

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

NOMIS LLC,

Plaintiff,

v.

DNA MOTOR, INC.,

Defendants.

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C. A. NO. _____

COMPLAINT

Plaintiff, Nomis LLC (“Nomis” or “Plaintiff”), by its attorneys, Reinhart Boerner Van Deuren s.c., for its Complaint against DNA Motor, Inc., d/b/a DNA Motoring (“DNA Motoring” or “Defendant”), alleges as follows:

THE PARTIES

1. Plaintiff, Nomis, is a limited liability company with its principal place of business at 3529 South Riding Ridge, Elgin, IL 60124.
2. Defendant, DNA Motoring, is a California corporation with its principal place of business at 19545 San Jose Avenue, City of Industry, CA 91748.

JURISDICTION AND VENUE

3. This is an action for patent infringement founded upon the patent laws of the United States, 35 U.S.C. § 100 *et seq.*, including, without limitation, 35 U.S.C. § 271.
4. This Court has subject-matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338(a).

5. This Court has personal jurisdiction over Defendant because of Defendant's presence in the Southern District of Texas and because, upon information and belief, Defendant has systematic and continuous business contacts with Texas.

6. Venue is proper in this District pursuant to 28 U.S.C. §§ 1391 and 1400(b) because Defendant, upon information and belief, commits infringement in the Southern District of Texas and has a regular and established place of business at 619 East Sam Houston Pkwy S, Deer Park, TX 77536.

THE PATENT IN SUIT

7. On March 23, 2010, United States Patent No. 7,681,248 (the '248 patent) was duly and properly issued and assigned to Knee Blades LLC for an invention entitled "Rolling knee support with detachable knee pad."

8. On April 30, 2015, Knee Blades LLC assigned the '248 patent to the Plaintiff, Nomis LLC, as indicated by the recorded title chain of the USPTO.

9. Nomis is the owner of the right, title, and interest to the '248 patent.

10. Nomis possesses all rights necessary to bring this suit for infringement of the '248 patent.

11. A true and correct copy of the '248 patent is attached hereto as **Exhibit A**.

BACKGROUND FACTS

12. Nomis owns the right, title, and interest to the '248 patent, which is embodied by products sold under the trademark KneeBlades ®.

13. The KneeBlades ® product is and has been properly marked with the '248 patent pursuant to 35 U.S.C. § 287.

14. DNA Motoring is infringing the '248 patent by making, using, importing, selling, or offering for sale products that meet each and every limitation of claims 1-19 of the '248 patent (the "Infringing Products"). A true and correct copy of a chart detailing DNA Motoring's infringement is attached hereto as **Exhibit B**.

15. DNA Motoring sells the Infringing Products on Amazon.com among other platforms.

16. DNA Motoring offers infringing products for sale on Amazon.com under product descriptions including "Rolling Knee Pads Roller Kneeling Dolly Creepers with Casters," "Knee Creeper Pads," and "Rolling Knee Pad With Wheels, Cushion Kneeling Dolly Creeper with Tool Tray."

17. DNA Motoring's "store" on Amazon.com has previously featured multiple listings offering "rolling knee pad" products that infringe the '248 patent.

18. DNA Motoring did not seek authorization from Nomis before manufacturing its infringing product or offering it for sale.

19. DNA Motoring's infringement has been willful and deliberate.

20. At least as early as April 5, 2024 Nomis reported DNA Motoring's infringement to Amazon.

21. Upon information and belief, DNA Motoring was informed via Amazon's internal reporting process that Nomis had reported its infringement.

22. On May 13, 2024 (the "May 13 Letter") Nomis sent correspondence to DNA Motoring notifying it of Nomis's rights regarding the '248 patent. A true and correct copy of this correspondence is attached hereto as **Exhibit C**.

23. The May 13 letter was delivered to DNA Motoring on May 14, 2024.

24. Attached to the May 13 Letter, Nomis provided DNA Motoring with a copy of the claim chart attached as Exhibit B, demonstrating that the infringing product met every limitation of all claims of the '248 patent.

25. In the May 13 Letter, Nomis asked DNA Motoring to promptly cease manufacturing, offering for sale, or selling the infringing products, and to remove all advertising of the Infringing Products from all channels, among other demands.

26. Nomis asked that DNA Motoring respond to the May 13 Letter no later than May 24, 2024.

27. To date, Nomis has received no substantive response from DNA Motoring regarding the May 13 Letter, the '248 patent, or its infringement thereof.

28. To date, upon information and belief, Nomis has not removed any pages selling or advertising the Infringing Products from Amazon.com or any other channel.

29. With both constructive and actual knowledge of the '248 patent and its own infringing conduct, DNA Motoring continues to willfully infringe the '248 patent.

30. Nomis has suffered and will continue to suffer damages from DNA Motoring's acts of infringement complained of herein.

COUNT 1
(Infringement of the '248 patent)

31. Nomis realleges and incorporates by reference the allegations set forth above.

32. The '248 patent is valid and enforceable.

33. DNA Motoring makes, imports, offers for sale, and/or sells a rolling knee support with a detachable knee pads which meets each and every limitation of claims 1-19 of the '248 patent.

34. DNA Motoring was on notice and aware of the '248 patent prior and its infringement thereof prior to the filing of the Complaint.

35. DNA Motoring has acted and is acting in violation of 35 U.S.C. § 271.

36. Despite an objectively high likelihood that DNA Motoring's actions constitute infringement of the '248 patent, and despite repeated demands that it cease infringement, DNA Motoring has continued to infringe.

37. Upon information and belief, DNA Motoring has willfully infringed the '248 patent by performing and continuing to perform its acts of infringement after being on notice of the '248 patent.

PRAYER FOR RELIEF

WHEREFORE, Nomis respectfully requests that the Court enter judgment in its favor and against DNA Motoring as follows:

- A. Finding that DNA Motoring has infringed the '248 patent;
- B. Awarding damages to Nomis under 35 U.S.C. § 284, along with interest and costs for DNA Motoring's infringement of the '248 patent;
- C. Finding that this case is exceptional under in 35 U.S.C. § 285, and awarding Nomis reasonable attorney's fees as provided in 35 U.S.C. § 285;
- D. Finding that DNA Motoring's infringement was willful, and trebling any damages awarded to Nomis pursuant to in 35 U.S.C. § 284;
- E. Entering a permanent injunction under in 35 U.S.C. § 283, enjoining DNA Motoring and its officers, partners, employees, agents, parents, subsidiaries, attorneys, and anyone acting or participating with DNA Motoring, from manufacturing, making, selling,

offering for sale, importing, or using the infringing products identified herein or any comparable product that infringes the '248 patent; and

F. Awarding to Nomis such other and further relief as the Court deems proper.

PLAINTIFF DEMANDS A TRIAL BY JURY OF ALL ISSUES SO TRIABLE.

Dated this 2nd day of July, 2024.

Respectfully submitted,

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