

**KOLITCH ROMANO DASCENZO GATES LLC**

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**UNITED STATES DISTRICT COURT  
DISTRICT OF OREGON  
PORTLAND DIVISION**

**VENTUM LLC**, a Delaware  
corporation,

Plaintiff,

v.

**PIERER MOBILITY AG**,  
an Austrian corporation,

Defendant.

Case No.: 3:22-cv-1544

**COMPLAINT FOR PATENT  
INFRINGEMENT**

**DEMAND FOR JURY TRIAL**

**COMPLAINT**

Plaintiff Ventum LLC (hereinafter referred to as “Ventum” or “Plaintiff”) alleges against Defendant Pierer Mobility AG (hereinafter referred to as “Pierer” or “Defendant”) as follows:

### **NATURE OF THE CASE**

1. This is a civil action for federal patent infringement in violation of the Patent Act, 35 U.S.C. §§ 1, et seq., and specifically in violation of 35 U.S.C. § 271(a). More specifically, this is an action for monetary damages and injunctive relief to remedy Defendant's actual and threatened infringement of Ventum's U.S. Pat. No. 10,407,120 ("the '120 patent"), which covers a fluid reservoir integrated into a bicycle frame in a novel, aerodynamic manner.

### **THE PARTIES**

2. Plaintiff Ventum LLC is a Delaware limited liability company, with a principal place of business and a mailing address at 2775 S. Highway 40, Suite 4, Heber City, Utah 84032. Ventum LLC is the owner of the patent rights at issue in this action.

3. On information and belief, Defendant Pierer Mobility AG is an Austrian company with a principal place of business and a mailing address at Edisonstraße 1, 4600 Wels, Austria.

4. On information and belief, Defendant does business as Felt Bicycles, and sells Felt Bicycles products throughout the United States.

5. On information and belief, Defendant developed, manufactures, and/or sells the accused products in the United States under the Felt Bicycles brand.

### **JURISDICTION**

6. This Court has subject matter jurisdiction over this action under 28 U.S.C. § 1331 (actions under the laws of the United States of America); and 28 U.S.C. § 1338(a), because this case involves a federal question arising under the patent laws of the United States, 35 U.S.C. §§ 1, *et seq.*

7. This Court has personal jurisdiction over Defendant because, on information and belief, Defendant advertises and sells its products, including the products accused of infringement in this action, to Oregon customers through at least eight authorized Felt Bicycles dealers located in Oregon, and because the exercise of personal jurisdiction over Defendant comports with the laws of the State of Oregon and the constitutional requirements of due process.

8. Venue is proper in this judicial district pursuant to 28 U.S.C. § 1391(c)(3) because, on information and belief, Defendant is a foreign corporation incorporated in Austria.

### **FACTUAL ALLEGATIONS**

#### **Plaintiff Ventum and its Patent Rights**

9. Ventum markets, offers, and sells bicycles, bicycle parts, clothing, and other bicycle accessories directly to customers throughout the United States, through its website at <https://ventumracing.com/>.

10. Ventum is particularly well-known for its aerodynamic time trial bicycles, and sponsors numerous professional athletes which have used and continue to use Ventum's products to compete successfully in events such as Ironman triathlon races.

11. Ventum owns all right, title and interest in the '120 patent, including the right to sue thereon and the right to recover for infringement thereof. The '120 patent issued September 10, 2019 and will expire September 3, 2035. A copy of the '120 patent is attached hereto as Exhibit A. The '120 patent gives Ventum the right to exclude others from making, using, offering for sale, and selling the invention claimed in the patent within the United States and from importing the invention claimed in the patent into the United States.

### **Defendant's Infringing Activities**

12. On information and belief, Defendant is making, advertising for sale, selling, and/or importing several versions of the Felt IA 2.0 Triathlon Race bicycle and bicycle frame that infringe Ventum's '120 patent. These include the IA FRD 2.0 Ultimate Red E-Tap AXS model, the IA FRD 2.0 Ultimate Dura-Ace Di2 model, the IA FRD 2.0 Ultimate Ultegra Di2 model, and the IA FRD 2.0 Frameset (collectively "the Accused Products").

13. Defendant advertises the Accused Products, for example, on the Felt Bicycles website Defendant operates. Attached as Exhibit B is a copy of Defendant's

web page advertising the Accused Products at <https://feltbicycles.com/products/ia-2-0-triathlon-race-bike>.

14. On information and belief, Defendant provides the Accused Products to athletes that Defendant sponsors, including some that recently competed using the Accused Products at the 2022 Ironman World Championship held October 6-8, 2022 in Kailua-Kona, Hawaii, which is an extremely high-profile annual showcase for time-trial bicycles. Exhibit C includes examples of social media posts by Defendant and its sponsored athletes, showing the athletes riding the Accused Products.

15. Attached as Exhibit D is a claim chart showing how the Accused Products infringe at least claims 1, 2, 3, 5, 6, 7, 8, 9, 11, 12, and 13 of Ventum's '120 patent.

16. Ventum's counsel sent a letter alleging infringement along with a claim chart to Defendant on May 31, 2022, and has communicated with Defendant's counsel several times since then. Defendant's counsel has represented that Defendant has redesigned the Accused Products to avoid infringing the '120 patent, but on information and belief, Defendant made only an inconsequential change in the design of the Accused Products, which Ventum believes has no effect on Defendant's infringement. The claim chart of Exhibit D applies to Defendant's alleged redesign.

**CLAIM FOR RELIEF – INFRINGEMENT OF THE ‘120 PATENT**

17. Ventum hereby incorporates by reference each of the other allegations set forth elsewhere in this Complaint as though fully set forth herein.

18. Defendant has infringed the ‘120 patent by making, using, selling, offering to sell, and/or importing the Accused Products.

19. Defendant’s infringement of the ‘120 patent has been and continues to be willful.

20. Ventum has suffered, and will continue to suffer, substantial damages in an amount to be proven at trial, through lost profits, lost sales, and/or lost royalties, due to infringement by Defendant.

21. Ventum has suffered, and will continue to suffer, permanent and irreparable injury, for which Ventum has no adequate remedy at law. This irreparable injury includes but is not limited to unquantifiable loss of market share and loss in value of Ventum’s patent rights, due to the fact that Ventum is no longer the only party advertising or providing sponsored athletes with products covered by the ‘120 patent.

22. Ventum is entitled to relief as provided by 35 U.S.C. §§ 281, 283, 284, and 285.

**PRAYER FOR RELIEF**

In view of the foregoing, Ventum prays for judgment as follows:

A. That Defendant has infringed, and is infringing, the ‘120 patent in violation of 35 U.S.C. § 271;

B. That infringement by Defendant is willful;

C. That Defendant be preliminarily and permanently enjoined against all acts of patent infringement, including but not limited to making, using, selling, offering to sell, and importing the Accused Products, and publicly posting videos or disseminating any other physical or digital content that advertises the Accused Products or highlights the use of the Accused Products by Defendant’s sponsored athletes;

D. That Defendant be required to deliver to Ventum for destruction any and all articles in its possession and/or under its control that infringe the ‘120 patent, including but not limited to all existing Accused Products, associated packaging and advertisements;

E. That Defendant be ordered to pay Ventum the damages that Ventum has suffered due to patent infringement by Defendant, together with interest thereon;

F. That Defendant be ordered to account for and pay Ventum the total profits Defendant has received from the sale of products infringing the Asserted Patents;

G. That this case be declared exceptional pursuant to 35 U.S.C. § 285, due to willful infringement by Defendant, and that Ventum be awarded trebled damages and its reasonable attorneys' fees and costs; and

H. That Ventum have such other and further relief as the Court and/or a jury deems just and proper.

**DEMAND FOR JURY TRIAL**

Plaintiff demands trial by jury in accordance with Rule 38, Federal Rules of Civil Procedure.

DATED this 13th day of October, 2022.

Respectfully submitted,

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GATES LLC

s/ Shawn J. Kolitch

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