

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

A.L. ENTERPRISES INC.,	)	
	)	
Plaintiff,	)	Case No. 1:23-cv-7398
	)	
v.	)	
	)	<b>DEMAND FOR JURY TRIAL</b>
ELECTRIC EEL, INC.,	)	
	)	
Defendant.	)	
	)	
	)	

**COMPLAINT**

Plaintiff A.L. Enterprises Inc. (“A.L. Enterprises”) hereby brings the present action against Defendant Electric Eel, Inc. (“Electric Eel” or “Defendant”) for patent infringement and false advertising and alleges as follows:

**JURISDICTION AND VENUE**

1. This Court has subject matter jurisdiction over Plaintiff’s federal claims in this action pursuant to 28 U.S.C. §§ 1331 and 1338 and 15 U.S.C. § 1121.
2. This Court may properly exercise personal jurisdiction over Electric Eel because, upon information and belief, Electric Eel is incorporated in New York and has an established place of business within New York, and specifically within this District. On information and belief, Electric Eel also manufactures products that have been and are used, offered for sale, sold, and purchased in New York.
3. Venue is proper in this judicial district pursuant to 28 U.S.C. § 1391 and 28 U.S.C. § 1400(b) at least because Electric Eel is incorporated in this District and, therefore, “resides” in this District.

**NATURE OF THE ACTION**

4. This is an action by A.L. Enterprises to cease Electric Eel's infringement of A.L. Enterprises' intellectual property and Electric Eel's false advertising in violation of the Lanham Act.

5. Specifically, upon information and belief, Electric Eel has, without authorization, made, used, sold, offered for sale, and/or imported and continues to make, use, sell, offer for sale, and/or import into the United States a chastity device that infringes two of A.L. Enterprises' patents.

6. As a direct and proximate result of Electric Eel's unlawful and active offering for sale and/or selling such unlicensed infringing chastity devices, A.L. Enterprises has been irreparably harmed. A.L. Enterprises seeks a permanent injunction, damages, to be no less than a reasonable royalty, together with prejudgment interest, costs, and attorneys' fees.

7. Although, upon information and belief, Electric Eel does not own any active federal trademark Registrations used in connection with its chastity devices, it falsely uses the ® symbol for a Blue Line mark used in commerce in connection with its chastity devices.

8. A true and correct photograph of the packaging of an Electric Eel chastity device using the ® symbol for a Blue Line mark is attached as **Exhibit A**.

9. Defendant's false use of the ® symbol with the Blue Line mark ("Defendant's False Registration Statements") on advertising materials and product packaging is likely to deceive consumers and potential customers into falsely believing that Defendant owns an active registration in the Blue Line mark, when it does not.

10. Defendant's False Registration Statements are literally false or impliedly false.

11. Defendant's False Registration Statements are material, in that they are likely to influence purchasing decisions.

12. Consumers are likely to believe that a company which owns a registered mark is an established, trustworthy entity which sells quality products and stands behind its merchandise.

13. Defendant does not currently own and has never owned a federal trademark Registration for BLUE LINE for chastity devices.

14. Although Electric Eel once owned a federal Registration for THE BLUE LINE for goods not including chastity devices, it was cancelled in 2016 for failure to file a declaration of use.

15. A true and correct copy of United States Trademark Registration Number 3,705,740 for "THE BLUE LINE" and assigned to Electric Eel is attached as **Exhibit B**.

16. A true and correct copy of the United States Patent and Trademark Office Trademark Status & Document Retrieval (TSDR) webpage showing the expired status of the BLUE LINE Registration is attached as **Exhibit C**.

17. Defendant has continued to use the ® symbol in connection with its chastity devices notwithstanding the fact that it had actual and specific knowledge that it did not own an active federal Registration in THE BLUE LINE since 2016 and never owned a registered mark for such goods.

18. Upon information and belief, Defendant falsely used the ® symbol in connection with chastity devices when it had an active registration for THE BLUE LINE with the intent to deceive consumers.

19. Upon information and belief, Defendant's False Registration Statements have been made with intent to deceive consumers and/or others in the trade into falsely believing that Defendant owns a registration for THE BLUE LINE, when it does not.

### **The Parties**

20. A.L. Enterprises is a corporation organized and existing under the laws of Nevada with a principal place of business at 1630 Foothill Dr., Suite 100, Boulder City, Nevada 89005. A.L. Enterprises is a global leader in designing and producing chastity devices.

21. Defendant Electric Eel, upon information and belief, is a corporation existing under the laws of New York and having a place of business at 37 West 39th St., Ste 402, New York, NY 10018 in New York, New York.

22. On information and belief, Defendant is in the business of manufacturing, selling and distributing chastity devices as well as other adult products.

23. On information and belief, Defendant's products are sold to its consumers through third-party websites and retail stores throughout the United States.

### **Plaintiff's Patents**

24. A.L. Enterprises is an international pioneer in the adult products industry, and is a leader in designing, manufacturing, and delivering chastity devices. Innovation is a driving force at A.L. Enterprises, and A.L. Enterprises has obtained numerous patents for various new and inventive chastity devices.

25. One of A.L. Enterprises' patents is United States Patent No. 7,578,296 (the "'296 Patent") entitled, "Male Chastity Apparatus, Method, and System," which was duly and legally issued by the United States Patent and Trademark Office on August 25, 2009. A true and correct copy of the '296 Patent is attached hereto as **Exhibit D**.

26. A.L. Enterprises owns all rights, title, and interest in and to the ‘296 Patent, including the right to assert all causes of action under the ‘296 Patent and the right to any remedies for the infringement of the ‘296 Patent.

27. Another of A.L. Enterprises’ patents is United States Patent No. 8,007,431 (the “‘431 Patent”) entitled, “Male Chastity Apparatus, Method, and System,” which was duly and legally issued by the United States Patent and Trademark Office on August 30, 2011. A true and correct copy of the ‘431 Patent is attached hereto as **Exhibit E**.

28. A.L. Enterprises owns all rights, title, and interest in and to the ‘431 Patent, including the right to assert all causes of action under the ‘431 Patent and the right to any remedies for the infringement of the ‘431 Patent.

29. Recently, A.L. Enterprises became aware of male chastity devices being offered for sale from Electric Eel, which are identified and sold as Blue Line Chastity Devices. Specifically, A.L. Enterprises has become aware of a BLM model Blue Line Chastity Device offered for sale under model numbers BLM5011, BLM5011-BLK, BLM5012, BLM-5012-BLK (hereinafter the “Blue Line Chastity Device”).

30. A true and correct copy of pages from a third-party website selling the Blue Line Chastity Device is attached hereto as **Exhibit F**.

31. A true and correct copy of photographs showing a Blue Line Chastity Device sold by Electric Eel under model number BLM5011-BLK is attached hereto as **Exhibit G**.

32. A.L. Enterprises has not granted a license, or any other form of permission, to Electric Eel for the ‘296 Patent or the ‘431 Patent.

**COUNT I – INFRINGEMENT OF U.S. PATENT NO. 7,578,296**

**(35 U.S.C. § 271)**

33. A.L. Enterprises repeats and realleges the allegations set forth in paragraphs 1 through 32 above, as if set forth fully herein.

34. The '296 Patent is directed, generally, to a new male chastity apparatus, method, and system.

35. For example, claim 1 of the '296 Patent recites:

1. A male chastity apparatus comprising:

a housing configured to contain the penis of a user;

a partial ring configured for placement behind the scrotum of the user, the partial ring containing a gap;

a separate removable bridge configured to bridge the gap of the partial ring, the partial ring and the bridge collectively forming an approximately cylindrical complete ring when the removable bridge is engaged with the partial ring, wherein the removable bridge and the partial ring comprise separate components of the complete ring the complete ring comprising an upper portion that is thicker than a lower portion, the complete ring gradually changing thickness between the lower portion and the upper portion;

a connector disposed between the complete ring and the housing, the connector rigidly attaching the ring to the housing.

**Exhibit D**, claim 1 at Column 8, lines 16-32.

36. Upon information and belief, Electric Eel has directly infringed and continues to directly infringe, literally and/or under the doctrine of equivalents, several claims, including at least claim 1 of the '296 Patent in violation of 35 U.S.C. § 271(a).

37. For example, Electric Eel has, without authorization, made, used, sold, offered for sale, and/or imported and continues to make, use, sell, offer for sale, and/or import the Blue Line Chastity Device.

38. The Blue Line Chastity Device satisfies all claim limitations of several claims of the '296 Patent, including at least claim 1.

39. By way of example, upon information and belief, the Blue Line Chastity Device has a housing configured to contain the penis of a user.

40. The Blue Line Chastity Device includes a partial ring configured for placement behind the scrotum of the user. The partial ring of the Blue Line Chastity Device further contains a gap.

41. The Blue Line Chastity Device has a separate removable bridge configured to bridge the gap of the partial ring, and the partial ring and the bridge collectively form an approximately cylindrical complete ring when the removable bridge is engaged with the partial ring. In the Blue Line Chastity Device, the removable bridge and the partial ring include separate components of the complete ring, and the complete ring includes an upper portion that is thicker than a lower portion such that the complete ring gradually changing thickness between the lower portion and the upper portion.

42. The Blue Line Chastity Device includes a connector disposed between the complete ring and the housing. In the Blue Line Chastity Device, the connector rigidly attaches the ring to the housing.

43. Therefore, based upon the foregoing, by making, using, selling, offering for sale, and/or importing and continuing to make, use, sell, offer for sale, and/or import the Blue Line Chastity Device, Electric Eel has infringed and continues to infringe at least claim 1 of the '296 Patent.

44. A true and correct copy of a claim chart showing Electric Eel's infringement of at least claim 1 of the '296 Patent is attached as **Exhibit H**.

45. Electric Eel's actions have been without license or permission from A.L. Enterprises.

46. On information and belief, Electric Eel has willfully, deliberately and intentionally infringed the claims of the '296 Patent. Electric Eel was aware of the '296 Patent before the filing of the present Complaint and with such knowledge continued to infringe the '296 Patent.

47. Electric Eel's infringement of the '296 Patent has injured A.L. Enterprises and will cause A.L. Enterprises further irreparable injury and damage in the future unless Electric Eel is enjoined from such infringement.

**COUNT II – INFRINGEMENT OF U.S. PATENT NO. 8,007,431**

**(35 U.S.C. § 271)**

48. A.L. Enterprises repeats and realleges the allegations set forth in paragraphs 1 through 32 above, as if set forth fully herein.

49. The '431 Patent is directed, generally, to a new male chastity apparatus, method, and system.

50. For example, claim 1 of the '431 Patent recites:

1. A male chastity apparatus comprising:

a housing having an elongated at least partial enclosure configured to extend along at least a substantial portion of a length of a penis of a user;

a partial ring configured for placement behind the scrotum of the user, the partial ring containing a gap;

a removable bridge configured to bridge the gap of the partial ring, the partial ring and the bridge collectively forming a ring when the removable bridge is engaged with the partial ring, wherein the bridge and the partial ring comprise separate components;

a connector disposed between the ring and the housing, the connector rigidly attaching the ring to the housing.



**Exhibit E**, claim 1 at Column 8, lines 25-37.

51. Upon information and belief, Electric Eel has directly infringed and continues to directly infringe, literally and/or under the doctrine of equivalents, several claims, including at least claim 1 of the '431 Patent in violation of 35 U.S.C. § 271(a).

52. For example, Electric Eel has, without authorization, made, used, sold, offered for sale, and/or imported and continues to make, use, sell, offer for sale, and/or import the Blue Line Chastity Device.

53. The Blue Line Chastity Device satisfies all claim limitations of several claims of the '431 Patent, including at least claim 1.

54. By way of example, upon information and belief, the Blue Line Chastity Device has a housing with an elongated, at least partial, enclosure configured to extend along at least a substantial portion of a length of a penis of a user.

55. The Blue Line Chastity Device includes a partial ring configured for placement behind the scrotum of the user. The partial ring of the Blue Line Chastity Device further contains a gap.

56. The Blue Line Chastity Device has a removable bridge configured to bridge the gap of the partial ring, and the partial ring and the bridge collectively forming a ring when the removable bridge is engaged with the partial ring. In the Blue Line Chastity Device, the bridge and the partial ring are separate components.

57. The Blue Line Chastity Device includes a connector disposed between the complete ring and the housing. In the Blue Line Chastity Device, the connector rigidly attaches the ring to the housing.

58. Therefore, based upon the foregoing, by making, using, selling, offering for sale, and/or importing and continuing to make, use, sell, offer for sale, and/or import the Blue Line

Chastity Device, Electric Eel has infringed and continues to infringe at least claim 1 of the '431 Patent.

59. A true and correct copy of a claim chart showing Electric Eel's infringement of at least claim 1 of the '431 Patent is attached as **Exhibit I**.

60. Electric Eel's actions have been without license or permission from A.L. Enterprises.

61. On information and belief, Electric Eel has willfully, deliberately and intentionally infringed the claims of the '431 Patent. Electric Eel was aware of the '431 Patent before the filing of the present Complaint and with such knowledge continues to infringe the '431 Patent.

62. Electric Eel's infringement of the '431 Patent has injured A.L. Enterprises and will cause A.L. Enterprises further irreparable injury and damage in the future unless Electric Eel is enjoined from such infringement.

### **COUNT III – FALSE ADVERTISING**

#### **(15 U.S.C. § 1125(a))**

63. A.L. Enterprises repeats and alleges the allegations set forth in paragraphs 1 through 32 above, as if set forth fully herein.

64. This claim arises under Section 43(a) of the Lanham Act, particularly under 15 U.S.C. § 1125(a), and alleges the use in commerce by Defendant of false descriptions and representations of fact.

65. Defendant's False Registration Statements constitute false and misleading representations regarding the nature, characteristics, or quality of Defendant's products.

66. In particular, Defendant's False Registration Statements falsely state that the Defendant owns a federal Registration for the mark under which the Blue Line Chastity Device is sold.

67. Defendant's False Registration Statements have been and continue to be used in commerce.

68. Defendant's False Registration Statements have been and continue to be made in the context of commercial advertising or promotion.

69. Defendant's False Registration Statements made Plaintiff believe it will be damaged by these Statements.

70. Defendant's acts therefore constitute false advertising in violation of 15 U.S.C. § 1125(a).

71. Plaintiff has no adequate remedy at law and is suffering irreparable harm and damage as a result of the acts of Defendant complained of herein.

**PRAYER FOR RELIEF**

WHEREFORE, A.L. Enterprises prays that the Court enter an Order against Electric Eel as follows:

1. Declaring that Electric Eel has infringed the '296 Patent and the '431 Patent;
2. Declaring that Defendant has engaged in false advertising in violation of Section 43(a) of the Lanham Act;
3. Awarding A.L. Enterprises such damages as it shall prove at trial against Electric Eel that are adequate to compensate A.L. Enterprises for infringement of A.L. Enterprises' '296 Patent and '431 Patent, with prejudgment and post-judgment interest;

4. Ordering that such damages be trebled for the willful, deliberate and intentional infringement by Electric Eel as alleged herein in accordance with 35 U.S.C. § 284;

5. Finding that this case is exceptional and awarding A.L. Enterprises its costs and attorneys' fees pursuant to 35 U.S.C. § 285;

6. Permanently enjoining and restraining Electric Eel, and its officers, agents, servants, employees, attorneys, confederates, and all persons or entities acting for, with, by, through, under, or in active concert with it from the following acts in the United States or in any other manner that impacts U.S. commerce:

a. importing, offering for sale, or selling the Blue Line Chastity Device in any configuration that infringes A.L. Enterprises' '296 Patent or '431 Patent and which is not authorized by A.L. Enterprises, including but not limited to the Blue Line Chastity Device;

b. importing, offering for sale, or selling any other products not authorized by A.L. Enterprises that infringes A.L. Enterprises' '296 Patent or '431 Patent;

c. aiding, abetting, contributing to or otherwise assisting anyone from infringing upon A.L. Enterprises' '296 Patent or '431 Patent; and

d. effecting assignments or transfers, forming new entities or association or utilizing any other device for the purpose of circumventing or otherwise avoiding the prohibitions set forth in Subparagraphs (a) through (c);

7. Permanently enjoining and restraining Electric Eel, and its officers, agents, servants, employees, attorneys, confederates, and all persons or entities acting for, with, by, through, under, or in active concert with it from making Defendant's False Registration Statements, or any other statements, written or oral, which falsely indicate or imply Electric Eel owns a federally Registered mark in connection with chastity devices;

8. Awarding A.L. Enterprises its costs in bringing this action; and
9. Awarding A.L. Enterprises any further relief that this Court deems just and proper.

**DEMAND FOR JURY TRIAL**

Pursuant to Federal Rule of Civil Procedure 38(b), A.L. Enterprises hereby demands a trial by jury of all issues so triable.

Dated this 21st day of August 2023.

Respectfully submitted,

/s/ Tony V. Pezzano

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