

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

Smart Scale Ruler Inc.,

Plaintiff,

v.

Civil No. 1:23-cv-292

Hozo Design Co., Ltd,

Defendant.

COMPLAINT

Smart Scale Ruler Inc. (“Smart Scale Ruler”), for its Complaint against Hozo Design Co., Ltd (“Hozo”), alleges as follows:

The Parties

1. Smart Scale Ruler is a Canadian company with a principal place of business at 77 Carlton Street, Unit 307, Toronto, Ontario M5B 2J7, Canada. It is a small technology startup that develops smart measurement devices and drafting tools.

2. Upon information and belief, Hozo is a Hong Kong limited liability company with a place of business at 3 Flat/Room 917a, Block A 9/F, New Mandarin Plaza, 14 Science Museum Road, Tsimshatsui, Kowloon, Hong Kong 999077. Hozo advertises and sells digital measurement devices throughout the United States, including New York. According to U.S. Patent and Trademark Office ownership records, Hozo has a current mailing address at 256 E Squire Drive, Apartment 1, Rochester, New York 14623, which is within this judicial district.

Jurisdiction and Venue

3. This is a patent infringement action brought under the patent laws of the United States, 35 U.S.C. Section 101, *et seq.*, including 35 U.S.C. Section 271.

4. Smart Scale Ruler seeks damages for patent infringement and an injunction preventing Hozo from making, using, selling, or offering to sell, and from inducing others to make, use, sell, or offer to sell, Smart Scale Ruler's patented technology without Smart Scale Ruler's permission.

5. This Court has subject matter jurisdiction under 28 U.S.C. Sections 1331 and 1338(a).

6. This Court has personal jurisdiction over Hozo because Hozo regularly does and solicits business in New York and in this judicial district. Hozo has sold and/or offered to sell products that infringe the asserted patent, as alleged below, in New York and in this judicial district. Hozo also manages and controls websites that market the infringing products for sale to customers, including those residing in New York and in this judicial district. According to U.S. Patent and Trademark Office ownership records, Hozo has a current mailing address at 256 E Squire Drive, Apartment 1, Rochester, New York 14623, which is within this judicial district.

7. Venue in this district is proper under 28 U.S.C. Sections 1400 and 1391 because Hozo is subject to personal jurisdiction in this district. Hozo has committed acts of infringement in this district.

Infringement of the '232 Patent (35 U.S.C. § 271)

8. Smart Scale Ruler repeats and realleges the allegations set forth in paragraphs 1 through 7.

9. U.S. Patent No. 10,955,232, entitled “Smart Scale Ruler” (the “’232 Patent”), issued on March 23, 2021. A copy of the ’232 Patent is attached as **Exhibit A.**

10. The ’232 Patent describes and claims, among other things, an electronic smart ruler having an elongated front panel, an elongated back panel, an elongated base panel, and an electronic visual display. A slider member is adapted to slide within an elongated slider groove of the elongated front panel. The smart ruler calculates numeric values based on the position of the slider member that are displayed on the electronic visual display. The smart ruler also calculates custom scales and displays them along the length of the electronic visual display.

11. For example, claim 1 of the ’232 Patent recites, an “electronic smart ruler comprising: an elongated main body including: an elongated front panel including; an elongated front top side edge; and an elongated front bottom side edge spaced and parallel to said elongated front top side edge; an elongated slider groove including: a plurality of electronic contacts thereon along a substantial length thereof; and wherein said elongated slider groove extends along a substantial length of said elongated front panel; and indicia thereon adapted to delineate a plurality of spaced reference points; an elongated back panel including; an elongated back upper side edge; and an elongated back lower side edge spaced and parallel to said elongated back upper side

edge; wherein said elongated back upper side edge is connected to said elongated front top side edge of said elongated front panel; and an elongated base panel including; an elongated base forward side edge; and an elongated base rear side edge spaced and parallel to said elongated base forward side edge; wherein said elongated base forward side edge is connected to said elongated front bottom side edge of said elongated front panel; and wherein said elongated base rear side edge is connected to said elongated back lower side edge of said elongated back panel; wherein said elongated front panel, said elongated back panel, and said elongated base panel form a triangular volume having a hollow interior space; a slider member including; electronic contacts thereon adapted to contact said plurality of electronic contacts of said elongated slider groove, such that its position with respect to said elongated slider groove can be determined electronically; indicia thereon adapted to visually delineate a slider reference point; and wherein said slider member is adapted to slide within said elongated slider groove of said elongated front panel; an electronic visual display; wherein said electronic visual display is attached to said elongated front panel and is adapted to display information generated by electronic processing components; at least one electronic processing component; wherein said at least one electronic processing component is located within said interior space of said elongated main body and is electronically connected to said plurality of electronic contacts of said elongated slider groove and to said electronic contacts of said slider member; wherein said at least one electronic processing component is adapted to calculate numeric values based on the position of said slider member within said elongated slider groove and display values upon said electronic visual display; and wherein said at least one electronic processing component is adapted to generate custom

scales and display them along the length of said electronic visual display; and a power source; wherein said power source is electronically connected to said plurality of electronic contacts of said elongated slider groove, to said at least one electronic processing component, and to said electronic visual display for providing electrical power thereto.”

12. Smart Scale Ruler is the owner by assignment of all right, title, and interest in the '232 Patent.

13. On information and belief, Hozo offers for sale and/or sells an electronic smart ruler called the “NeoRuler.” For example, Hozo’s NeoRuler is offered for sale on Kickstarter.com via the following URL:

<https://www.kickstarter.com/projects/hozodesign/neoruler-rule-the-scales>, a copy of which is attached as **Exhibit B**.

14. Hozo has infringed and continues to infringe the '232 Patent by making, using, selling, and/or offering for sale, in this district and elsewhere, electronic smart rulers, including but not limited to, Hozo’s “NeoRuler” product.

15. Smart Scale Ruler informed Hozo that Hozo’s product NeoRuler infringes the '232 Patent. With knowledge of the '232 Patent, and after receiving Smart Scale Ruler’s admonitions regarding infringement, Hozo continued to infringe the '232 Patent.

16. Hozo’s actions in infringing the '232 Patent have been, and continue to be, willful, deliberate, and/or in conscious disregard of the rights of Smart

Scale Ruler, making this an exceptional case within the meaning of 35 U.S.C. Section 285.

17. As a result of Hozo's infringing activities, Smart Scale Ruler has sustained damages in an amount to be proven at trial.

18. Hozo will continue its infringing activities unless and until it is restrained and enjoined by this Court.

19. Hozo's infringing activities have caused, and will continue to cause, Smart Scale Ruler irreparable harm for which there is no adequate remedy at law.

Jury Demand

20. Smart Scale Ruler demands trial by jury on all matters triable by jury.

Prayer for Relief

WHEREFORE, Smart Scale Ruler is entitled to judgment for the following relief:

(1) declaring that Hozo has infringed one or more claims of the '232 Patent;

(2) granting an injunction, under 35 U.S.C. Section 283, preliminarily and permanently enjoining Hozo, its officers, directors, agents, servants, employees, attorneys, subsidiaries, affiliates, and all those acting in concert with or under or through them, from making, using, selling, and/or offering for sale any systems or products that

infringe one or more claims of the '232 Patent, or otherwise directly or indirectly committing further acts of infringement of that Patent;

(3) ordering an accounting for damages arising from Hozo's acts of infringement;

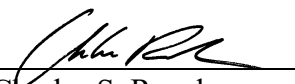
(4) awarding damages, including treble damages, under 35 U.S.C. Sections 284 and 285, with interest;

(5) finding that Hozo's infringement is willful, that this is an exceptional case, and awarding reasonable attorneys' fees to Smart Scale Ruler under 35 U.S.C. Section 285; and

(6) awarding such further relief as this Court deems proper.

Dated: March 31, 2023

HODGSON RUSS LLP
Attorneys for Smart Scale Ruler

By: 
Charles S. Rauch
crauch@hodgsonruss.com
Patrick J. Hines
phines@hodgsonruss.com

The Guaranty Building
140 Pearl Street, Suite 100
Buffalo, New York 14202
Telephone: (716) 856-4000