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7 **UNITED STATES DISTRICT COURT**
8 **CENTRAL DISTRICT OF CALIFORNIA WESTERN DIVISION**

9 **North Atlantic Imports, LLC, d/b/a**
10 **Blackstone,**

11 a Utah limited liability company,

12 Plaintiff;

13 v.

14 **YSN Imports, Inc., d/b/a Flame King,**
15 a Nevada Corporation,

16 Defendant.

Case No. 2:23-8204_____

Complaint for

- 1. **Infringement of**
U.S. Patent No. 10,327,588
- 2. **Infringement of**
U.S. Patent No. 10,327,589
- 3. **Infringement of**
U.S. Patent No. 10,952,564
- 4. **Infringement of**
U.S. Patent No. 10,959,572
- 5. **Infringement of**
U.S. Patent No. 11,284,743

DEMAND FOR JURY TRIAL

1 Plaintiff North Atlantic Imports, LLC d/b/a Blackstone (“Blackstone”) hereby
2 complains, petitions, and alleges against Defendant YSN Imports, Inc. d/b/a Flame King
3 (“Flame King”) as follows:

4 **Jurisdiction, the Parties, and Venue**

5 1. This is an action for patent infringement based on the Patent Laws of the
6 United States, 35 U.S.C. § 1, *et seq.* This Court has subject matter jurisdiction pursuant to
7 28 U.S.C. §§ 1331 and 1338(a).

8 2. Blackstone is a Utah limited liability company with its principal place of
9 business at 1073 West 1700 North, Logan, Utah 84321.

10 3. On information and belief, Flame King is a Nevada corporation with its
11 principal place of business at 8616 Slauson Ave, Pico Rivera, CA 90660.

12 4. This Court has general and specific personal jurisdiction over Flame King.
13 Flame King is a registered corporation under the laws of the state of Nevada with its
14 principal place of business in the state of California. Flame King and/or its agents
15 perform the legal violations described herein within this District and derive revenue and
16 value therefrom, to purposefully avail itself of the privilege of conducting business within
17 this state and District. Flame King also injects the infringing products complained of
18 herein into the interstate stream of commerce based on its utilization of the laws of the
19 State of California.

20 5. This Court may exercise jurisdiction over Flame King on the ground that
21 Flame King resides in this District. Additionally, Flame King has utilized the laws in this
22 District to engage in the acts complained about herein in order to cause injury to
23 Blackstone, divert sales away from Blackstone, and harm consumers including those in
24 this District.

25 6. Flame King’s website describes its location to be “8616 Slauson, Avenue,
26 Pico Rivera, CA 90660.” Additionally, Flame King’s website footer description is,
27 “Flame King | Pico Rivera, CA 90660.” <https://flameking.com/about-us/>.
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Company Info	Website Info	Contact Us
About Us	Privacy Policy	+1-310-715-1122
News	Site Map	info@flameking.com
FAQ	Order and Returns	8616 Slauson Ave Pico Rivera CA 90660
Recalls	Warranty Registration	2601 Northland Dr Elkhart, IN 46514
	Shop Retail	

Copyright 2019 Flame King | Pico Rivera, CA 90660 Website design by Axis Bridge

7. Accordingly, venue is proper under 28 U.S.C. §§ 1391 and 1400(b) because Flame King’s principal place of business is California and, as a result, a substantial part of the events giving rise to the claims, including acts of patent infringement, in this Complaint occurred in this District. Flame King distributes and sells the infringing products within this District.

Nature of the Action

8. that infringes U.S. Patent Nos. 10,327,588 (“588 Patent”), 10,327,589 (“589 Patent”), 10,952,564 (“564 Patent”), 10,959,572 (“572 Patent”), and 11,284,743 (“743 Patent”), owned by Blackstone (collectively, “Blackstone Patents”). Copies of the Blackstone Patents are attached as Exhibits 1 through 5.

Blackstone and Its Patented Products

9. Blackstone is in the business of providing top of the line outdoor cooking griddles and accessories. Blackstone has been in this business for nearly two decades, designing and innovating high-quality products that yield the best results.

10. As a result of Blackstone’s innovation, Blackstone was recognized as one of the fastest-growing brands in the categories of gas griddles and portable griddles by the NPD Group in 2021.¹

¹https://www.prweb.com/releases/npd_recognizes_top_performing_outdoor_grill_and_smoker_brands_in_2021/prweb18526691.htm

1 11. When Blackstone first launched its classic griddle in 2008, it revolutionized
2 the outdoor cooking market. Early innovations at that time included the 36" Blackstone
3 Griddle as shown below:



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12 **36" Blackstone Griddle**

13 12. Since then, Blackstone has continued to be at the forefront of innovation and
14 offer cutting-edge technology for its customers.

15 13. In addition to Blackstone's actual development and sale of outdoor cooking
16 products, Blackstone has obtained numerous patents. These patents are the result of years
17 of innovation, investment, and hard work that helped Blackstone become a leading
18 provider of outdoor griddle stations and other outdoor cookware.

19 14. Blackstone has redefined griddles and griddle technologies and has ensured
20 to protect these technologies with its patent portfolio.

21 15. Blackstone's patented innovations cover a breadth of areas including griddle
22 grease management systems, pizza ovens, cooking stations with cutting boards and side
23 shelves, outdoor gas and electric air fryers, covering for griddle cooking stations, griddle
24 wind screens, and portable cooking stations, to name a few.

25 16. Blackstone's patents include U.S. Patent Nos. 10,327,588 ("588 Patent"),
26 10,327,589 ("589 Patent"), 10,952,564 ("564 Patent"), 10,959,572 ("572 Patent"), and
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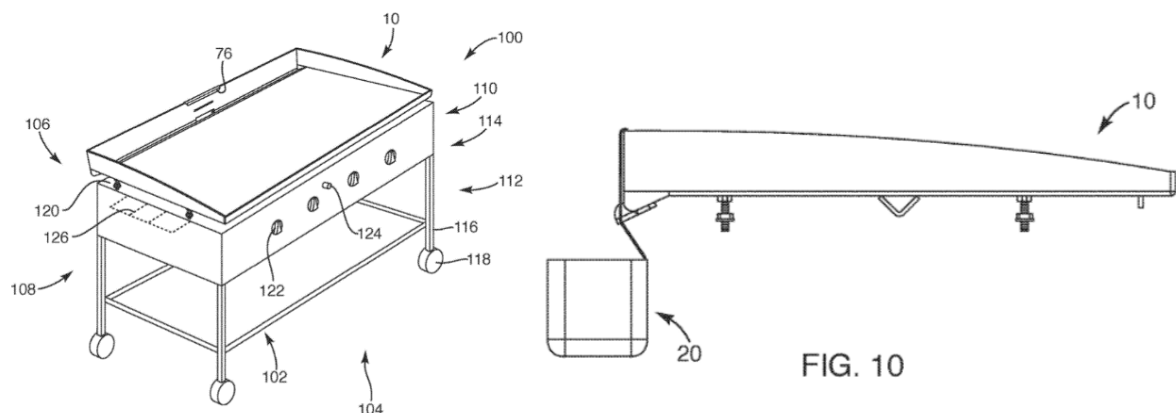
1 11,284,743 (“743 Patent”), which are owned by Blackstone (collectively, “Blackstone
2 Patents”). Copies of the Blackstone Patents are attached as Exhibits 1 through 5.

3 17. Many of Blackstone’s technological innovations related to griddle grease
4 waste management are protected by, *inter alia*, a portfolio of utility and design patents,
5 including the Blackstone Patents.

6 18. Blackstone is the owner of the Blackstone Patents and holds all rights, title,
7 and interest in and to the Blackstone Patents, including the right to sue and recover for all
8 past, present, and future infringements.

9 19. The Blackstone Patents generally relate to griddle design for a rear opening
10 to collect unwanted food waste byproduct. The Blackstone Patents solve a variety of
11 novel and difficult problems related to the design of griddles, including how to
12 effectively eliminate food waste while using a griddle cooktop surface. The Blackstone
13 Patents achieve these solutions through creative application and innovative design
14 principles developed by Blackstone.

15 20. This includes methods of managing unwanted food byproduct such as
16 griddle grease by use of a rear opening, for example, below:



25 **Flame King’s Infringement of the Blackstone Patents**

26 21. Flame King is a propane storage solutions company that has recently entered
27 the outdoor cooking griddle market with a rear opening for unwanted food by product
28 such as griddle grease.

1 22. This action arises out of Flame King’s making, using, selling, offering to
2 sell, and/or importing its 2-Burner Propane Tabletop, Heavy Duty Flat Top Cast Iron
3 Griddle Grill Station (Model No. YSNFM-HT-120DB), (the “Accused Product”)

4 23. An example of Flame King’s griddle tabletop grill is shown below:



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13 **2-Burner Propane Tabletop, Heavy Duty Flat Top Cast Iron Griddle Grill Station**

14 24. The above example of the Accused Product is advertised and sold on Flame
15 King’s website at: [https://flamekingproducts.com/products/2-burner-propane-tabletop-](https://flamekingproducts.com/products/2-burner-propane-tabletop-griddle-grill)
16 [griddle-grill](https://flamekingproducts.com/products/2-burner-propane-tabletop-griddle-grill).

17 25. Flame King advertises the Accused Product on its website to have a griddle
18 station that removes unwanted food byproduct such as griddle grease by use of a rear
19 opening:



1 26. The above example is not exhaustive. Blackstone’s investigation of Flame
2 King’s Accused Product is ongoing, and the above list may expand to include additional
3 infringing products with similarly designed grill tops.

4 27. The Accused Product incorporates and relies on inventions protected by at
5 least the Blackstone Patents.

6 28. Blackstone has not authorized, licensed, or otherwise given permission for
7 Flame King to use any of the Blackstone Patents or to make, use, offer for sale, or sell
8 any product or service under any claim of the Blackstone Patents.

9 29. Flame King makes, uses, sells, and offers for sale, the Accused Product.

10 30. As detailed more specifically below, Flame King has and continues to
11 directly and indirectly infringe one or more claims of each of the Blackstone Patents by
12 making, using, selling, offering for sale in the United States, and/or importing into the
13 United States, the Accused Products to their customers.

14 **Count I—Infringement of U.S. Patent No. 10,327,588**

15 31. Blackstone repeats and realleges the allegations set forth above as if fully
16 restated herein.

17 32. The ’588 Patent was filed on April 29, 2017, and issued June 25, 2019,
18 entitled, “Griddle device, system, and method.” A copy of the ’588 Patent is attached
19 hereto as Exhibit 1.

20 33. Blackstone is the owner by assignment of all rights, title, and interest in the
21 ’588 Patent. The ’588 Patent is valid, enforceable, and was duly issued in full compliance
22 with Title 35 of the United States Code. Blackstone has not licensed Flame King to
23 practice the ’588 Patent.

24 34. Flame King makes, uses, sells, offers to sell, and/or imports into the United
25 States the Accused Product.

26 35. Flame King also makes, uses, sells, offers to sell, and/or imports into the
27 United States the Accused Product directly as well as from and through other retailers,
28 such as Home Depot.

1 36. Flame King offers the Accused Product for sale to potential buyers. The
2 Accused Product competes directly with Blackstone's products, are sold at the same
3 retailers as Blackstone's products, and closely imitate the technology of the '588 Patent.

4 37. The Accused Products infringe literally or under the doctrine of equivalents,
5 at least claim 1 of the '588 Patent, in violation of United States Patent laws. 35 U.S.C §§
6 271, *et seq.*

7 38. The Accused Products is a griddle system configured to manage unwanted
8 food byproducts that comprises:

- 9 a. a griddle including an upper side and an underside, the upper side
10 including a flat cooking surface extending to define a rear end, a front
11 end, a left end and a right end, the rear end extending parallel relative to
12 the front end and the left end extending parallel relative to the right end,
13 the upper side including a splash guard extending along an entire
14 periphery of the upper side of the griddle so as to extend above the flat
15 cooking surface, the splash guard extending to define a rear splash guard,
16 a front splash guard, a left splash guard and a right splash guard, the front
17 splash guard and the left and right splash guards directly extending
18 upward from the flat cooking surface along entire lengths of the
19 respective front, left and right ends of the flat cooking surface;
- 20 b. wherein the flat cooking surface, adjacent a length of the rear end of the
21 cooking surface, directly extends to a sloped surface to define a trough
22 such that the sloped surface extends with an acute angle relative to the
23 flat cooking surface, the sloped surface of the trough extending
24 downward to a rear opening at least partially defined in the trough and
25 the rear splash guard.

26 39. As further shown in the images below, the Accused Product satisfies all
27 claim limitations of at least claim 1 of the '588 Patent:
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8 40. Flame King has been infringing—directly, contributorily, and by
9 inducement—the claims of the '588 Patent in the United States, including in this judicial
10 district.

11 41. Blackstone has satisfied the statutory requirements to collect pre-suit
12 damages for infringement of each of the Blackstone Patents, including, without
13 limitation, any applicable provisions of 35 U.S.C. § 287, by, at least, providing notice via
14 a website made available at <https://blackstoneproducts.com/pages/patents>.

15 42. Blackstone has been damaged by Flame King's infringement of the '588
16 Patent and will continue to be damaged unless Flame King is enjoined by this court.
17 Blackstone has suffered and continues to suffer irreparable injury for which there is no
18 adequate remedy at law. The balance of hardships favors Blackstone and public interest
19 would be served by an injunction.

20 43. By reason of the foregoing, Blackstone is entitled to relief against Flame
21 King, pursuant to at least 35 U.S.C. §§ 283–85.

22 **Count II—Infringement of U.S. Patent No. 10,327,589**

23 44. Blackstone repeats and realleges the allegations set forth above as if fully
24 restated herein.

25 45. The '589 Patent was filed on December 21, 2018, and issued June 25, 2019,
26 entitled, "Outdoor cooking station with griddle, system and method thereof."

27 46. Blackstone is the owner by assignment of all rights, title, and interest in the
28 '589 Patent. The '589 Patent is valid, enforceable, and was duly issued in full compliance

1 with Title 35 of the United States Code. Blackstone has not licensed Flame King to
2 practice the '589 Patent. A copy of the '589 Patent is attached hereto as Exhibit 2.

3 47. Flame King makes, uses, sells, offers to sell, and/or imports into the United
4 States the Accused Product.

5 48. Flame King also makes, uses, sells, offers to sell, and/or imports into the
6 United States the Accused Product directly as well as from and through other retailers,
7 such as Home Depot.

8 49. Flame King offers the Accused Product for sale to potential buyers. The
9 Accused Product competes directly with Blackstone's products, are sold at the same
10 retailers as Blackstone's products, and closely imitate the technology of the '589 Patent.

11 50. The Accused Products infringe literally or under the doctrine of equivalents,
12 at least claim 1 of the '589 Patent, in violation of United States Patent laws. 35 U.S.C §§
13 271, *et seq.*

14 51. The Accused Products is an outdoor portable cooking station configured to
15 manage unwanted food byproduct that comprises:

- 16 a. a frame extending to define a front side, a rear side, a left side and a right
17 side each extending between a lower end and an upper portion, the frame
18 including multiple heating elements controlled along the front side and
19 coupled to the upper portion of the frame; and
 - 20 b. a griddle configured to be supported by the upper portion of the frame
21 and positioned above the heating elements, the griddle including:
 - 22 c. a flat cooking surface extending between a front end and a rear end and
23 extending between left end and a right end, each of the front end and rear
24 end of the flat cooking surface corresponding with the respective front
25 side and the rear side of the frame and each of the left end and right end
26 of the flat cooking surface corresponding with the respective left side and
27 right side of the frame;
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- 1 d. a splash guard extending upward from the flat cooking surface along
2 each of the left and right ends and the front and rear ends of the cooking
3 surface, the splash guard extending upward to define an interior surface
4 and an exterior surface of the splash guard, the splash guard extending
5 along the rear end of the cooking surface defining a rear opening therein,
6 the rear opening extending between the interior surface and the exterior
7 surface of the splash guard and positioned at a lower mid-portion of the
8 splash guard adjacent the rear end of the cooking surface; and
9 e. a trough defined in the cooking surface at a rear central portion of the
10 cooking surface and adjacent the rear end of the cooking surface, the
11 trough including a sloped surface extending downward toward the rear
12 opening defined in the splash guard.

13 52. As further shown in the images below, the Accused Product satisfies all
14 claim limitations of at least claim 1 of the '589 Patent:



53. Flame King has been infringing—directly, contributorily, and by inducement—the claims of the '589 Patent in the United States, including in this judicial district.

54. Blackstone has satisfied the statutory requirements to collect pre-suit damages for infringement of each of the Blackstone Patents, including, without

1 limitation, any applicable provisions of 35 U.S.C. § 287, by, at least, providing notice via
2 a website made available at <https://blackstoneproducts.com/pages/patents>.

3 55. Blackstone has been damaged by Flame King’s infringement of the ’589
4 Patent and will continue to be damaged unless Flame King is enjoined by this court.
5 Blackstone has suffered and continues to suffer irreparable injury for which there is no
6 adequate remedy at law. The balance of hardships favors Blackstone and public interest
7 would be served by an injunction.

8 56. By reason of the foregoing, Blackstone is entitled to relief against Flame
9 King, pursuant to at least 35 U.S.C. §§ 283–85.

10 **Count III—Infringement of U.S. Patent No. 10,952,564**

11 57. Blackstone repeats and realleges the allegations set forth above as if fully
12 restated herein.

13 58. The ’564 Patent was filed on June 21, 2019, and issued March 23, 2021,
14 entitled, “Griddle device, system, and method.” A copy of the ’564 Patent is attached
15 hereto as Exhibit 3.

16 59. Blackstone is the owner by assignment of all rights, title, and interest in the
17 ’564 Patent. The ’564 Patent is valid, enforceable, and was duly issued in full compliance
18 with Title 35 of the United States Code. Blackstone has not licensed Flame King to
19 practice the ’564 Patent.

20 60. Flame King makes, uses, sells, offers to sell, and/or imports into the United
21 States the Accused Product.

22 61. Flame King also makes, uses, sells, offers to sell, and/or imports into the
23 United States the Accused Product directly as well as from and through other retailers,
24 such as Home Depot.

25 62. Flame King offers the Accused Product for sale to potential buyers. The
26 Accused Product competes directly with Blackstone’s products, are sold at the same
27 retailers as Blackstone’s products, and closely imitate the technology of the ’564 Patent.
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1 63. The Accused Products infringe literally or under the doctrine of equivalents,
2 at least claim 1 of the '564 Patent, in violation of United States Patent laws. 35 U.S.C §§
3 271, *et seq.*

4 64. The Accused Product is a griddle system configured to manage unwanted
5 food byproducts that comprises:

- 6 a. a griddle including an upper side and an underside, the upper side
7 including a flat cooking surface extending to define a rear end, a front
8 end, a left end and a right end, the rear end extending parallel relative to
9 the front end and the left end extending parallel relative to the right end,
10 the upper side including a splash guard extending along an entire
11 periphery of the upper side of the griddle so as to extend above the flat
12 cooking surface, the splash guard extending to define a rear splash guard,
13 a front splash guard, a left splash guard and a right splash guard, the front
14 splash guard and the left and right splash guards directly extending
15 upward from the flat cooking surface along entire lengths of the
16 respective front, left and right ends of the flat cooking surface;
- 17 b. wherein the splash guard extends with a top edge along each entire length
18 of the respective rear, front, left and right splash guards;
- 19 c. wherein the rear splash guard at least partially defines a rear opening
20 therein such that the top edge along the rear splash guard extends over
21 the rear opening; and
- 22 d. wherein the flat cooking surface, adjacent a length of the rear end of the
23 cooking surface, directly extends to a sloped surface to define a trough
24 such that the sloped surface extends with an acute angle relative to the
25 flat cooking surface so as to slope to the rear opening defined in the rear
26 splash guard.

27 65. As further shown in the images below, the Accused Product satisfies all
28 claim limitations of at least claim 1 of the '564 Patent:



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8 66. Flame King has been infringing—directly, contributorily, and by
9 inducement—the claims of the '564 Patent in the United States, including in this judicial
10 district.

11 67. Blackstone has satisfied the statutory requirements to collect pre-suit
12 damages for infringement of each of the Blackstone Patents, including, without
13 limitation, any applicable provisions of 35 U.S.C. § 287, by, at least, providing notice via
14 a website made available at <https://blackstoneproducts.com/pages/patents>.

15 68. Blackstone has been damaged by Flame King's infringement of the '564
16 Patent and will continue to be damaged unless Flame King is enjoined by this court.
17 Blackstone has suffered and continues to suffer irreparable injury for which there is no
18 adequate remedy at law. The balance of hardships favors Blackstone and public interest
19 would be served by an injunction.

20 69. By reason of the foregoing, Blackstone is entitled to relief against Flame
21 King, pursuant to at least 35 U.S.C. §§ 283–85.

22 **Count IV—Infringement of U.S. Patent No. 10,959,572**

23 70. Blackstone repeats and realleges the allegations set forth above as if fully
24 restated herein.

25 71. The '572 Patent was filed on June 21, 2019, and issued March 30, 2021,
26 entitled, "Outdoor cooking station with griddle, system and method thereof." A copy of
27 the '572 Patent is attached hereto as Exhibit 4.
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1 72. Blackstone is the owner by assignment of all rights, title, and interest in the
2 '572 Patent. The '572 Patent is valid, enforceable, and was duly issued in full compliance
3 with Title 35 of the United States Code. Blackstone has not licensed Flame King to
4 practice the '572 Patent.

5 73. Flame King makes, uses, sells, offers to sell, and/or imports into the United
6 States the Accused Product.

7 74. Flame King also makes, uses, sells, offers to sell, and/or imports into the
8 United States the Accused Product directly as well as from and through other retailers,
9 such as Home Depot.

10 75. Flame King offers the Accused Product for sale to potential buyers. The
11 Accused Product competes directly with Blackstone's products, are sold at the same
12 retailers as Blackstone's products, and closely imitate the technology of the '572 Patent.

13 76. The Accused Products infringe literally or under the doctrine of equivalents,
14 at least claim 1 of the '572 Patent, in violation of United States Patent laws. 35 U.S.C §§
15 271, *et seq.*

16 77. The Accused Product is an outdoor cooking station configured to manage
17 unwanted food byproduct that comprises:

- 18 a. a frame extending to define a front side, a rear side, a left side and a right
19 side each extending between a lower end and an upper portion, the frame
20 including multiple heating elements controlled along the front side and
21 coupled to the upper portion of the frame; and
- 22 b. a griddle configured to be supported by the upper portion of the frame
23 and positioned above the heating elements, the griddle including:
- 24 c. a flat cooking surface extending between a front end and a rear end and
25 extending between left end and a right end, each of the front end and the
26 rear end of the flat cooking surface corresponding with the respective
27 front side and the rear side of the frame and each of the left end and the
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1 right end of the flat cooking surface corresponding with the respective
2 left side and the right side of the frame;

- 3 d. a splash guard extending upward from the flat cooking surface along
4 each of the left and right ends and the front and rear ends of the cooking
5 surface, the splash guard extending upward to define a splash guard top
6 edge such that the splash guard top edge extends above each of the left
7 and right ends and the front and rear ends of the cooking surface, the
8 splash guard extending along the rear end of the cooking surface at least
9 partially defining a rear opening therein along a lower portion of the
10 splash guard adjacent the rear end of the cooking surface such that an
11 upper portion of the splash guard and the splash guard top edge extend
12 above the rear opening; and
- 13 e. a sloped surface extending directly from the cooking surface and
14 extending adjacent the rear end of the cooking surface so as to extend
15 downward toward the rear opening defined in the splash guard.

16 78. As further shown in the images below, the Accused Product satisfies all
17 claim limitations of at least claim 1 of the '572 Patent:



25 79. Flame King has been infringing—directly, contributorily, and by
26 inducement—the claims of the '572 Patent in the United States, including in this judicial
27 district.
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1 80. Blackstone has satisfied the statutory requirements to collect pre-suit
2 damages for infringement of each of the Blackstone Patents, including, without
3 limitation, any applicable provisions of 35 U.S.C. § 287, by, at least, providing notice via
4 a website made available at <https://blackstoneproducts.com/pages/patents>.

5 81. Blackstone has been damaged by Flame King’s infringement of the ’572
6 Patent and will continue to be damaged unless Flame King is enjoined by this court.
7 Blackstone has suffered and continues to suffer irreparable injury for which there is no
8 adequate remedy at law. The balance of hardships favors Blackstone and public interest
9 would be served by an injunction.

10 82. By reason of the foregoing, Blackstone is entitled to relief against Flame
11 King, pursuant to at least 35 U.S.C. §§ 283–85.

12 **Count V—Infringement of U.S. Patent No. 11,284,743**

13 83. Blackstone repeats and realleges the allegations set forth above as if fully
14 restated herein.

15 84. The ’743 Patent was filed on March 27, 2021, and issued March 29, 2022,
16 entitled, “Outdoor cooking station with griddle, system and method thereof.” A copy of
17 the ’743 Patent is attached hereto as Exhibit 5.

18 85. Blackstone is the owner by assignment of all rights, title, and interest in the
19 ’743 Patent. The ’743 Patent is valid, enforceable, and was duly issued in full compliance
20 with Title 35 of the United States Code. Blackstone has not licensed Flame King to
21 practice the ’743 Patent.

22 86. Flame King makes, uses, sells, offers to sell, and/or imports into the United
23 States the Accused Product.

24 87. Flame King also makes, uses, sells, offers to sell, and/or imports into the
25 United States the Accused Product directly as well as from and through other retailers,
26 such as Home Depot.

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1 88. Flame King offers the Accused Product for sale to potential buyers. The
2 Accused Product competes directly with Blackstone's products, are sold at the same
3 retailers as Blackstone's products, and closely imitate the technology of the '743 Patent.

4 89. The Accused Products infringe literally or under the doctrine of equivalents,
5 at least claim 1 of the '743 Patent, in violation of United States Patent laws. 35 U.S.C §§
6 271, *et seq.*

7 90. The Accused Product is an outdoor cooking station configured to manage
8 unwanted food byproduct that comprises:

- 9 a. a frame extending to define a front side, a rear side, a left side and a right
10 side each extending between a lower end and an upper portion, the frame
11 supporting multiple heating elements controlled along the front side and
12 coupled to the frame; and
- 13 b. a griddle configured to be supported by the upper portion of the frame
14 and positioned above the heating elements, the griddle including:
- 15 c. a flat cooking surface extending between a front end and a rear end and
16 extending between a left end and a right end, each of the front end and
17 the rear end of the flat cooking surface corresponding with the respective
18 front side and the rear side of the frame and each of the left end and the
19 right end of the flat cooking surface corresponding with the respective
20 left side and the right side of the frame;
- 21 d. a splash guard extending upward from the flat cooking surface along
22 each of the left and right ends and the front and rear ends of the cooking
23 surface, the splash guard extending upward to define a splash guard top
24 edge such that the splash guard top edge extends above each of the left
25 and right ends and the front and rear ends of the cooking surface, the
26 splash guard extending along the rear end of the cooking surface at least
27 partially defining a rear opening adjacent the rear end of the cooking
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1 surface such that the splash guard top edge extends over the rear opening;
2 and

3 e. a sloped surface extending directly from the cooking surface and
4 extending adjacent the rear end of the cooking surface so as to extend
5 downward toward the rear opening.

6 91. As further shown in the images below, the Accused Product satisfies all
7 claim limitations of at least claim 1 of the '743 Patent:



15 92. Flame King has been infringing — directly, contributorily, and by
16 inducement — the claims of the '743 Patent in the United States, including in this judicial
17 district.

18 93. Blackstone has satisfied the statutory requirements to collect pre-suit
19 damages for infringement of each of the Blackstone Patents, including, without
20 limitation, any applicable provisions of 35 U.S.C. § 287, by, at least, providing notice via
21 a website made available at <https://blackstoneproducts.com/pages/patents>.

22 94. Blackstone has been damaged by Flame King's infringement of the '743
23 Patent and will continue to be damaged unless Flame King is enjoined by this court.
24 Blackstone has suffered and continues to suffer irreparable injury for which there is no
25 adequate remedy at law. The balance of hardships favors Blackstone and public interest
26 would be served by an injunction.

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1 95. By reason of the foregoing, Blackstone is entitled to relief against Flame
2 King, pursuant to at least 35 U.S.C. §§ 283–85.

3 **Prayer for Relief**

4 WHEREFORE, Blackstone prays for judgment against Flame King as follows:

- 5 A. That Flame King has infringed one or more of the claims of the Blackstone
6 Patents;
- 7 B. That Flame King and its employees, officers, directors, agents, affiliates,
8 (and all of those in active concert and participation with any of the
9 foregoing) be temporarily restrained, preliminarily enjoined, and
10 permanently enjoined from any direct, indirect or joint infringement of the
11 Blackstone Patents—whether literal or under the doctrine of equivalents;
- 12 C. That Flame King provide an accounting of all Flame King’s sales, revenues,
13 and profits subject to Blackstone’s causes of action;
- 14 D. That Flame King is liable to Blackstone for an award of actual damages,
15 treble damages, and disgorgement of profits in an amount to be determined
16 at trial;
- 17 E. That Blackstone be awarded pre-judgment and post-judgment interest;
- 18 F. That the case be declared exceptional under, *inter alia*, 35 U.S.C. § 285 such
19 that Blackstone is awarded its attorneys’ fees and costs incurred in this
20 action; and
- 21 G. That Blackstone be awarded any and all relief to which Blackstone may
22 show itself be entitled to;
- 23 H. That Blackstone be awarded such other and further relief the Court deems
24 just and proper.

25 **Jury Demand**

26 Blackstone demands a jury trial on all issues so triable.
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1 Dated: September 29, 2023

Respectfully submitted,

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FOLEY & LARDNER LLP

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By: /s/ Jared J. Braithwaite

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Jared J. Braithwaite

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Attorneys for Plaintiff North Atlantic

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Imports, LLC d/b/a Blackstone

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