

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

ONMYWHEY, LLC,

Plaintiff,

v.

RNB DIGITAL LLC,

Defendant.

Case No. 22-cv-07214

JURY TRIAL DEMANDED

COMPLAINT

Plaintiff OnMyWhey, LLC (“OnMyWhey” or “Plaintiff”) hereby brings the present action against Defendant RNB Digital LLC (“Defendant” or “RNB Digital”) and alleges as follows:

I. JURISDICTION AND VENUE

1. This Court has original subject matter jurisdiction over the claims in this action pursuant to the provisions of the Patent Act, 35 U.S.C. § 1, *et seq.*, 28 U.S.C. § 1338(a)-(b) and 28 U.S.C. § 1331.

2. Venue is proper in this Court pursuant to 28 U.S.C. § 1391, and this Court may properly exercise personal jurisdiction over Defendant because it directly targets its business activities toward consumers in the State of Illinois. Specifically, Defendant has targeted sales to Illinois residents by setting up and operating an e-commerce store that targets Illinois consumers, offers shipping to Illinois, and has sold products infringing OnMyWhey’s patented designs to residents of Illinois. Defendant is committing tortious acts in Illinois, is engaging in interstate commerce, and has wrongfully caused OnMyWhey substantial injury in the State of Illinois.

II. INTRODUCTION

3. This action has been filed by OnMyWhey to address and enjoin Defendant from making, using, offering for sale, selling and/or importing into the United States unauthorized and unlicensed products that infringe OnMyWhey's patented designs, namely U.S. Patent Nos. D844,435 (the "435 Patent"), D844,436 (the "436 Patent"), and D865,527 (the "527 Patent") (the "Infringing Products"). See **Exhibit 1**. OnMyWhey has filed this action to combat Defendant's infringement of its patented designs, as well as to protect unknowing consumers from purchasing Infringing Products over the Internet. OnMyWhey has been and continues to be irreparably damaged from the loss of its lawful patent rights to exclude others from making, using, selling, offering for sale, and importing into the United States for subsequent sale or use its patented designs as a result of Defendant's actions and seeks injunctive and monetary relief.

III. THE PARTIES

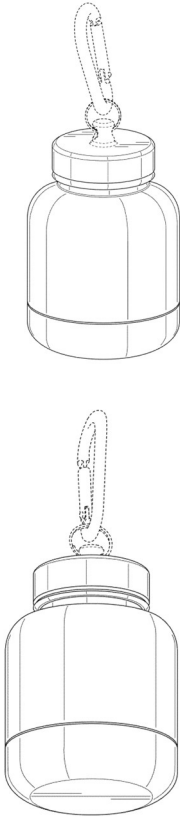
Plaintiff OnMyWhey


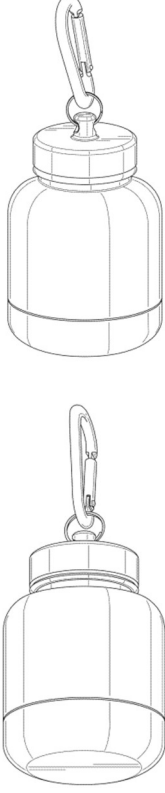
4. OnMyWhey is a limited liability company organized and existing under the laws of the State of Delaware, having its principal place of business at 1325 Howard Avenue #832, Burlingame, California 94010.


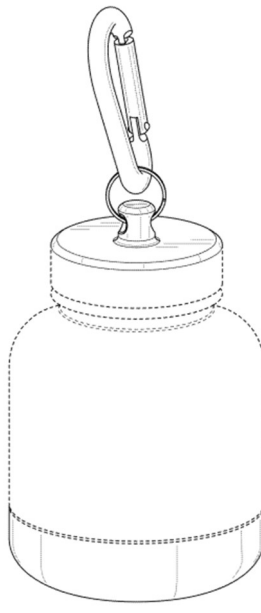
5. OnMyWhey is a manufacturer, distributor and retailer of workout accessories and other merchandise (collectively, the "OnMyWhey Products"). OnMyWhey Products have become enormously popular, driven by OnMyWhey's arduous quality standards and innovative design. Among the purchasing public, genuine OnMyWhey Products are instantly recognizable as such. In the United States, the OnMyWhey brand has come to symbolize high quality.

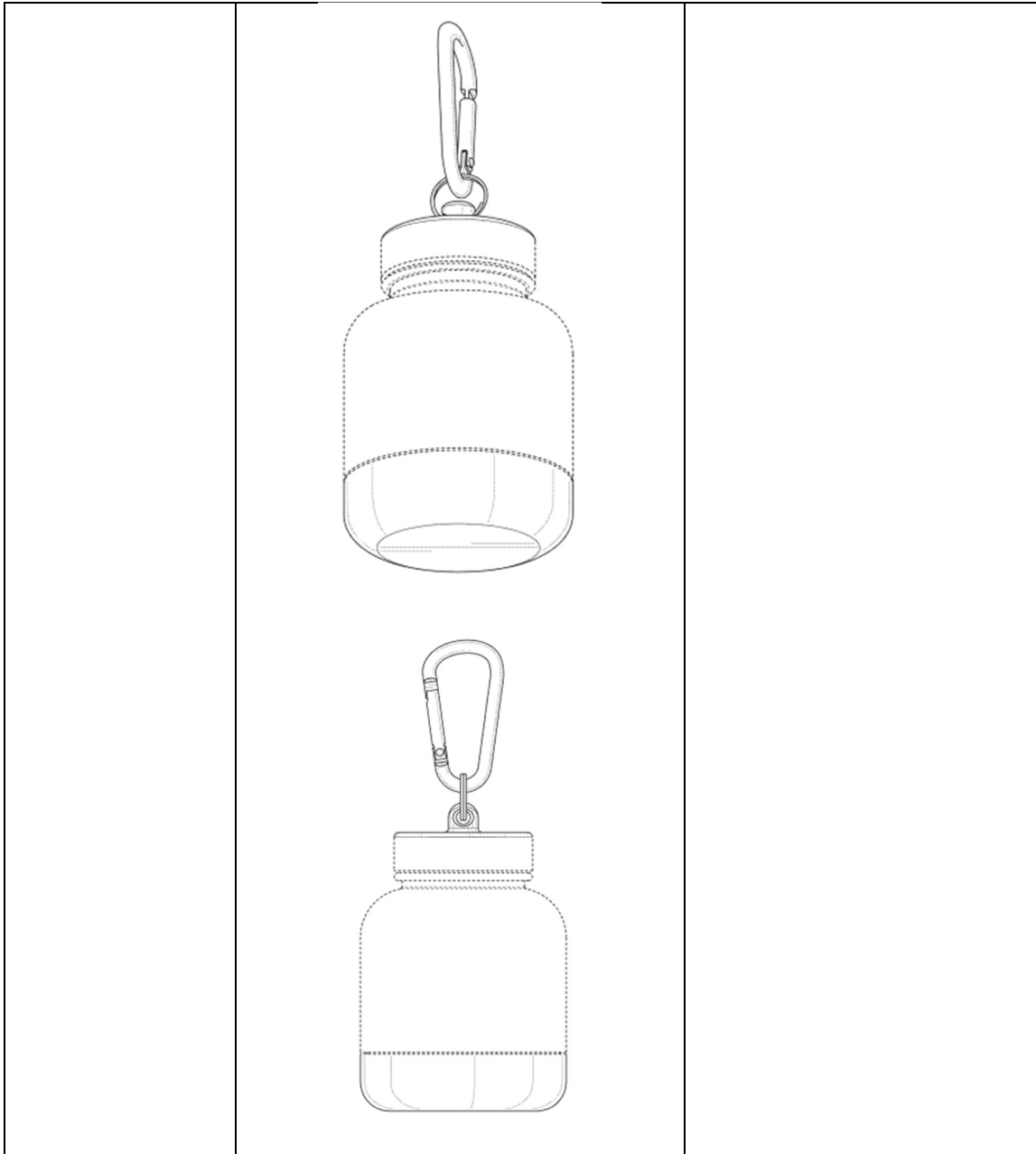
6. OnMyWhey Products are distributed and sold to consumers through retailers throughout the United States, including through authorized retailers in Illinois and the onmywhey.com website.

7. OnMyWhey Products are known for their distinctive patented designs. OnMyWhey’s bottle design, for example, is a first of a kind design. These designs are broadly recognized by consumers. Workout accessories fashioned after these designs are associated with the quality and innovation that the public has come to expect from OnMyWhey Products. OnMyWhey uses these designs in connection with its OnMyWhey Products, including, but not limited to, the following patented designs, herein referred to as the “OnMyWhey Designs.”

Patent Number	Claim	Issue Date
D844,435		April 2, 2019

	 <p>An exploded view diagram of a bottle assembly. At the top is a cap with a hook-shaped handle. Below it is the main body of the bottle with a neck. At the bottom is a separate ring. A large bracket on the left side of the diagram encompasses all three components.</p>	
D844,436	 <p>Two views of the assembled bottle. The top view shows the bottle with the cap and handle attached. The bottom view shows the bottle with the cap and handle removed, revealing the internal structure.</p>	April 2, 2019

	 An exploded view diagram of a bottle assembly. At the top is a carabiner hook attached to a small cylindrical cap. Below this is the main body of the bottle, which has a neck and a wider base. At the bottom is a separate circular base or ring. A vertical bracket on the left side of the diagram indicates that the cap, the bottle body, and the base are all components of the same assembly.	
D865,527	 A perspective view of the assembled bottle. The bottle has a rounded body and a flat top. A carabiner hook is attached to the top of the bottle. The bottle is shown with dashed lines to indicate its three-dimensional form.	November 5, 2019



8. OnMyWhey is the lawful assignee of all right, title, and interest in and to the OnMyWhey Designs. United States Patent No. D844,435 was lawfully issued on April 2, 2019, with named inventors Farbod Deylamian, David Jacobsen, Kyle Lewis, and Kayvon Pourmirzaie. United States Patent No. D844,436 was lawfully issued on April 2, 2019, with named inventors Farbod Deylamian, David Jacobsen, Kyle Lewis, and Kayvon Pourmirzaie. United States Patent No. D865,527 was lawfully issued on November 5, 2019, with named inventors Farbod

Deylamian, David Jacobsen, Kyle Lewis, and Kayvon Pourmirzaie. Attached hereto as **Exhibit 2** are true and correct copies of the United States Patents for the OnMyWhey Designs.

Defendant RNB Digital LLC

9. On information and belief, Defendant RNB Digital LLC is a corporation organized and existing under the laws of the State of New Jersey, and located at 1512 Palisade Ave., Apt. G1, Fort Lee, New Jersey 07024. Defendant has the capacity to be sued pursuant to Federal Rule of Civil Procedure 17(b).

10. Defendant conducts business throughout the United States, including within the State of Illinois and this Judicial District, through at least the operation of its fully interactive e-commerce store on the online marketplace Amazon.com.

IV. DEFENDANT’S UNLAWFUL CONDUCT

11. Defendant operates a fully interactive e-commerce store on Amazon.com¹ under the alias RNB Digital (“Defendant’s E-Commerce Store”), where it makes targeted sales to Illinois residents.

12. Through Defendant’s E-Commerce Store, Defendant is knowingly and willfully engaging in manufacturing, importing, distributing, offering for sale, and selling products that infringe the OnMyWhey Designs (previously defined as “Infringing Products”). The following is a screenshot of Defendant’s E-Commerce Store as of November 3, 2022, showing the Infringing Products for sale:

¹ <https://www.amazon.com/sp?ie=UTF8&seller=A28JF2AIBWCM11>.

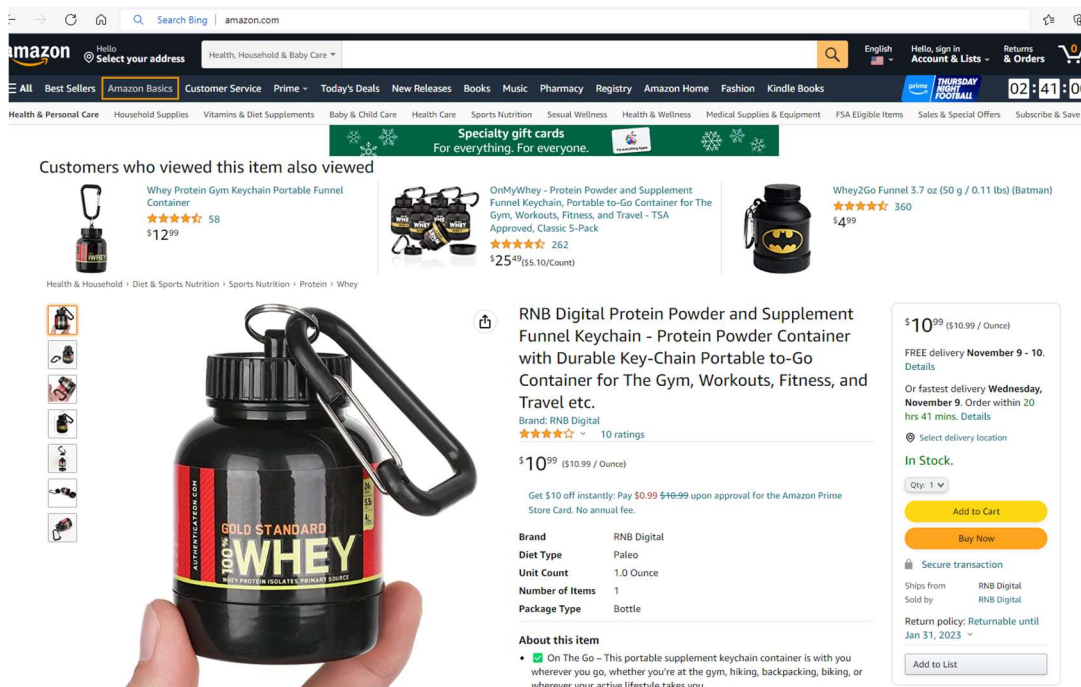


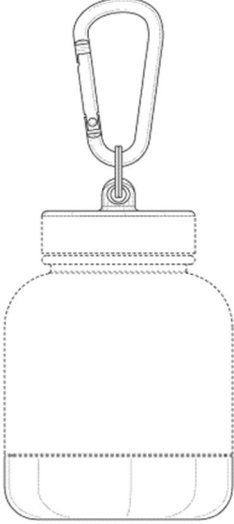
Figure 1

13. OnMyWhey’s investigator visited Defendant’s E-Commerce Store and purchased the Infringing Products.
14. The purchased Infringing Products were shipped to the State of Illinois.
15. The purchased Infringing Products were inspected, and it was determined that they are unauthorized and infringe OnMyWhey’s patent rights in the OnMyWhey Designs.
16. A comparison of the OnMyWhey Designs to Defendant’s Infringing Products exemplifies Defendant’s infringement of OnMyWhey’s patent rights.

OnMyWhey Design Claims	Defendant's Infringing Products
<p data-bbox="237 342 509 380">(Reg. No. D844,435)</p> 	

OnMyWhey Design Claims	Defendant's Infringing Products
<p data-bbox="250 306 500 338">Reg. No. D844,436</p> 	

OnMyWhey Design Claims	Defendant's Infringing Products
<p data-bbox="250 268 500 302">Reg. No. D865,527</p> 	

OnMyWhey Design Claims	Defendant's Infringing Products
	

17. Defendant's infringement of the OnMyWhey Designs in the making, using, offering for sale, selling, and/or importing into the United States for subsequent sale or use of the Infringing Products was willful.

18. Defendant's infringement of the OnMyWhey Designs in connection with the making, using, offering for sale, selling, and/or importing into the United States for subsequent sale or use of the Infringing Products, including the making, using, offering for sale, selling, and/or importing into the United States for subsequent sale or use of Infringing Products into Illinois, is irreparably harming OnMyWhey.

**COUNT I
INFRINGEMENT OF UNITED STATES DESIGN PATENT NO. D844,435
(35 U.S.C. § 271)**

19. OnMyWhey hereby re-alleges and incorporates by reference the allegations set forth in the preceding paragraphs.

20. Defendant is making, using, offering for sale, selling, and/or importing into the United States for subsequent sale or use Infringing Products that infringe directly and/or indirectly the ornamental design claimed in the '435 Patent.

21. Defendant has infringed the '435 Patent through the aforesaid acts and will continue to do so unless enjoined by this Court. Defendant's wrongful conduct has caused OnMyWhey to suffer irreparable harm resulting from the loss of its lawful patent rights to exclude others from making, using, selling, offering for sale, and importing the patented invention. OnMyWhey is entitled to injunctive relief pursuant to 35 U.S.C. § 283.

22. OnMyWhey is entitled to recover damages adequate to compensate for the infringement, including Defendant's profits pursuant to 35 U.S.C. § 289. OnMyWhey is entitled to recover any other damages as appropriate pursuant to 35 U.S.C. § 284.

COUNT II
INFRINGEMENT OF UNITED STATES DESIGN PATENT NO. D844,436
(35 U.S.C. § 271)

23. OnMyWhey hereby re-alleges and incorporates by reference the allegations set forth in the preceding paragraphs.

24. Defendant is making, using, offering for sale, selling, and/or importing into the United States for subsequent sale or use Infringing Products that infringe directly and/or indirectly the ornamental design claimed in the '436 Patent.

25. Defendant has infringed the '436 Patent through the aforesaid acts and will continue to do so unless enjoined by this Court. Defendant's wrongful conduct has caused OnMyWhey to suffer irreparable harm resulting from the loss of its lawful patent rights to exclude others from making, using, selling, offering for sale, and importing the patented invention. OnMyWhey is entitled to injunctive relief pursuant to 35 U.S.C. § 283.

26. OnMyWhey is entitled to recover damages adequate to compensate for the infringement, including Defendant's profits pursuant to 35 U.S.C. § 289. OnMyWhey is entitled to recover any other damages as appropriate pursuant to 35 U.S.C. § 284.

COUNT III
INFRINGEMENT OF UNITED STATES DESIGN PATENT NO. D865,527
(35 U.S.C. § 271)

27. OnMyWhey hereby re-alleges and incorporates by reference the allegations set forth in the preceding paragraphs.

28. Defendant is making, using, offering for sale, selling, and/or importing into the United States for subsequent sale or use Infringing Products that infringe directly and/or indirectly the ornamental design claimed in the '527 Patent.

29. Defendant has infringed the '527 Patent through the aforesaid acts and will continue to do so unless enjoined by this Court. Defendant's wrongful conduct has caused OnMyWhey to suffer irreparable harm resulting from the loss of its lawful patent rights to exclude others from making, using, selling, offering for sale, and importing the patented invention. OnMyWhey is entitled to injunctive relief pursuant to 35 U.S.C. § 283.

30. OnMyWhey is entitled to recover damages adequate to compensate for the infringement, including Defendant's profits pursuant to 35 U.S.C. § 289. OnMyWhey is entitled to recover any other damages as appropriate pursuant to 35 U.S.C. § 284.

PRAYER FOR RELIEF

WHEREFORE, OnMyWhey prays for judgment against Defendant as follows:

- 1) That Defendant, its affiliates, officers, agents, servants, employees, attorneys, confederates, and all persons acting for, with, by, through, under or in active concert with them be temporarily, preliminarily, and permanently enjoined and restrained from:

- a. making, using, offering for sale, selling, and/or importing into the United States for subsequent sale or use the Infringing Products;
 - b. aiding, abetting, contributing to, or otherwise assisting anyone in making, using, offering for sale, selling, and/or importing into the United States for subsequent sale or use the Infringing Products; and
 - c. effecting assignments or transfers, forming new entities or associations or utilizing any other device for the purpose of circumventing or otherwise avoiding the prohibitions set forth in Subparagraphs (a) and (b).
- 2) Entry of an Order that, upon OnMyWhey's request, those with notice of the injunction, including, without limitation, Amazon.com shall disable and cease displaying any advertisements used by or associated with Defendant in connection with the sale of the Infringing Products;
 - 3) That OnMyWhey be awarded such damages as it shall prove at trial against Defendant that are adequate to compensate OnMyWhey for Defendant's infringement of the OnMyWhey Designs, but in no event less than a reasonable royalty for the use made of the inventions by the Defendant, together with interest and costs, pursuant to 35 U.S.C. § 284;
 - 4) That the amount of damages awarded to OnMyWhey to compensate OnMyWhey for infringement of the OnMyWhey Designs be increased by three times the amount thereof, as provided by 35 U.S.C. § 284;
 - 5) In the alternative, that OnMyWhey be awarded all profits realized by Defendant from Defendant's infringement of the OnMyWhey Designs, pursuant to 35 U.S.C. § 289;
 - 6) That OnMyWhey be awarded its reasonable attorneys' fees and costs; and
 - 7) Award any and all other relief that this Court deems just and proper.

JURY DEMAND

Pursuant to Fed. R. Civ. P. 38, OnMyWhey hereby demands a trial by jury as to all issues so triable.

Dated this 22nd day of December 2022.

Respectfully submitted,

/s/ Justin R. Gaudio

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