

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

KOHLER CO.)	
)	
Plaintiff,)	
)	
vs.)	
)	Case No. 1:23-cv-9686
SIGNATURE PLUMBING SPECIALTIES)	
LLC)	
)	
Defendant.)	
)	

COMPLAINT

Kohler Co. (“Kohler”), by and for its Complaint against Defendant Signature Plumbing Specialties LLC (“Signature”), alleges to the Court as follows:

PARTIES

1. Kohler is a company organized and existing under the laws of the State of Wisconsin, with a principal place of business located at 444 Highland Drive, Kohler, Wisconsin, 53044.

2. Kohler is informed and believes that Signature is a domestic limited liability company organized and existing under the laws of the State of New York, with its principal place of business at 230 Fifth Avenue, Suite 1011, New York, New York 10001. Upon information and belief, the copycat and infringing faucets, bathtubs, and other plumbing fixtures that Signature offers for sale and sells are manufactured in China and imported into the United States.

JURISDICTION

3. This is an action for patent infringement arising out of at least Signature’s

unauthorized importing, offering for sale, and/or selling of faucets, bathtubs, and other plumbing fixtures in violation of Kohler's patent rights. Because this is an action for infringement under the patent laws of the United States, 35 U.S.C. § 271, *et seq.*, this Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a).

4. This Court has personal jurisdiction over Signature at least because Signature has committed and is committing infringing acts in the State of New York and in this Judicial District, and, at all times pertinent hereto, upon information and belief, Signature has been and is incorporated in the State of New York and maintains its principal place of business in this Judicial District.

VENUE

5. Venue is proper in this District pursuant to 28 U.S.C. §§ 1391(b) and (c) because Signature resides in this Judicial District, is subject to personal jurisdiction in this Judicial District due at least to, upon information and belief, Signature's formation in New York and its systemic business operations in New York and this Judicial District, and because a substantial part of the relevant events giving rise to Kohler's Complaint has occurred in this Judicial District.

BACKGROUND

KOHLER HAS A HISTORY OF INNOVATION

6. Kohler, founded in 1873 and now celebrating its 150th year, is a family-owned business. It is one of America's oldest and largest privately held companies, and it first began by manufacturing and selling plows and farm implements in Sheboygan, Wisconsin.

7. In 1883, Kohler took the company beyond its farming roots and created a new business line by coating an iron hog scalding water trough with enamel and calling it a "bathtub." This bathtub innovation was an immediate hit and marked the first of many plumbing products

manufactured by Kohler.

8. Today, in that same spirit of innovation and invention, Kohler has grown worldwide to be synonymous with quality and originality.

**KOHLER IS A MARKET LEADER
FOR THE KITCHEN AND BATH INDUSTRY**

9. Kohler is likely best known for its distinctive and often iconic kitchen and bath products. Kohler markets across six continents a highly regarded array of sinks, faucets, and other kitchen and bath accessories. Kohler's diversity of products and powerful portfolio of brands continually sets new standards in design, craftsmanship, and innovation.

10. Kohler is a recognized leader in kitchen and bath design, and its products are well-known around the world by its global customer base in part because of Kohler's extensive advertising and promotional efforts, which total millions of dollars each year.

11. Kohler markets across many channels including, among others, the Internet, television, magazines, and newspapers.

12. Always an innovator, Kohler continuously invests in the engineering, design, and development of new kitchen and bath products, positioning itself as an industry and market leader.

13. Kohler currently owns thousands of patents worldwide on innovations in the kitchen and bath industry.

THE PATENTS-IN-SUIT

14. Kohler is the assignee and owner of United States Design Patent No. D767,732 ("the '732 patent") which covers an original and unique faucet design. The '732 patent, entitled "Faucet," was duly and legally issued by the United States Patent and Trademark Office on September 27, 2016, from Application Serial No. 29/519,939, filed on March 9, 2015. A true and correct copy of the '732 patent is attached hereto as Exhibit A.

15. Kohler is the assignee and owner of United States Design Patent No. D949,293 (“the ’293 patent”) which covers an original and unique faucet design. The ’293 patent, entitled “Plumbing Fixture,” was duly and legally issued by the United States Patent and Trademark Office on April 19, 2022, from Application Serial No. 29/718,195, filed on December 20, 2019. A true and correct copy of the ’293 patent is attached hereto as Exhibit B.

16. Kohler is the assignee and owner of United States Design Patent No. D823,988 (“the ’988 patent”) which covers an original and unique faucet design. The ’988 patent, entitled “Faucet,” was duly and legally issued by the United States Patent and Trademark Office on July 24, 2018, from Application Serial No. 29/641,524, filed on March 22, 2018, which is a Division of Application Serial No. 29/595,301, filed February 27, 2017. A true and correct copy of the ’988 patent is attached hereto as Exhibit C.

17. Kohler is the assignee and owner of United States Design Patent No. D613,824 (“the ’824 patent”) which covers an original and unique handle design. The ’824 patent, entitled “Plumbing Fitting,” was duly and legally issued by the United States Patent and Trademark Office on April 13, 2010, from Application Serial No. 29/336,331, filed on April 30, 2009. A true and correct copy of the ’824 patent is attached hereto as Exhibit D.

18. Kohler is the assignee and owner of United States Design Patent No. D959,614 (“the ’614 patent”) which covers an original and unique faucet design. The ’614 patent, entitled “Faucet,” was duly and legally issued by the United States Patent and Trademark Office on August 2, 2022, from Application Serial No. 29/808,841, filed on September 23, 2021, which is a Continuation of Application Serial No. 29/794,354, filed on June 11, 2021, which is a Division of Application Serial No. 29/658,287, filed on July 30, 2018, which is a Division of Application Serial No. 29/641,526, filed on March 22, 2018, which is a Division of Application Serial No.

29/595,301, filed on February 27, 2017. A true and correct copy of the '614 patent is attached hereto as Exhibit E.

19. Kohler is the assignee and owner of United States Design Patent No. D844,752 (“the '752 patent”) which covers an original and unique faucet design. The '752 patent, entitled “Faucet,” was duly and legally issued by the United States Patent and Trademark Office on April 2, 2019, from Application Serial No. 29/657,995, filed on July 26, 2018, which is a Division of Application Serial No. 29/641,526, filed on March 22, 2018, which is a Division of Application Serial No. 29/595,301, filed on February 27, 2017. A true and correct copy of the '752 patent is attached hereto as Exhibit F.

20. Kohler is the assignee and owner of United States Design Patent No. D678,487 (“the '487 patent”) which covers an original and unique bathtub design. The '487 patent, entitled “Bathtub,” was duly and legally issued by the United States Patent and Trademark Office on March 19, 2013, from Application Serial No. 29/427,811, filed on July 23, 2012, which is a Division of Application Serial No. 29/411,981, filed on January 27, 2012. A true and correct copy of the '487 patent is attached hereto as Exhibit G.

21. The '732, '293, '988, '824, '614, '752, and '487 patents are collectively referred to herein as the “Design Patents-in-Suit.”

**KOHLER’S NOVEL AND DISTINCTIVE DESIGNS
ARE PROTECTED BY THE DESIGN PATENTS-IN-SUIT**

22. At least as early as 2016, after significant engineering and development expense, Kohler introduced faucets having the novel and distinctive designs embodied in the '732 patent. At least Kohler’s Composed® faucet line contains embodiments of the '732 patent.

23. At least as early as 2021, after significant engineering and development expense, Kohler introduced faucets having the novel and distinctive designs embodied in the '293 patent.

Certain faucets in Kohler's Central Park West™ faucet line, sold under the Kallista® brand, are embodiments of the '293 patent.

24. At least as early as 2019, after significant engineering and development expense, Kohler introduced its Components® line of faucets having the novel and distinctive designs embodied in the '988, '614, and '752 patents. For example, at least Kohler's Components® Tube Bathroom Sink Spout with Rocker Handle is an embodiment of the '988 patent. As another example, the Components® Ribbon Bathroom Sink Spout with Rocker Handle is an embodiment of the '614 and '752 patents.

25. After significant engineering and development expense, Kohler introduced a line of bathtubs having the novel and distinctive design embodied in the '487 patent. At least Kohler's Bellwether® tub line is an embodiment of the '487 patent.

26. Kohler has extensively promoted, featured, and highlighted the designs of its faucets, bathtubs, and plumbing fixtures in design and lifestyle magazines as well as in numerous other media outlets, certain of which are award-winning. For example, Kohler's Composed® Single-Lever Mixer received a Red Dot Award in 2015. In addition, Kohler's Central Park West™ Faucet received the Chicago Athenaeum Museum GOOD DESIGN Award in the Bathroom + Accessories category in 2022.

27. As a result of their unique and distinctive designs, Kohler's products, including its Composed®, Components®, Central Park West™, and Bellwether® lines of faucets, bathtubs, and plumbing fixtures have become successful commercial products for Kohler.

SIGNATURE'S INFRINGING ACTS

28. Kohler owns the exclusive right, title, and interest in and to the designs covered by the Design Patents-in-Suit.

29. Signature has a pattern and practice of knocking off Kohler's novel and distinctive faucet designs. Notwithstanding Kohler's rights, Signature, without permission or authorization, has imported, offered for sale, and/or sold certain faucets, bathtubs, and plumbing fixtures including, at least the following, which each infringe at least one claim of the Design Patents-in-Suit:

- the Lavatory Faucet (marked LF1151BR2PC) – *see* Exhibit H (<https://signatureplumbingspecialties.com/product/lavatory-faucet-lf1151br2pc/>);
- the Lavatory Faucet (marked LF1175BR2PC) – *see* Exhibit I: (<https://signatureplumbingspecialties.com/product/lavatory-faucet-lf1175br2pc/>);
- the Lavatory Faucet (marked LF1211BR2-4PC) – *see* Exhibit J: (<https://signatureplumbingspecialties.com/product/lavatory-faucet-lf1211br2-4pc/>);
- the Lavatory Faucet (marked LF1240BR2-4PC) – *see* Exhibit K; (<https://signatureplumbingspecialties.com/product/lavatory-faucet-lf1240br2-4pc/>);
- the Lavatory Faucet (marked LF1241BR2-4PC-B) – *see* Exhibit L; (<https://signatureplumbingspecialties.com/product/lavatory-faucet-lf1241br2-4pc/>);
- the Lavatory Faucet (marked LF1267BR2PC-B) – *see* Exhibit M (<https://signatureplumbingspecialties.com/product/lavatory-faucet-lf1267br2pc-b/>);
- the Lavatory Faucet (marked LFH1117BR2PC) – *see* Exhibit N; (<https://signatureplumbingspecialties.com/product/lavatory-faucet-lfh1117br2pc/>);
- the Lavatory Faucet (marked LFH1061BR2) – *see* Exhibit O: (<https://signatureplumbingspecialties.com/product/lavatory-faucet-lfh1061br2-4pc/>);
- the Shower Trim (marked STWOD1099BR8PC) – *see* Exhibit P:

(<https://signatureplumbingspecialties.com/product/shower-trim-stwod1099br8pc/>);

- the Shower Trim (marked STWOD1120BR8PC) – *see* Exhibit Q: (<https://signatureplumbingspecialties.com/product/tub-shower-trim-stwod1120br8pc/>);
- the Bath Tub (marked BT2092AC1-R) – *see* Exhibit R: (<https://signatureplumbingspecialties.com/product/bt2092ac1-r-bath-tub/>);
- the Lavatory Faucet (marked LF1452BR2-4AB);
- the Lavatory Faucet (marked LF13582BR2-9SPB); and
- the Lavatory Faucet (marked LF1370BR2AB)

(collectively, the “Infringing Plumbing Products”).

30. Kohler is informed and believes that Signature deliberately imports, offers for sale, and/or sells the Infringing Plumbing Products in willful disregard and in violation of Kohler’s rights. Upon information and belief, in response to developer solicited bids specifying Kohler products, Signature offers blatant and inferior copycats of the sought-after Kohler designs at a deeply discounted price to the detriment of Kohler.

COUNT I

INFRINGEMENT OF U.S. DESIGN PATENT NO. D767,732

31. Kohler repeats and realleges each and every allegation contained in paragraphs 1-30, inclusive, as though fully set forth herein.

32. The ’732 patent is valid and enforceable.

33. Kohler is the owner of all right, title, and interest in and to the designs covered by the ’732 patent. Kohler is entitled to receive all damages and the benefits of all other remedies

for Signature's infringement.

34. Figure 1 from the '732 patent illustrates one of the claimed ornamental designs for a faucet:

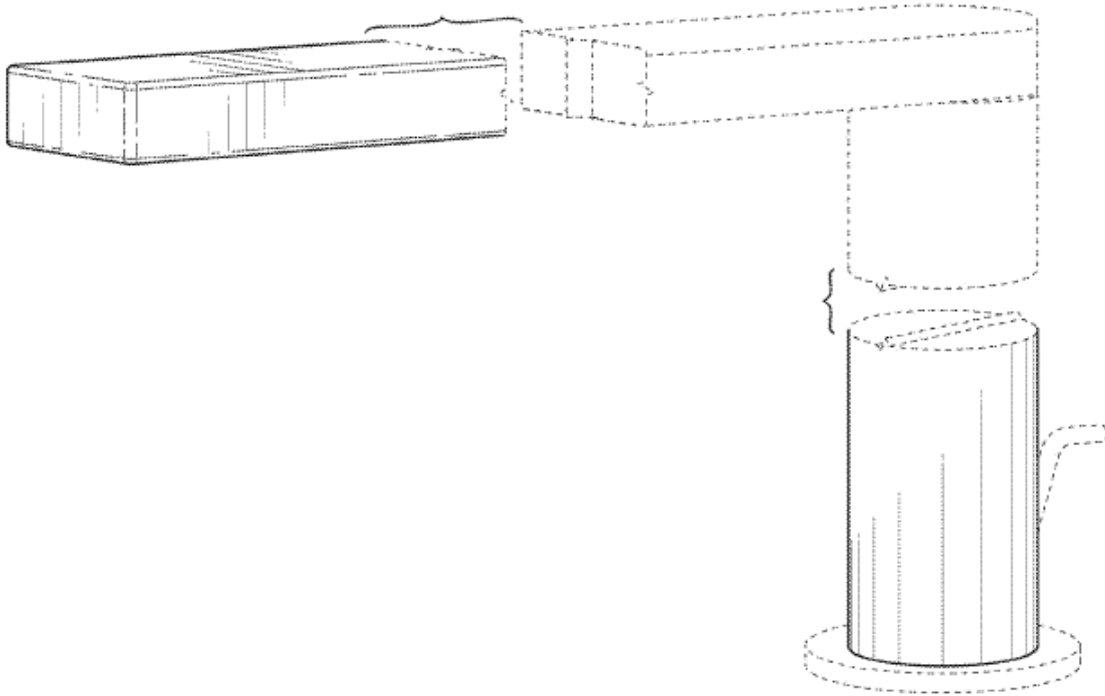


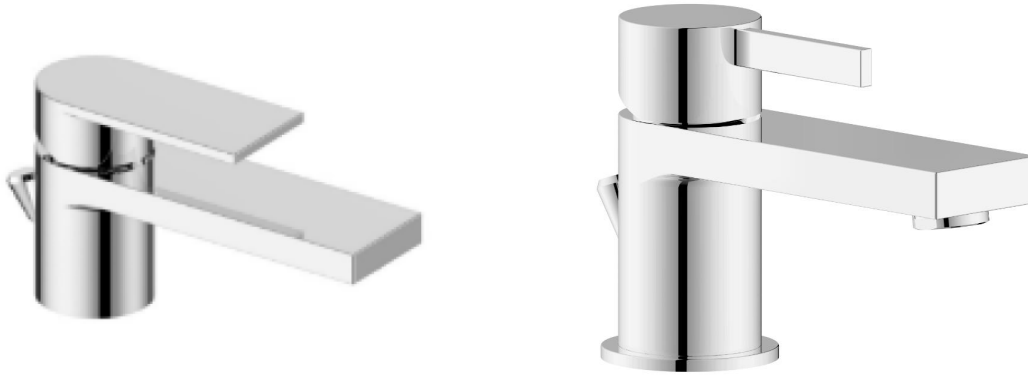
FIG. 1

(Exhibit A)

35. Without permission or authorization from Kohler, Signature has imported, used, offered for sale, and/or sold and continues to import, use, offer for sale, and/or sell the Signature Lavatory Faucet (marked LF1370BR2AB) and the Signature Lavatory Faucet (marked LF1267BR2PC-B) (Exhibit M) (collectively, "Infringing Composed-Style Faucets"), which infringe the '732 patent.

36. The following is an image from a third-party fixture schedule associated with a development project showing the Signature Lavatory Faucet (marked LF1370BR2AB) on the left and an image from Signature's website showing the Signature Lavatory Faucet (marked

LF1267BR2PC-B) on the right:



(Exhibit M)

These images are representative of Signature's Infringing Composed-Style Faucets.

37. Signature's Infringing Composed-Style Faucets contain each and every aspect of the claimed designs in the '732 patent.

38. Signature's Infringing Composed-Style Faucets have an overall appearance that is substantially the same as the claimed designs in the '732 patent.

39. Signature's Infringing Composed-Style Faucets have an overall appearance that is confusingly similar to the claimed designs in the '732 patent.

40. Signature has had actual notice of the '732 patent since at least the filing of this Complaint.

41. Signature's infringement of the '732 patent has been and continues to be willful.

42. Signature's conduct has caused and will continue to cause Kohler substantial damage, including irreparable harm, for which Kohler has no adequate remedy at law, unless and until Signature is enjoined from infringing the '732 patent.

COUNT II

INFRINGEMENT OF U.S. DESIGN PATENT NO. D949,293

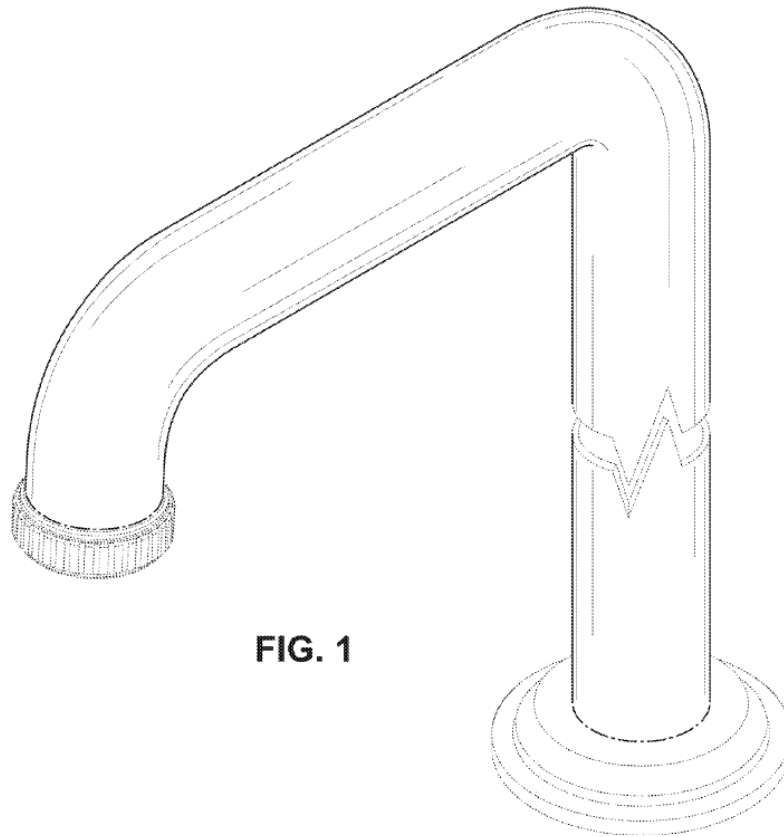
43. Kohler repeats and realleges each and every allegation contained in paragraphs 1-

30, inclusive, as though fully set forth herein.

44. The '293 patent is valid and enforceable.

45. Kohler is the owner of all right, title, and interest in and to the designs covered by the '293 patent, and Kohler is entitled to receive all damages and the benefits of all other remedies for Signature's infringement.

46. Figure 1 from the '293 patent illustrates one of the claimed ornamental designs for a plumbing fixture:



(Exhibit B)

47. Without permission or authorization from Kohler, Signature has imported, used, offered for sale, and/or sold and continues to import, use, offer for sale, and/or sell the Signature Lavatory Faucet (LF1151BR2PC) (Exhibit H), Signature Lavatory Faucet (marked LF1240BR2-

4PC) (Exhibit K), Signature Lavatory Faucet (marked LF1241BR2-4PC-B) (Exhibit L), and Signature Lavatory Faucet (marked LFH1117BR2PC) (Exhibit N) (collectively, “Infringing Central Park West-Style Faucets”), which infringe the ’293 patent.

48. The following are images from Signature’s website showing the Infringing Central Park West-Style Faucets:



(Exhibit H)



(Exhibit K)



(Exhibit L)



(Exhibit N)

These images are representative of Signature's Infringing Central Park West-Style Faucets.

49. Signature's Infringing Central Park West-Style Faucets contain each and every aspect of the claimed designs in the '293 patent.

50. Signature's Infringing Central Park West-Style Faucets have an overall appearance that is substantially the same as the claimed designs in the '293 patent.

51. Signature's Infringing Central Park West-Style Faucets have an overall appearance that is confusingly similar to the claimed designs in the '293 patent.

52. Signature has had actual notice of the '293 patent since at least the filing of this Complaint.

53. Signature's infringement of the '293 patent has been and continues to be willful.

54. Signature's conduct has caused and will continue to cause Kohler substantial damage, including irreparable harm, for which Kohler has no adequate remedy at law, unless and until Signature is enjoined from infringing the '293 patent.

COUNT III

INFRINGEMENT OF U.S. DESIGN PATENT NO. D823,988

55. Kohler repeats and realleges each and every allegation contained in paragraphs 1-30, inclusive, as though fully set forth herein.

56. The '988 patent is valid and enforceable.

57. Kohler is the owner of all right, title, and interest in and to the designs covered by the '988 patent, and Kohler is entitled to receive all damages and the benefits of all other remedies for Signature's infringement.

58. Figure 1 from the '988 patent illustrates one of the claimed ornamental designs for a faucet:

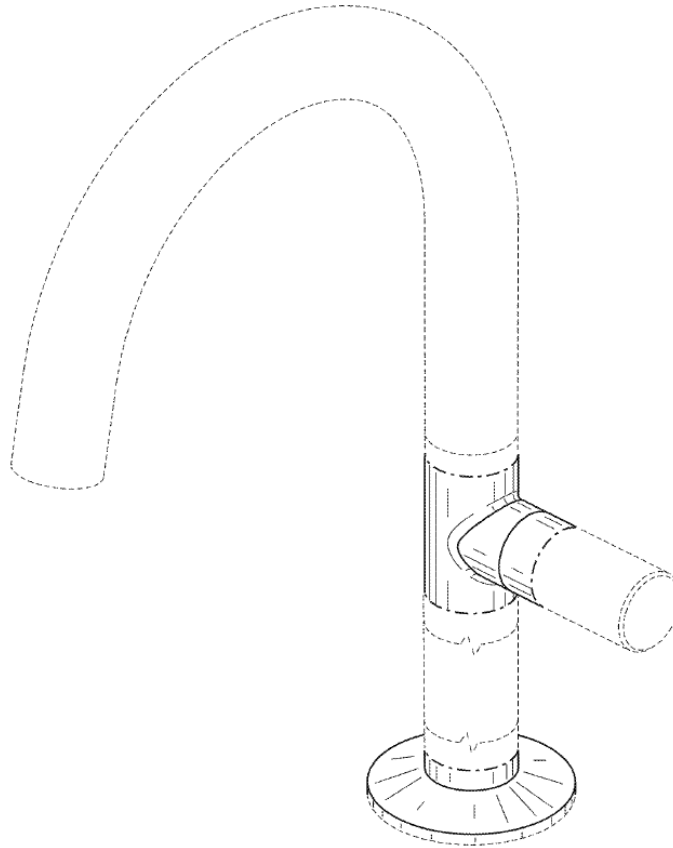


FIG. 1

(Exhibit C)

59. Without permission or authorization from Kohler, Signature has imported, used, offered for sale, and/or sold and continues to import, use, offer for sale, and/or sell the Signature Lavatory Faucet (marked LF13582BR2-9SPB) that infringes the '988 patent.

60. The following is an image from a third-party fixture schedule associated with a development project showing the Signature Lavatory Faucet (marked LF13582BR2-9SPB):

LAVATORY FAUCET
LF13582BR2-9SPB



61. The Signature Lavatory Faucet (marked LF13582BR2-9SPB) contains each and every aspect of the claimed designs in the '988 patent.

62. The Signature Lavatory Faucet (marked LF13582BR2-9SPB) has an overall appearance that is substantially the same as the claimed designs in the '988 patent.

63. The Signature Lavatory Faucet (marked LF13582BR2-9SPB) has an overall appearance that is confusingly similar to the claimed designs in the '988 patent.

64. Signature has had actual notice of the '988 patent since at least the filing of this Complaint.

65. Signature's infringement of the '988 patent has been and continues to be willful.

66. Signature's conduct has caused and will continue to cause Kohler substantial damage, including irreparable harm, for which Kohler has no adequate remedy at law, unless and until Signature is enjoined from infringing the '988 patent.

COUNT IV

INFRINGEMENT OF U.S. DESIGN PATENT NO. D613,824

67. Kohler repeats and realleges each and every allegation contained in paragraphs 1-30, inclusive, as though fully set forth herein.

68. The '824 patent is valid and enforceable.

69. Kohler is the owner of all right, title, and interest in and to the designs covered by the '824 patent, and Kohler is entitled to receive all damages and the benefits of all other remedies for Signature's infringement.

70. Figure 1 from the '824 patent illustrates one of the claimed ornamental designs for a plumbing fitting:

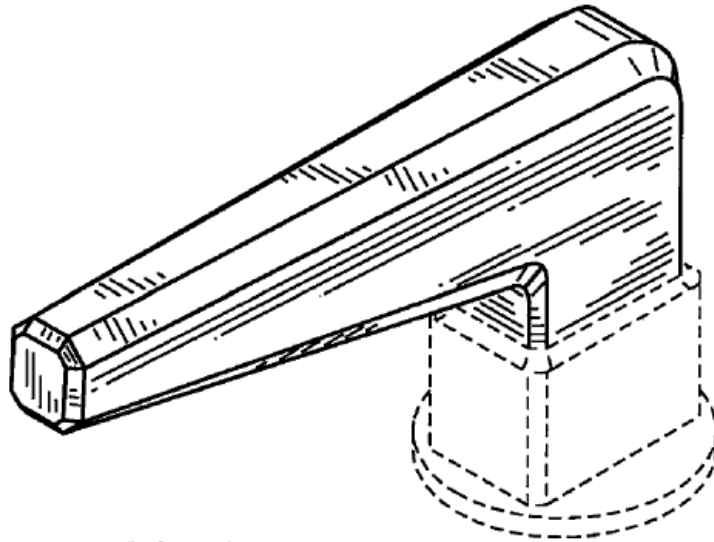


FIG. 1

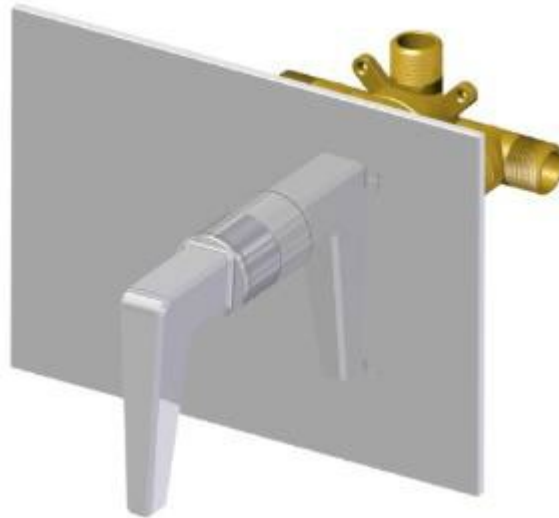
(Exhibit D)

71. Without permission or authorization from Kohler, Signature has imported, used, offered for sale, and/or sold and continues to import, use, offer for sale, and/or sell the Signature Lavatory Faucet (marked LF1211BR2-4PC) (Exhibit J), Signature Shower Trim (marked STWOD1099BR8PC) (Exhibit P), and Signature Shower Trim (marked STWOD1120BR8PC) (Exhibit Q) (collectively, "Infringing Handle-Style Plumbing Fittings," which infringe the '824 patent.

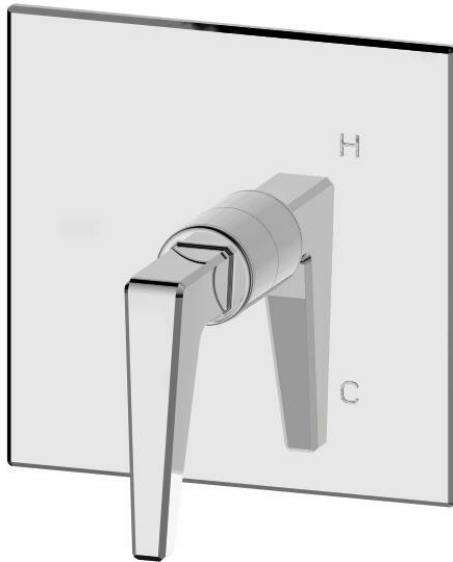
72. The following are images from Signature's website showing the Infringing Handle-Style Plumbing Fittings:



(Exhibit J)



(Exhibit P)



(Exhibit Q)

These images are representative of Signature's Infringing Handle-Style Plumbing Fittings.

73. Signature's Infringing Handle-Style Plumbing Fittings contain each and every aspect of the claimed designs in the '824 patent.

74. Signature's Infringing Handle-Style Plumbing Fittings have an overall appearance that is substantially the same as the claimed designs in the '824 patent.

75. Signature's Infringing Handle-Style Plumbing Fittings have an overall appearance that is confusingly similar to the claimed designs in the '824 patent.

76. Signature has had actual notice of the '824 patent since at least the filing of this Complaint.

77. Signature's infringement of the '824 patent has been and continues to be willful.

78. Signature's conduct has caused and will continue to cause Kohler substantial damage, including irreparable harm, for which Kohler has no adequate remedy at law, unless and until Signature is enjoined from infringing the '824 patent.

COUNT V

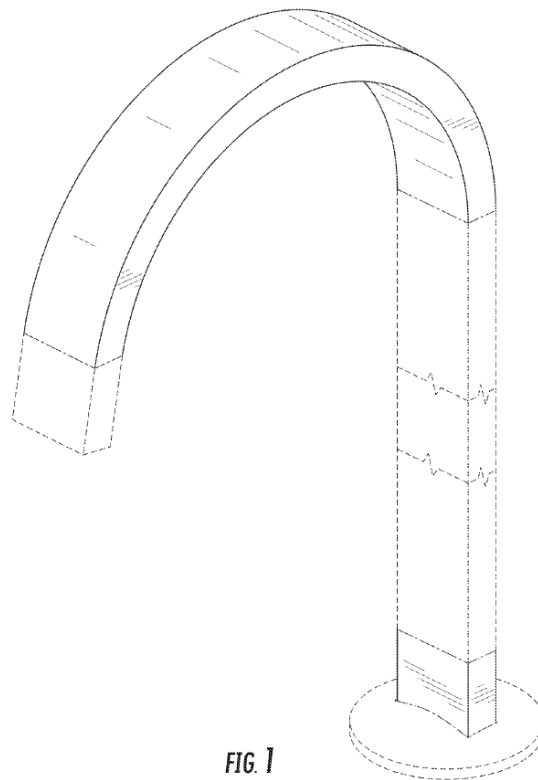
INFRINGEMENT OF U.S. DESIGN PATENT NO. D959,614

79. Kohler repeats and realleges each and every allegation contained in paragraphs 1-30, inclusive, as though fully set forth herein.

80. The '614 patent is valid and enforceable.

81. Kohler is the owner of all right, title, and interest in and to the designs covered by the '614 patent, and Kohler is entitled to receive all damages and the benefits of all other remedies for Signature's infringement.

82. Figure 1 from the '614 patent illustrates one of the claimed ornamental designs for a faucet handle:



(Exhibit E)

83. Without permission or authorization from Kohler, Signature has imported, used,

offered for sale, and/or sold and continues to import, use, offer for sale, and/or sell the Signature Lavatory Faucet (marked LF1175BR2PC) (Exhibit I) and the Signature Lavatory Faucet (marked LFH1061BR2) (Exhibit O) (collectively, “Infringing Component Ribbon-Style Faucets”), which infringe the ’614 patent.



(Exhibit I)



(Exhibit O)

These images are representative of Signature’s Infringing Component Ribbon-Style Faucets.

84. Signature’s Infringing Component Ribbon-Style Faucets contain each and every aspect of the claimed designs in the ’614 patent.

85. Signature’s Infringing Component Ribbon-Style Faucets have an overall appearance that is substantially the same as the claimed designs in the ’614 patent.

86. Signature’s Infringing Component Ribbon-Style Faucets have an overall appearance that is confusingly similar to the claimed designs in the ’614 patent.

87. Signature has had actual notice of the ’614 patent since at least the filing of this Complaint.

88. Signature’s infringement of the ’614 patent has been and continues to be willful.

89. Signature's conduct has caused and will continue to cause Kohler substantial damage, including irreparable harm, for which Kohler has no adequate remedy at law, unless and until Signature is enjoined from infringing the '614 patent.

COUNT VI

INFRINGEMENT OF U.S. DESIGN PATENT NO. D844,752

90. Kohler repeats and realleges each and every allegation contained in paragraphs 1-30, inclusive, as though fully set forth herein.

91. The '752 patent is valid and enforceable.

92. Kohler is the owner of all right, title, and interest in and to the design covered by the '752 patent, and Kohler is entitled to receive all damages and the benefits of all other remedies for Signature's infringement.

93. Figure 1 from the '752 patent illustrates one of the claimed ornamental designs for a faucet handle:

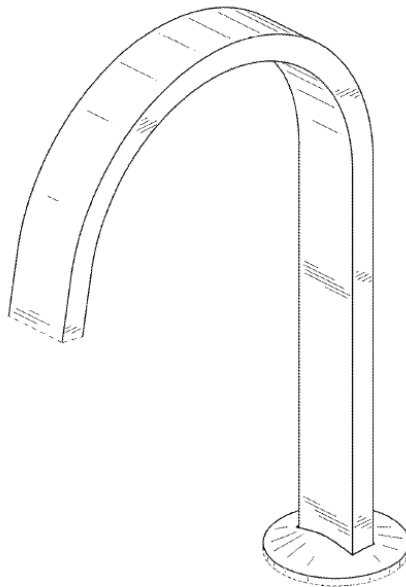


FIG. 1

(Exhibit F)

94. Without permission or authorization from Kohler, Signature has imported, used, offered for sale, and/or sold and continues to import, use, offer for sale, and/or sell Signature's Infringing Component Ribbon-Style Faucets, which infringe the '752 patent.

95. Signature's Infringing Component Ribbon-Style Faucets contain each and every aspect of the claimed designs in the '752 patent.

96. Signature's Infringing Component Ribbon-Style Faucets have an overall appearance that is substantially the same as the claimed designs in the '752 patent.

97. Signature's Infringing Component Ribbon-Style Faucets have an overall appearance that is confusingly similar to the claimed designs in the '752 patent.

98. Signature has had actual notice of the '752 patent since at least the filing of this Complaint.

99. Signature's infringement of the '752 patent has been and continues to be willful.

100. Signature's conduct has caused and will continue to cause Kohler substantial damage, including irreparable harm, for which Kohler has no adequate remedy at law, unless and until Signature is enjoined from infringing the '752 patent.

COUNT VII

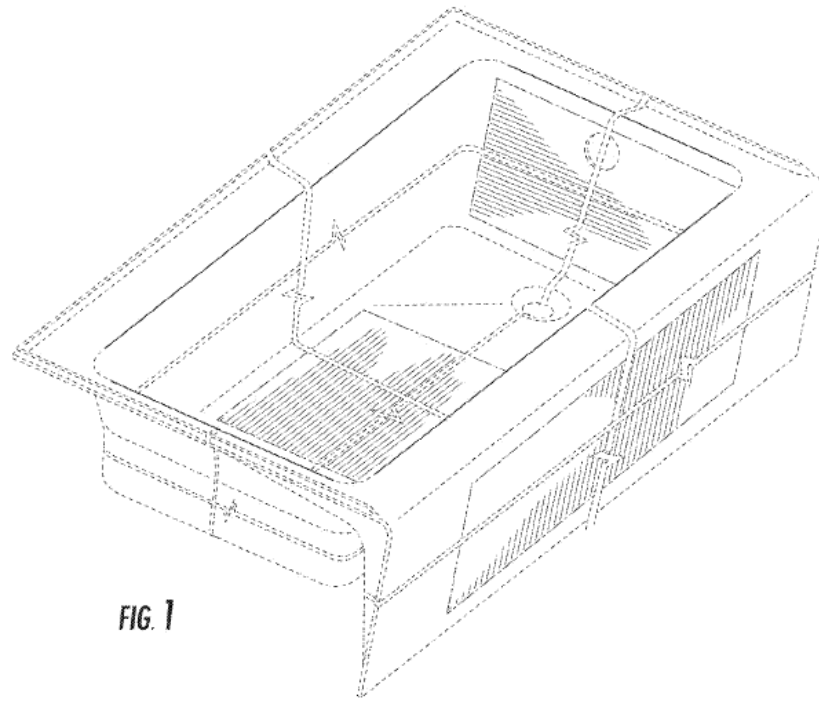
INFRINGEMENT OF U.S. DESIGN PATENT NO. D678,487

101. Kohler repeats and realleges each and every allegation contained in paragraphs 1-30, inclusive, as though fully set forth herein.

102. The '487 patent is valid and enforceable.

103. Kohler is the owner of all right, title, and interest in and to the designs covered by the '487 patent, and Kohler is entitled to receive all damages and the benefits of all other remedies for Signature's infringement.

104. Figure 1 from the '487 patent illustrates one of the claimed ornamental designs for a bathtub:



(Exhibit G)

105. Without permission or authorization from Kohler, Signature has imported, used, offered for sale, and/or sold and continues to import, use, offer for sale, and/or sell the Signature Bath Tub (marked BT2092AC1-R) (Exhibit R), which infringes the '487 patent.

106. The following is an image from Signature's website showing the Signature Bath Tub (marked BT2092AC1-R):



(Exhibit R)

107. The Signature Bath Tub (marked BT2092AC1-R) contains each and every aspect of the claimed designs in the '487 patent.

108. The Signature Bath Tub (marked BT2092AC1-R) has an overall appearance that is substantially the same as the claimed designs in the '487 patent.

109. The Signature Bath Tub (marked BT2092AC1-R) has an overall appearance that is confusingly similar to the claimed designs in the '487 patent.

110. Signature has had actual notice of the '487 patent since at least the filing of this Complaint.

111. Signature's infringement of the '487 patent has been and continues to be willful.

112. Signature's conduct has caused and will continue to cause Kohler substantial damage, including irreparable harm, for which Kohler has no adequate remedy at law, unless and until Signature is enjoined from infringing the '487 patent.

PRAYER FOR RELIEF

Wherefore, Kohler respectfully prays for entry of a judgment and relief as follows:

A. For a judgment that Signature has infringed the '732, '293, '988, '824, '614, '752,

and '487 patents;

B. For a preliminary and permanent injunction enjoining Signature and its agents, officers, directors, employees and all persons in privity or active concert or participation with them, directly or indirectly, from infringing the '732, '293, '988, '824, '614, '752, and '487 patents;

C. For a judgment and award that Signature account for and pay to Kohler damages adequate to compensate for Signature's infringement of the '732, '293, '988, '824, '614, '752, and '487 patents;

D. For a judgment and award of Signature's total profits in an amount subject to proof at trial, pursuant to 35 U.S.C. § 289;

E. For a judgment and award of any supplemental damages sustained by Kohler for any continuing post-verdict infringement of '732, '293, '988, '824, '614, '752, and '487 patents until entry of final judgment with an accounting as needed;

F. For a finding that Signature's infringement is willful and an award of increased damages for willful infringement pursuant to 35 U.S.C. § 284;

G. For an order finding that this case is exceptional case under 35 U.S.C. § 285 and awarding Kohler its costs, expenses, and disbursements incurred in this action, including reasonable attorneys' fees as available by law to be paid by Signature;

H. For an award of pre-judgment interest, post-judgment interest, and costs in this action; and

I. For an award of such other relief to Kohler as this Court deems just and proper.

DEMAND FOR JURY TRIAL

Kohler demands a trial by jury on all issues so triable.

Dated: November 1, 2023

Respectfully submitted,

/s/ Graham D. Welch

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