3 body region.

4 32. For the reasons stated in paragraphs 24-28, the use of Defendants’
5 Counterfeit Devices meet each and every limitation of at least claim 1 of the ’634
6 patent.

7 33. Defendants have directly infringed and continue to directly infringe at
8 least claim 1 of the ’634 patent, literally or under the doctrine of equivalents, by
9 directing and controlling performance of the claimed method with their Counterfeit
10 Devices.

11 34. Defendants have induced infringement and continue to induce direct
12 infringement, literally or under the doctrine of equivalents, of at least claim 1 of the
13 ’634 patent by using, and otherwise controlling, e.g., encouraging, promoting, and
14 instructing their customers’ use of the Counterfeit Devices in the United States in a
15 manner that directly infringes the ’634 patent.

16 35. Defendants’ infringement of the ’634 patent has been, and continues to
17 be, willful and malicious. On information and belief, Defendants have been aware of
18 the ’634 patent since before the filing of this Complaint and have infringed the ’634
19 patent willfully, deliberately, and maliciously and with knowledge that such conduct
20 violates 35 U.S.C. § 271.

21 **COUNT II: TRADEMARK INFRINGEMENT UNDER 15 U.S.C. § 1114**

22 36. BTL repeats and re-alleges paragraphs 1-29 as if fully set forth herein.

23 37. By using EMSCULPT, EMSCULPT NEO, EM SCULPT NEO, and
24 EMS SCULPTING, Defendants are creating confusion among the consuming public
25 as to the source, origin, sponsorship, and/or affiliation of the Defendants’
26 Counterfeit Devices and services with BTL.

27 38. Defendants’ conduct relating to the BTL Trademarks is without
28 authorization.

PAYNE & FEARS LLP
ATTORNEYS AT LAW
200 N. PACIFIC COAST HIGHWAY, SUITE 825
EL SEGUNDO, CALIFORNIA 90245
(310) 689-1750

1 39. Defendants are thus in violation of 15 U.S.C. § 1114 regarding the BTL
2 Trademarks and 15 U.S.C. § 1125(a) regarding the use of EMSCULPT,
3 EMSCULPT NEO, EM SCULPT NEO, and EMS SCULPTING or other
4 confusingly similar terms.

5 40. As the Chief Executive Officer, Chief Financial Officer, Secretary, and
6 registered agent of Newport Peaches, Defendant Snezhana Kurkina is the active
7 agent behind the actions of Newport Peaches.

8 41. The Defendants’ actions have caused BTL irreparable harm for which
9 BTL is entitled to a permanent injunction under 15 U.S.C. § 1116.

10 42. Such acts further cause harm to BTL for which BTL is entitled to
11 recover actual damages as well as the costs of any necessary corrective advertising.

12 43. Because Defendants’ conduct is willful, malicious, and exceptional,
13 BTL is entitled to an accounting of profits, attorneys’ fees, and multiplied damages.

14
15 **COUNT III: FEDERAL UNFAIR COMPETITION, FALSE DESIGNATION**
16 **OF ORIGIN, AND FALSE ADVERTISING UNDER 15 U.S.C. § 1125**
17

18 44. BTL repeats and re-alleges paragraphs 1-29 as if fully set forth herein.

19 45. Defendants have no right to use the BTL Trademarks in connection
20 with their goods and/or services, yet the Defendants have passed off their goods
21 and/or services to the public as if they were BTL’s goods.

22 46. Defendants have falsely held themselves out to customers and potential
23 customers as being connected with BTL.

24 47. Defendants have acted with intent to confuse or deceive the public as to
25 the source and origin of their goods and services.

26 48. The public has in fact been confused or deceived by the source and
27 origin of Defendants’ goods and services.

28

1 49. As the Chief Executive Officer, Chief Financial Officer, Secretary, and
2 registered agent of Newport Peaches, Defendant Snezhana Kurkina is the active
3 agent behind the conduct of Newport Peaches.

4 50. The Defendant’s unlawful conduct constitutes unfair competition under
5 15 U.S.C. § 1125.

6
7 **COUNT IV: COMMON LAW TRADEMARK INFRINGEMENT**
8 **AND UNFAIR COMPETITION**
9

10 51. BTL repeats and re-alleges paragraphs 1-29 as if fully set forth herein.

11 52. Defendants have without authorization, intentionally, willfully, and
12 maliciously used the BTL Trademarks, confusingly similar variations of these
13 trademarks, and research findings from the BTL Studies to promote, market, offer
14 for sale, and sell their goods and services.

15 53. Defendants’ actions have caused and are likely to cause consumer
16 confusion for reasons stated paragraphs 24-28.

17 54. Defendants’ actions have caused and will continue to cause BTL to
18 sustain actual damages and lost profits in this District.

19 55. BTL has no adequate remedy at law and will continue to suffer
20 irreparable harm unless the Defendants are enjoined.

21 56. Because of Defendants’ unlawful conduct as alleged above, BTL has
22 been substantially injured and is entitled to damages and profits attributable to the
23 unlawful conduct, which are presently indeterminate, and the costs of this action.

24
25 **PRAYER FOR RELIEF**

26 WHEREFORE BTL requests entry of judgment against the Defendants as
27 follows:

28 A. A judgment that the Defendants has infringed one or more claims of the

PAYNE & FEARS LLP
ATTORNEYS AT LAW
200 N. PACIFIC COAST HIGHWAY, SUITE 825
EL SEGUNDO, CALIFORNIA 90245
(310) 688-1750

1 U.S. Patent No. 10,478,634 in violation of 35 U.S.C. § 271(a)-(b);

2 B. An award of damages for infringement of the '634 patent, with said
3 damages to be trebled because of the intentional, willful, and malicious nature of the
4 Defendants' infringement, as provided by 35 U.S.C. § 284;

5 C. A judgment that the Defendants have willfully and maliciously
6 infringed one or more claims of the '634 patent;

7 D. A determination that this case is "exceptional" under 35 U.S. § 285 and
8 an award of BTL's reasonable attorneys' fees;

9 E. An order permanently enjoining the Defendants, its officers, directors,
10 employees, agents, and all persons acting in concert with them, from infringing the
11 '634 patent;

12 F. A judgment that the Defendant have violated the Lanham Act, 15
13 U.S.C. § 1114, by committing acts of trademark infringement;

14 G. A judgment that Defendants' use of the EMSCULPT mark, as alleged
15 in the Complaint, infringes BTL's EMSCULPT trademark;

16 H. A judgment that Defendants' use of the EMSCULPT NEO mark, as
17 alleged in this Complaint, infringes BTL's EMSCULPT NEO trademark;

18 I. A judgment that the EMS SCULPTING mark is confusingly similar to
19 BTL's EMSCULPT trademarks and that Defendants' use of that mark, as alleged in
20 this Complaint, infringe BTL's EMSCULPT trademarks;

21 J. A judgment that the EMS SCULPTING mark is confusingly similar to
22 BTL's EM trademark and that Defendants' use of that mark, as alleged in this
23 Complaint, infringe BTL's EM trademark;

24 K. A judgment that Defendant Snezhana Kurkina's conduct in violating
25 BTL's Trademarks was willful and malicious.

26 L. A judgment that the Defendants have violated the Lanh Act, 15 U.S.C.
27 § 1125(a), by committing acts of federal unfair competition, false designation of
28 origin, and false advertising;

PAYNE & FEARS LLP
ATTORNEYS AT LAW
200 N. PACIFIC COAST HIGHWAY, SUITE 825
EL SEGUNDO, CALIFORNIA 90245
(310) 689-1750

1 M. An award of damages for the Defendants’ infringement of the BTL
2 trademarks, including the Defendants’ profits, any damages sustained by BTL, and
3 the costs of the action as provided by 15 U.S.C. § 1117(a), with said damages to be
4 trebled because of the intentional, willful, and malicious nature of the Defendants’
5 infringement, as provided by 15 U.S.C. § 1117(b);

6 N. A judgment that this case is “exceptional” under 15 U.S.C. § 1117(a)
7 and an award of reasonable attorneys’ fees;

8 O. An award of damages against the Defendants as a result of its wrongful
9 acts against BTL in an amount to be proved at trial;

10 P. An award of any and all of the Defendant’s profits arising from the
11 foregoing acts;

12 Q. An award of pre-and post-judgment interest of any monetary damages
13 at the highest rate allowed by law;

- 14 R. Permanent injunctive relief enjoining the Defendants from:
- 15 i. using the BTL Trademarks or any confusingly similar marks, in
 - 16 any manner in connection with the promotion, marketing,
 - 17 advertising, offering for sale, or sale of any good or service that is
 - 18 not a good or service offered by a genuine BTL product, or is not
 - 19 authorized by BTL to be offered in connection with the BTL
 - 20 trademarks;
 - 21 ii. passing off, inducing, or enabling others to sell or pass off any
 - 22 good or service as a good or service offered by a genuine BTL
 - 23 product, or any other good or service offered by BTL, that is not
 - 24 BTL’s or not offered under the authorization, control, or
 - 25 supervision of BTL and approved by BTL for sale under the BTL
 - 26 Trademarks;
 - 27 iii. committing any acts calculated to cause consumers to believe that
 - 28 the Defendants’ goods or services are those sold under the

- 1 authorization, control or supervision of BTL, or are sponsored by,
- 2 approved by, or otherwise connected with BTL; and
- 3 iv. further infringing BTL’s Trademarks and damaging BTL’s
- 4 goodwill.
- 5 S. An award of BTL’s costs and expenses in this action; and
- 6 T. For such other relief as the Court may deem just and proper.

7
8 DATED: April 14, 2023

PAYNE & FEARS LLP

9
10 Randy R. Haj

11 Randy R. Haj, Bar No. 288913

12 rrh@paynefears.com

13 **PAYNE & FEARS LLP**

14 Attorneys at Law

15 200 N. Pacific Coast Highway, Suite 825

16 El Segundo, California 90245

17 Telephone: (310) 689-1750

18 Facsimile: (310) 689-1755

19 - and -

20 Seth R. Ogden (*pro hac vice* to be filed)

21 sro@iplawgroup.com

22 John W. Stevens (*pro hac vice* to be filed)

23 PATTERSON INTELLECTUAL

24 PROPERTY LAW, P.C.

25 1600 Division Street, Suite 500

26 Nashville, TN 37203

27 Telephone: (615) 242-2400

28 Facsimile: (615) 242-2221

Attorneys for Plaintiff

BTL Industries, Inc.

PAYNE & FEARS LLP
ATTORNEYS AT LAW
200 N. PACIFIC COAST HIGHWAY, SUITE 825
EL SEGUNDO, CALIFORNIA 90245
(310) 689-1750

JURY DEMAND

Under Rule 38 of the Federal Rules of Civil Procedure, Plaintiff BTL Industries, Inc. respectfully demands a trial by jury of any issues triable of right by a jury.

DATED: April 14, 2023

PAYNE & FEARS LLP

Randy R. Haj

Randy R. Haj, Bar No. 288913

rrh@paynefears.com

Attorneys at Law

200 N. Pacific Coast Highway, Suite 825

El Segundo, California 90245

Telephone: (310) 689-1750

Facsimile: (310) 689-1755

- and -

Seth R. Ogden (*pro hac vice* to be filed)

sro@iplawgroup.com

John W. Stevens (*pro hac vice* to be filed)

PATTERSON INTELLECTUAL
PROPERTY LAW, P.C.

1600 Division Street, Suite 500

Nashville, TN 37203

Telephone: (615) 242-2400

Facsimile: (615) 242-2221

Attorneys for Plaintiff

BTL Industries, Inc.

PAYNE & FEARS LLP
ATTORNEYS AT LAW
200 N. PACIFIC COAST HIGHWAY, SUITE 825
EL SEGUNDO, CALIFORNIA 90245
(310) 689-1750

4868-1081-9165.1