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7 Attorneys for Plaintiff

8 **UNITED STATES DISTRICT COURT**
9 **CENTRAL DISTRICT OF CALIFORNIA**
10 **EASTERN DIVISION**

11 FKA Distributing Co., LLC,
12 d/b/a HoMedics

13 Plaintiff,

14 v.

15 Joicom Corporation d/b/a Renpho,
16 Renpho USA, Inc., and
17 Panatrade LLC

18 Defendant.

Case No. 5:23-cv-2116 _____

**COMPLAINT FOR PATENT
INFRINGEMENT AND DEMAND
FOR JURY TRIAL**

1 Plaintiff, FKA Distributing Co., LLC d/b/a HoMedics (“HoMedics”), by and
2 through its undersigned counsel, for its Complaint herein states as follows.

3 **I. PARTIES**

4 1. Plaintiff FKA Distributing Co., LLC d/b/a HoMedics is a limited
5 liability company organized under the laws of Michigan, having a principal place of
6 business at 3000 Pontiac Trail, Commerce Township, Michigan 48390 (hereinafter
7 “Plaintiff” or “HoMedics”).

8 2. Upon information and belief, Defendant Joicom Corporation is a
9 California company, having a principal place of business at 14129 The Merge Street,
10 Building 3, Unit A, Eastvale, CA 92880 (hereinafter “Joicom”).

11 3. Upon information and belief, Defendant Renpho USA, Inc. is a
12 California corporation, having a principal place of business at 966 Sandhill Ave.,
13 Carson, CA 90746 (hereinafter “Renpho USA”).

14 4. Upon information and belief, Defendant Panatrade LLC is a California
15 limited liability company, having a principal place of business at 14129 The Merge
16 Street, Building 3 Unit A, Eastvale, CA 92880 (hereinafter “Panatrade”).

17 5. Joicom, Renpho USA, and Panatrade may hereinafter be referred to
18 collectively as “Defendants” or “Renpho.”

19 **II. JURISDICTION AND VENUE**

20 6. This is an action for patent infringement arising under the Patent Laws
21 of the United States, Title 35, United States Code. The subject matter jurisdiction
22 for this Court is founded upon 28 U.S.C. § 1338 (patents) and 28 U.S.C. § 1331
23 (federal question).

24 7. Upon information and belief, Defendants are subject to this Court’s
25 jurisdiction because Defendants continuously engage in substantial sales and other
26 business transactions in this district. Defendants have sold infringing products,
27 imported infringing products and/or committed infringing acts in this district.
28 Furthermore, Defendants’ headquarters and/or principal place of business are

1 located in the Central District of California. The United States District Court for the
2 Central District of California therefore has *in personam* jurisdiction over
3 Defendants.

4 8. Venue is proper in this district pursuant to 28 U.S.C. §1400(b).

5 **III. THE INFRINGED PATENT**

6 9. On May 25, 2010, U.S. Patent No. 7,722,553 (“the ‘553 patent”) titled
7 “Massage Apparatus” was duly and legally issued. (*See* Exhibit A, U.S. Patent No.
8 7,722,553). The ‘553 patent may hereinafter be referred to as the Patent-in-Suit.

9 10. HoMedics is the owner of all right, title and interest in the Patent-in-
10 Suit, including the right to sue and recover for past infringement.

11 11. HoMedics is a leader in personal health and wellness products,
12 including massagers sold under its HoMedics brand.

13 12. Upon information and belief, Defendants have knowledge of the
14 Patent-in-Suit. Defendants are well-aware of HoMedics and its products. Defendants
15 and HoMedics are also competitors for sales of certain products and/or product
16 categories.

17 **IV. COUNT I – INFRINGEMENT OF U.S. PATENT NO. 7,722,553**

18 13. HoMedics realleges the preceding paragraphs as though set forth fully
19 herein.

1 14. Upon information and belief, Defendants manage, own, and profit from
2 sales through <https://renpho.com>, <https://walmart.com>,¹ and/or from sales on
3 Amazon.com such as from the Amazon.com Renpho storefront.²

4 15. For example, Renpho has sold and/or is selling massagers under
5 Amazon Standard Identification Numbers (ASINs) B08N6G5V4H, B08FCKFXB7,
6 B07PNHGL87, B08Q8GDQP2, and/or B0833W5HM4.

7 16. Upon information and belief, the Renpho back, neck, shoulder, and
8 chair massagers have the same configuration and operate the same.

9 17. Defendants make, use, offer for sale, import, and/or have sold in the
10 United States massagers such as those described above (hereinafter “Heated Shiatsu
11 Massagers”). Defendants’ activities directly infringe, induce others to infringe,
12 and/or contributorily infringe the ’553 patent.

13 18. By making, using, offering for sale, and/or selling Heated Shiatsu
14 Massagers in the United States, or contributing and/or inducing others to make, use,
15 offer for sale, or sell, Defendants are infringing at least claim 1 of the ’553 patent,
16 under at least 35 U.S.C. § 271(a), (b), and/or (c).

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18 ¹ See e.g., [https://www.walmart.com/ip/RENPHO-Shiatsu-Neck-and-Back-](https://www.walmart.com/ip/RENPHO-Shiatsu-Neck-and-Back-Massager-with-Heat-Height-Adjustable-for-Neck-Back-Waist-Hips-FSA-and-HSA-Eligible-White/410973320?athbdg=L1600&from=/search)
19 [Massager-with-Heat-Height-Adjustable-for-Neck-Back-Waist-Hips-FSA-and-](https://www.walmart.com/ip/RENPHO-Shiatsu-Back-Massager-with-Heat-and-Vibration-for-Shoulder-Waist-Hips-Home-Office-FSA-and-HSA-Eligible-Black/802130078?athbdg=L1600&from=/search)
20 [HSA-Eligible-White/410973320?athbdg=L1600&from=/search,](https://www.walmart.com/ip/RENPHO-Shiatsu-Back-Massager-with-Heat-and-Vibration-for-Shoulder-Waist-Hips-Home-Office-FSA-and-HSA-Eligible-Black/802130078?athbdg=L1600&from=/search)
21 [https://www.walmart.com/ip/Renpho-Shiatsu-Neck-Shoulder-Back-Massager-](https://www.walmart.com/ip/Renpho-Shiatsu-Neck-Shoulder-Back-Massager-Heat-Deep-Tissue-3D-Kneading-Massage-Pillow-Pain-Relief-Waist-Leg-Calf-Foot-Arm-Belly-Full-Body-Muscles/793515130?athbdg=L1700&from=/search)
22 [Heat-Deep-Tissue-3D-Kneading-Massage-Pillow-Pain-Relief-Waist-Leg-Calf-](https://www.walmart.com/ip/Renpho-Shiatsu-Neck-Shoulder-Back-Massager-Heat-Deep-Tissue-3D-Kneading-Massage-Pillow-Pain-Relief-Waist-Leg-Calf-Foot-Arm-Belly-Full-Body-Muscles/793515130?athbdg=L1700&from=/search)
23 [Foot-Arm-Belly-Full-Body-Muscles/793515130?athbdg=L1700&from=/search,](https://www.walmart.com/ip/RENPHO-Back-Massager-with-Heat-Shiatsu-Massage-Cushion-with-Heat-for-Home-Office-Use-FSA-and-HSA-Eligible-Black/623045352?from=/search)
24 [https://www.walmart.com/ip/RENPHO-Back-](https://www.walmart.com/ip/RENPHO-Back-Massager-with-Heat-Shiatsu-Massage-Cushion-with-Heat-for-Home-Office-Use-FSA-and-HSA-Eligible-Black/623045352?from=/search)
25 [Massager-with-Heat-Shiatsu-](https://www.walmart.com/ip/RENPHO-Back-Neck-Massager-with-Heat-Shiatsu-Massage-Pillow-with-Deep-Tissue-Kneading-Gifts/671058993?from=/search)
26 [Massage-Cushion-with-Heat-for-Home-Office-Use-FSA-and-HSA-Eligible-](https://www.walmart.com/ip/RENPHO-Back-Neck-Massager-with-Heat-Shiatsu-Massage-Pillow-with-Deep-Tissue-Kneading-Gifts/671058993?from=/search)
27 [Black/623045352?from=/search,](https://www.walmart.com/ip/RENPHO-Back-Neck-Massager-with-Heat-Shiatsu-Massage-Pillow-with-Deep-Tissue-Kneading-Gifts/671058993?from=/search)
28 [https://www.walmart.com/ip/RENPHO-Back-](https://www.walmart.com/ip/RENPHO-Back-Neck-Massager-with-Heat-Shiatsu-Massage-Pillow-with-Deep-Tissue-Kneading-Gifts/671058993?from=/search)
[Neck-Massager-with-Heat-Shiatsu-Massage-Pillow-with-Deep-Tissue-Kneading-](https://www.walmart.com/ip/RENPHO-Back-Neck-Massager-with-Heat-Shiatsu-Massage-Pillow-with-Deep-Tissue-Kneading-Gifts/671058993?from=/search)
[Gifts/671058993?from=/search.](https://www.walmart.com/ip/RENPHO-Back-Neck-Massager-with-Heat-Shiatsu-Massage-Pillow-with-Deep-Tissue-Kneading-Gifts/671058993?from=/search)

² E.g., [https://www.amazon.com/stores/RENPHO/page/E2A21CE0-037D-47DE-](https://www.amazon.com/stores/RENPHO/page/E2A21CE0-037D-47DE-8EAF-445B25A8875A?ref_=ast_bln)
[8EAF-445B25A8875A?ref_=ast_bln.](https://www.amazon.com/stores/RENPHO/page/E2A21CE0-037D-47DE-8EAF-445B25A8875A?ref_=ast_bln)

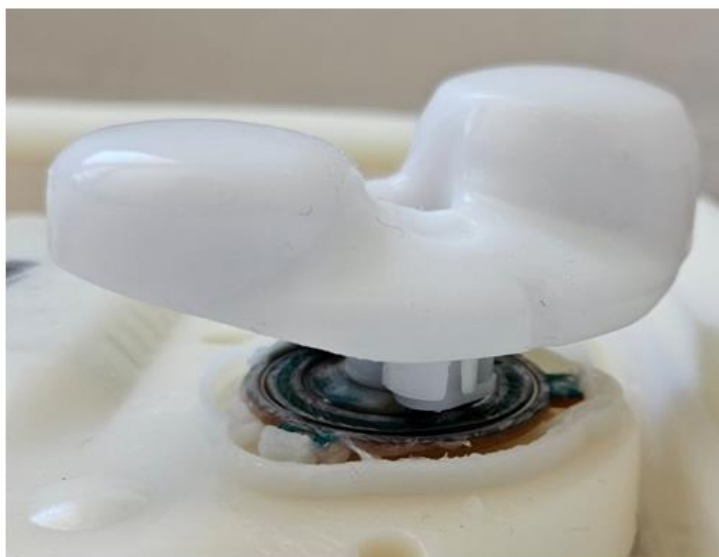
1 19. For example, the Heated Massagers infringe at least claim 1 of the '553
2 patent, which states:

- 3 1. A heat therapy apparatus comprising:
4 a housing;
5 a substrate mounted to the housing for rotation relative
6 thereto;
7 a heater mounted to the substrate for providing a heat
8 therapy effect from the substrate;
9 a pair of conductive contacts each mounted to one of the
10 substrate and the housing; and
11 a pair of conductive brushes each mounted to the other of
12 the substrate and the housing in engagement with one of the contacts
13 for maintaining engagement during rotation of the substrate relative to
14 the housing;
15 wherein at least two of the contacts and brushes are in
16 electrical communication with the heater and rotate relative to the
17 housing with rotation of the substrate and the heater for conducting
18 electricity to the heater.

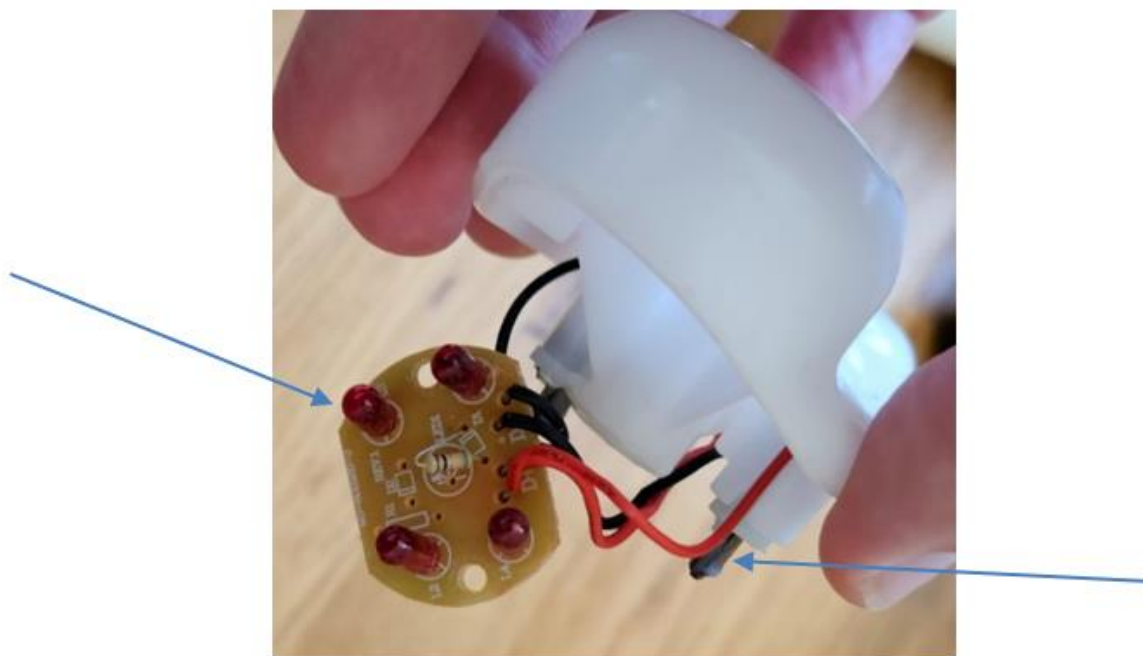
19 20. The Heated Shiatsu Massagers are marketed as, sold in packaging
20 and/or, are provided with instructions that indicate the massagers include a “Heat
21 Function” and/or “113°F/45°C Infrared heating temperature.” The marketing,
22 packaging, and/or instructions also recite the massagers provide a “Shiatsu
23 Massage” with deep tissue kneading and heat.

24 21. The massagers include a housing as well as a rotating substrate and
25 heater mounted to the substrate. For instance, a substrate for rotation relative to the
26 housing is shown below.

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22. Below, the Heat Shiatsu Massager is further disassembled (to the right) to show the infrared heaters, which are in electrical communication with the brushes via red and black wires.



1 23. When assembled the brushes maintain contact with conductive contacts
2 on the housing through continuous rotation to conduct electricity to the heater.



14 24. The conductive brushes are mounted to the substrate and connected to
15 a heater mounted to the substrate. Each of the conductive brushes is in engagement
16 with one of the annular contacts for maintaining engagement during rotation of the
17 substrate relative to the housing.

18 25. As shown, the Heated massagers each include two conductive brushes
19 that when assembled are in electrical communication with the heater and rotate
20 relative to the housing with rotation of the substrate and the heater for conducting
21 electricity to the heater.

22 26. Defendants import, offer for sale, and/or sell numerous products that
23 infringe at least claim 1 of the '553 patent, including without limitation those
24 described above. Defendants' activities also constitute infringement of other claims
25 of the '553 patent. HoMedics has suffered damages as a result of the infringing
26 activities of Defendants, and HoMedics will continue to suffer such damages as long
27 as those infringing activities persist.

1 27. Defendants were put on actual notice of infringement of the '553 patent
2 at least as early as February 28, 2023.

3 28. Even though Defendants have notice of the '553 patent, Defendants
4 continue their infringement of the '553 patent. Moreover, given the parties'
5 competitive status and similarities to HoMedics products, it is reasonable to infer
6 that Defendants also copied from HoMedics. Defendants' infringement has been
7 willful, wanton, and deliberate.

8 29. Defendants have been, and still are, infringing, actively inducing others
9 to infringe, and contributorily infringing the '553 patent. For example, Defendants
10 induce or contribute to others' infringement by the instructions provided for
11 operating its Heat Shiatsu Massagers.

12 30. HoMedics expects that further evidentiary support for these
13 infringement allegations will be shown upon additional examination and after a
14 reasonable opportunity for further investigation and discovery. Furthermore,
15 HoMedics expects that other products of Defendants also infringe claims of the '553
16 patent.

17 31. HoMedics has suffered damages as a result of the infringing activities
18 of Defendants and will continue to suffer such damages as long as those infringing
19 activities continue.

20 32. HoMedics has been, and will continue to be, irreparably harmed by
21 Defendants' infringing conduct unless Defendants are enjoined by this Court.

22 33. HoMedics has no adequate remedy at law.

23 **V. DEMAND FOR RELIEF**

24 In accordance with the foregoing, Plaintiff respectfully demands that this
25 Court enter judgment:

26 A. Declaring that Defendants have infringed the claims of the '553 patent
27 and that such infringement has been and continues to be willful;
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- 1 B. Preliminary and permanently enjoining and restraining Defendants, its
2 officers, directors, employees, agents, servants, successors, and assigns,
3 and any and all persons acting in privity or in concert with Defendants,
4 from further infringement of the '553 patent;
- 5 C. Awarding Plaintiff its damages, together with prejudgment interest and
6 costs, and increasing those damages to three times the amount found or
7 assessed as provided by 35 U.S.C. § 284;
- 8 D. Declaring this an exceptional case within the meaning of 35 U.S.C.
9 § 285, and awarding Plaintiff its reasonable attorneys' fees and costs
10 and disbursements in this action; and
- 11 E. Granting to Plaintiff such other and further relief as this Court deems
12 reasonable.

13 **VI. DEMAND FOR JURY TRIAL**

14 HoMedics respectfully demands a trial by jury of any and all issues triable of
15 right by a jury in the above-captioned action.

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17 DATED: October 16, 2023

18 By: /s/William E. Thomson, Jr.
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