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20 *Attorneys for Plaintiff,*

21 LPI Inc.

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23 **UNITED STATES DISTRICT COURT**
24 **EASTERN DISTRICT OF CALIFORNIA**

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26 LPI INC., a Tennessee corporation,

Case No. 2:22-at-00846

27

28 Plaintiff,

**LPI INC.’s COMPLAINT FOR
PATENT INFRINGEMENT**

29

v.

DEMAND FOR JURY TRIAL

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31 REBOOT LABS LLC, D/B/A
32 “PLUNGE”, a California limited
33 liability company,

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35 Defendants.

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1 Plaintiff LPI Inc. (hereinafter “Plaintiff”), claims relief from Defendant Reboot
2 Labs LLC, d/b/a “PLUNGE” (hereinafter “Defendant”) and, by their attorneys, allege
3 as follows:

4 **NATURE OF THE ACTION**

5 1. This is an action for infringement of United States Patent No.
6 7,712,161, titled “Combination Spa System With Water Chilling Assembly.” (“the
7 ’161 Patent”) under the Patent Laws of the United States, 35 U.S.C. § 100 *et seq.*,
8 including §§ 271(a)-(c).

9 **PARTIES**

10 2. Plaintiff is a corporation of Tennessee with a principal place of business
11 located at 506 Twin Oaks Drive, Johnson City, Tennessee 37601-7610.

12 3. On information and belief, Defendant is a limited liability company of
13 California having a principal place of business located at 1721 Aviation Boulevard,
14 Lincoln, California 95648. On information and belief, Defendants maintain an
15 address for service of process located at 1916 Lombard Street, San Francisco,
16 California 94123.

17 **JURISDICTION AND VENUE**

18 4. This Court has subject matter jurisdiction over the action under 28
19 U.S.C. §§ 1331 and 1338(a) because the action concerns a federal question arising
20 under the patent laws of the United States, including 35 U.S.C. § 271.

21 5. This Court has personal jurisdiction over the Defendant because
22 Defendant resides in this District, has a regular and established place of business in
23 this District, and has committed acts of patent infringement in this District.

24 6. Venue is proper in this District under 28 U.S.C. § 1400(b) because
25 Defendant has a regular and established place of business in this District and has
26 committed acts of patent infringement in this District.

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STATEMENT OF FACTS

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2 7. Plaintiff is in the business of manufacturing, distributing, and selling
3 recreational products, including, but not limited to, spas, hot tubs, cold water tubs,
4 and combined hot-and-cold water tubs throughout the United States, including this
5 District. Plaintiff markets and sells its spa products through a family of brands,
6 including, but not limited to, the brands “Signature Bath,” “Signature Spas,”
7 “Pinnacle Spas,” “Dr. Wellness,” “Hydro Spas,” “Waterwave Spas,” “EnergySaver
8 Spa Equipment,” “Wholesale Spa Covers,” “Plug and Power Spas,” “Catalina Spas,”
9 and “Hudson Bay Spas.”

10 8. On information and belief, Defendant is in the business of
11 manufacturing, distributing, and selling hot tubs, cold water tubs, and combined hot-
12 and-cold water tubs throughout the United States, including in this District.
13 Defendant markets and sells its products using the brand name, “PLUNGE”.

14 9. On May 11, 2010, United States Patent No. 7,712,161, titled
15 “Combination Spa System With Water Chilling Assembly.” (“the ’161 Patent”) was
16 duly and legally issued by the United States Patent and Trademark Office
17 (“USPTO”) to inventor Charles W. Reynolds, II. A true and correct copy of the ’161
18 Patent is attached to this complaint as **Exhibit A**.

19 10. The ’161 Patent was assigned to Plaintiff on November 29, 2018 and
20 remains assigned to Plaintiff to the present date.

21 11. The ’161 Patent has a patent term that expires on January 13, 2026.

22 12. The ’161 Patent is valid and enforceable.

23 13. In general, the ’161 Patent is directed to a combined hot-and-cold spa
24 system that includes “water heating and cooling devices coupled in series to a
25 circulating system adapted to withdraw and return water relative to [a] tub.” (See Ex.
26 B, ’161 Patent, at p. 1, Abstract.)

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1 14. More specifically, claim 1 of the '161 Patent reads:

2 A spa system, comprising:

3 a tub;

4 water heating and cooling devices operatively coupled in series
5 to a water circulating system adapted to withdraw and return water
6 relative to the tub to convey water from the tub in series first to one of
7 the water heating and cooling devices and then to the other of the water
8 heating and cooling devices and then back to the tub, the water heating
9 device operative to heat water passing through the circulating system,
10 and the water cooling device operative to chill water passing through
11 the circulating system; and

12 a thermostat operatively coupled to both the heating and cooling
13 devices, the thermostat operative to control the operation of both the
14 heating and cooling devices to set a desired temperature of water
15 passing through the circulating system.

16 15. On information and belief, Defendant has manufactured, used, offered
17 for sale, and sold in the United States products that infringe at least claim 1 of the
18 '161 Patent, and continues to do so. These products infringe at least claim 1 of the
19 '161 literally and by the doctrine of equivalents. By way of exemplary illustration,
20 and without limitation, the infringing products include Defendant's "Hot & Cold
21 Plunge" and "Hot & Cold Plunge Pro" products (collectively, the "Infringing
22 Products").

23 16. Each of the Infringing Products directly infringes claim 1 of the '161
24 Patent.

25 17. Each of the Infringing Products is a spa system comprising a tub, water
26 heating and cooling devices, and a thermostat.

27 18. Each of the Infringing Products has water heating and cooling devices
28 operatively coupled in series to a water circulating system.

1 19. In each of the Infringing Products, the water circulating system is
2 adapted to withdraw and return water relative to the tub to convey water from the tub
3 in series first to one of the water heating and cooling devices and then to the other of
4 the water heating and cooling devices and then back to the tub.

5 20. In each of the Infringing Products, the water heating device is operative
6 to heat water passing through the circulating system.

7 21. In each of the Infringing Products, the water cooling device is operative
8 to chill water passing through the circulating system.

9 22. In each of the Infringing Products, the thermostat is operatively coupled
10 to both the heating and cooling devices.

11 23. In each of the Infringing Products, the thermostat is operative to control
12 the operation of both the heating and cooling devices to set a desired temperature of
13 water passing through the circulating system.

14 24. On or about February 4, 2022, Plaintiff through its counsel wrote to
15 Defendant and informed Defendant of the existence and content of the '161 Patent
16 and of Plaintiff's contention that the Infringing Products infringe at least claim 1 of
17 the '161 Patent. A true and correct copy of Plaintiff's February 4, 2022
18 correspondence is attached to this complaint as **Exhibit B**.

19 25. Accordingly, Defendant had knowledge of the '161 Patent at least as
20 early as February 4, 2022, and Defendant knew that its products infringed the '161
21 Patent.

22 **COUNT I**

23 **INFRINGEMENT OF U.S. PATENT NO. 7,712,161**

24 26. The allegations of paragraphs 1 through 25 above are restated and
25 incorporated herein by reference.

26 27. By manufacturing, using, offering for sale, and selling in the United
27 States the Infringing Products, Defendant has injured Plaintiff and is liable to Plaintiff
28 for infringement of the '161 Patent pursuant to 35 U.S.C. § 271.

1 28. As a result of Defendant’s infringement of the ’161 Patent, Plaintiff is
2 entitled to monetary damages in an amount adequate to compensate for Defendant’s
3 infringement, but in no event less than a reasonable royalty for the use made of the
4 invention by Defendant, together with interest and costs as fixed by the Court.

5 29. Defendant has willfully infringed the ’161 Patent. Defendant had
6 knowledge of the ’161 Patent no later than February 4, 2022, when Plaintiff placed
7 Defendant on notice thereof.

8 30. Despite this notice, Defendant infringed the ’161 Patent with full and
9 complete knowledge that the Infringing Products infringe the ’161 Patent. Defendant
10 lacked and continues to lack a good faith belief that the ’161 Patent is invalid or not
11 infringed. Defendant’s infringement was willful, deliberate, egregious and flagrant.

12 31. Defendant has no good-faith belief that its Infringing Products do not
13 infringe the ’161 Patent, or that the ’161 Patent is invalid. Defendant has not taken
14 any steps to remedy its infringement of the ’161 Patent. Defendant’s conduct in this
15 regard further shows that Defendant has willfully and intentionally infringed the ’161
16 Patent.

17 32. Thus, Defendant’s infringement of the ’161 Patent was willful,
18 deliberate, egregious, and flagrant, entitling Plaintiff to enhanced damages under 35
19 U.S.C. § 284 and to attorneys’ fees and costs incurred in prosecuting this action under
20 35 U.S.C. § 285.

21 **PRAYER FOR RELIEF**

22 **WHEREFORE**, Plaintiff respectfully requests that this Court enter:

23 a. A judgment in favor of Plaintiff that Defendant has infringed, either
24 literally and/or under the doctrine of equivalents, the ’161 Patent;

25 b. A judgment and order requiring Defendant to pay Plaintiff its damages,
26 costs, expenses, and prejudgment and post-judgment interest for its infringement of
27 the ’161 Patent, as provided under 35 U.S.C. § 284;

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- 1 c. A judgment and order requiring Defendant to provide an accounting and
2 to pay supplemental damages to Plaintiff, including without limitation, prejudgment
3 and post-judgment interest;
- 4 d. A declaration that Defendant’s infringement of the ’161 Patent was
5 willful;
- 6 e. A judgment and order requiring Defendant to pay Plaintiff enhanced
7 damages under 35. U.S.C. § 284;
- 8 f. A judgment and order finding that this is an exceptional case within the
9 meaning of 35 U.S.C. § 285 and awarding to Plaintiff its reasonable attorneys’ fees
10 against Defendant; and
- 11 e. Any and all other relief as the Court may deem appropriate and just under
12 the circumstances.

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14 Dated: August 11, 2022

ONE LLP

15 By: /s/ Nathaniel L. Dilger
16 Nathaniel L. Dilger
17 Peter R. Afrasiabi

18 **BLANCHARD HORTON PLLC**
19 Jacob G. Horton

20 *Attorneys for Plaintiff,*
21 LPI Inc.

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DEMAND FOR JURY TRIAL

Plaintiff, under Rule 38 of the Federal Rules of Civil Procedure, requests a trial by jury of any issues so triable by right.

Dated: August 11, 2022

ONE LLP

By: */s/ Nathaniel L. Dilger*

Nathaniel L. Dilger

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