

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA**

**Case No.:**

**BTL INDUSTRIES, INC.,**  
a Delaware corporation,

**Plaintiff,**

**v.**

**ALIX LASERS INTERNATIONAL LLC,**  
a Florida limited liability company,

**Defendant.**

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**COMPLAINT**

Plaintiff BTL Industries, Inc. (hereinafter “BTL”), by its attorneys, files this Complaint against Alix Lasers International LLC (hereinafter “Alix Lasers”) and alleges as follows:

**PARTIES**

1. BTL is a Delaware corporation with a principal place of business at 362 Elm Street, Marlborough, Massachusetts 01752.
2. On information and belief, Alix Lasers is a Florida limited liability company with a principal address of 2151 E Commercial Blvd, # 304, Fort Lauderdale, Florida 33308.

**JURISDICTION AND VENUE**

3. This Court has subject-matter jurisdiction over BTL’s claims arising under the patent laws of the United States, 35 U.S.C. § 100, *et seq.*, and the Lanham Act, 15 U.S.C. §§ 1051 and 1121, pursuant to 28 U.S.C. §§ 1331, 1332, and 1338(a)–(b).
4. This Court has supplemental jurisdiction over BTL’s claims arising under the laws of Florida, pursuant to 28 U.S.C. § 1367(a) because the state-law claims are so related to BTL’s

federal law claims that they form part of the same case or controversy and derive from a common nucleus of operative facts.

5. This Court has personal jurisdiction over Alix Lasers because Alix Lasers is a limited liability company organized and existing under the laws of the State of Florida and has committed acts of patent infringement, trademark infringement, false, misleading, and deceptive advertising under the Lanham Act and the Florida Deceptive and Unfair Trade Practices Act (“FDUTPA”), and intends a future course of conduct that includes acts of infringement, and false, misleading, and deceptive advertising in this District. Alix Lasers also is subject to this Court’s jurisdiction under 28 U.S.C. § 1400(b).

6. Further, the acts complained of herein occurred in this District.

7. Similarly, the exercise of personal jurisdiction over Alix Lasers comports with the due process requirements of the United States Constitution because:

- a. Alix Lasers has purposefully established “minimum contacts” with the State of Florida and this District; and
- b. the exercise of personal jurisdiction over Alix Lasers will not offend the traditional notions of fair play and substantial justice.

8. Therefore, this Court has specific and general jurisdiction over Alix Lasers.

9. Venue is proper in this District under 28 U.S.C. §§ 1391(b)(1) and 1400(b) at least because Alix Lasers has its principal address in this District.

### **BACKGROUND**

10. BTL specializes in the innovation, development, and sale of equipment and treatments for the aesthetics industry in the United States. BTL and its affiliates developed proprietary technology that uses high-intensity, electromagnetic stimulation to tone and strengthen

muscles in targeted areas. BTL applied its technology to develop a series of new and innovative FDA-cleared devices and developed protocols for using the technology for aesthetic therapies. BTL denotes its products and services that feature this technology with the HIFEM® brand and other trademarks.

11. The first such device that BTL developed was the EMSCULPT® device, a standalone, non-invasive, FDA-cleared aesthetic body-contouring device. *See Exhibit A*, attached hereto (BTL March 2019 Press Release).

12. BTL's EMSCULPT® device created a new market in which it quickly became the innovative industry leader. Before BTL launched the EMSCULPT® device in 2018, no other product used high-intensity, focused, electromagnetic technology to tone and firm muscle for non-invasive, aesthetic body contouring.

13. The aesthetic industry has recognized BTL's innovation, hailing it as having taken "the aesthetics industry by storm;" praising BTL as being the first to apply high-intensity, focused, electromagnetic energy technology for aesthetics; and lauding the EMSCULPT® device as having "transformed treatment protocols." *See Exhibit B*, attached hereto (BTL 2019 Press Release).

14. BTL's EMSCULPT NEO® device is FDA-cleared and uses high-intensity, electromagnetic energy to induce powerful muscle contractions—unachievable through typical voluntary contractions—to contour an individual's physique. *See Exhibit A*. The EMSCULPT NEO® device is currently cleared by the FDA as a non-invasive treatment for the abdomen, buttocks, arms, calves, and thighs. BTL markets and distributes their EMSCULPT NEO® device to healthcare professionals and licenses these professionals to provide treatment services using the device.

15. The EMSCULPT NEO<sup>®</sup> device has been a breakthrough development in the aesthetics industry, receiving plaudits from some of the industry’s largest companies. For example, the EMSCULPT NEO<sup>®</sup> device won Dermascope.com’s Aesthetician’s Choice Award in 2022 and Glamour magazine described the device as “revolutionary.” See **Exhibit C**, attached hereto (Dermascope and Glamour Awards).

**A. The Asserted Patent**

16. On November 19, 2019, the United States Patent and Trademark Office (the “USPTO”) duly and lawfully issued U.S. Patent No. 10,478,634 (the “’634 Patent”), entitled “Aesthetic Method of Biological Structure Treatment by Magnetic Field” to BTL Medical Technologies S.R.O. A true and correct copy of the ’634 Patent is attached to this Complaint as **Exhibit D**, attached hereto (US10478634). The ’634 Patent was exclusively licensed to BTL, and BTL possesses substantially all the rights of the ’634 Patent, including but not limited to the exclusive right of recovery for any past, present, or future infringement of the ’634 Patent, including equitable relief and damages.

**B. BTL’s Trademarks**

17. BTL uses and licenses (for the sole purpose of advertising the equipment and related services) registered and unregistered trademarks and trade dress to market its aesthetic equipment and treatments in the United States, including the following federally registered trademarks (collectively, the “BTL Trademarks”):

<b>Reg. No.</b>	<b>Mark</b>	<b>Reg. Date</b>	<b>First Use in Commerce or Priority Date</b>	<b>Goods/Services</b>
5,688,619	HIFEM	Mar. 5, 2019	Sept. 19, 2019	Class 10: Medical and aesthetic apparatus and instruments generating electromagnetic, magnetic, electrical, mechanical,

				<p>radiofrequency or thermal energy for use in skin treatment procedures; medical apparatus and instruments for body toning and body shaping; medical apparatus and instruments for the removal of fat, circumference reduction, tightening of skin, reduction of wrinkles, reduction of scars, reduction of stretch marks, rejuvenation of skin, treatment of pigmentation spots, increase in muscle volume, increase in number of muscle fibres and increase in muscle tonus; medical apparatus and instruments for the treatment of cellulite; therapeutic facial masks; facial toning machines for cosmetic use; electric stimulation and magnetic stimulation apparatus for physical therapy purposes for the treatment of nerve and muscle pain and elimination of muscular spasms; gynecological and urological apparatus and instruments, namely for genital rejuvenation, treatment sexual dysfunction, gynecological treatment and pelvic floor treatment.</p> <p>Class 44: Medical services; medical equipment rental; cosmetic and plastic surgery; beauty salons, liposuction services; medical removal of body cellulite.</p>
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5,572,801	EMSCULPT	Oct. 2, 2018	Sept. 29, 2017	<p>Class 10: Medical apparatus and instruments for the treatment of cellulite; medical apparatus and instruments for body toning and body shaping; medical apparatus and instruments for the removal of fat, circumference reduction, tightening of skin, reduction of wrinkles, reduction of scars, reduction of stretch marks, rejuvenation of skin, and treatment of pigmentation spots; above medical apparatuses with exception for the treatment of the nasopharynx including inhalers and nasal irrigators; massage apparatus; medical apparatus and instruments for aesthetic skin treatment procedures; medical apparatus generating electromagnetic, magnetic, electrical, mechanical or thermal energy for use in skin treatment procedures; medical apparatus particularly apparatus for pain management, elimination of muscle spasms; gynaecological and urological apparatus and instruments, namely, for genital rejuvenation, treatment sexual dysfunction, gynecological treatment and pelvic floor treatment.</p>
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6,069,279	EMSCULPT	Jun. 2, 2020	Feb. 19, 2018	Class 44: medical services; gynecology services; medical equipment rental; cosmetic and plastic surgery; beauty salons; liposuction services; removal of body cellulite.
6,206,098	EM	Nov. 24, 2020	July 2018	<p>Class 10: Physical therapy devices for treating muscle spasms and pain management; medical apparatus and instruments, in particular apparatus and instruments for the treatment of cellulite, apparatus and instruments for body toning and body shaping, apparatus and instruments for the removal of fat, circumference reduction; medical devices for use in treating gynecological disorders, pelvic area disorders, bladder disorders and incontinence.</p> <p>Class 44: Health assessment services; medical services, namely, providing treatment for patients with gynecological disorders, pelvic area disorders, bladder disorders and incontinence; gynecological services; urology medical care services; rental of medical apparatus and equipment; cosmetic and plastic surgery; beauty salon services; liposuction and surgical body shaping services; medical services, namely, removal of body cellulite; physical therapy services.</p>

5,915,636	EM	Nov. 19, 2019	Jan. 8, 2019	<p>Class 10: Physical therapy devices for treating muscle spasms and pain management; medical apparatus and instruments, in particular apparatus and instruments for the treatment of cellulite, apparatus and instruments for body toning and body shaping, and apparatus and instruments for the removal of fat, circumference reduction; medical devices for use in treating gynecological disorders, pelvic area disorders, bladder disorders and incontinence.</p> <p>Class 44: Health assessment services; medical services, namely, providing treatment for patients with gynecological disorders, pelvic area disorders, bladder disorders and incontinence; gynecological services; urology medical care services; rental of medical apparatus and equipment; cosmetic and plastic surgery; beauty salon services; liposuction and surgical body shaping services; medical services, namely, removal of body cellulite; physical therapy services.</p>
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18. BTL has continuously and exclusively used the BTL Trademarks and has never abandoned them. The BTL Trademarks are validly registered in the United States and are in full force and effect. True and correct status copies of the trademark registrations for each of the above trademarks, obtained from the Trademark Status Document Retrieval (the “TSDR”) database of



the United States Patent and Trademark Office, are attached to this Complaint as **Composite Exhibit E**, attached hereto (Trademark Registrations). These registrations constitute *prima facie* evidence of validity of the BTL Trademarks and BTL's exclusive right to use the BTL Trademarks under 15 U.S.C. § 1057(b).

19. The BTL Trademarks, therefore, perform an important source-identifying function for BTL's aesthetic body-contouring devices like the EMSCULPT® and associated treatment services. The BTL Trademarks signify to purchasers that the body-contouring devices come from BTL, and the body-contouring services are rendered by BTL's devices and administered by BTL-trained and BTL-authorized service providers. The market reputation and consumer goodwill associated with the BTL Trademarks are of significant value to BTL.

#### **NATURE OF THIS ACTION**

20. This is a civil action brought by BTL arising out of Alix Lasers's past and present patent infringement in violation of the patent laws of the United States, past and present trademark infringement, unfair competition, false designation of origin, and false advertising under the Lanham Act, 15 U.S.C. §§ 1114 and 1125(a); trademark infringement and unfair competition under the FDUTPA; and common law trademark infringement and unfair competition.

21. On information and belief, Alix Lasers markets, advertises, uses, offers to sell, and sells non-invasive body contouring devices, which utilize electromagnetic waves to generate muscle contractions (the "Accused Device"). Specifically, Alix Lasers advertises, uses, offers to sell, and sells the EMS Power Plus device and uses terms such as HI-EMT and #emsscuptl which are confusingly similar variations of the BTL Trademarks to market these devices.

22. On information and belief, Alix Lasers has since at least October 24, 2023, known of BTL's patents and trademarks when attorneys for BTL sent Alix Lasers an initial letter apprising

it of its infringing conduct. After no response, attorneys for BTL sent a follow-up letter on November 30, 2023, urging Alix Lasers to cease and desist from engaging in the activity in question and respond to the initial letter. After no response, attorneys for BTL sent a final follow-up letter on January 30, 2024, reiterating the same sentiment from the previous letter. A response was received from Alix Lasers following the letter dated January 30, 2024. Attorneys for BTL and representatives of Alix Lasers proceeded to communicate regarding the materials identified in the letters. Alix Lasers agreed to comply with the letters and appeared to do so until on or around February 21, 2024, when Alix Lasers began offering for sale on its website a new device, the Accused Device, which is the same device, marked differently, that was the subject of the previous letters. The three letters are attached hereto as **Composite Exhibit F** (Letters).

23. The below images are representative of Alix Lasers's infringing conduct:

**EMS POWER PLUS**

SKU: ALSAHEMS

Machine for weight loss, muscle building and skin tightening with Automatic Alix System

**FDA CERTIFIED 510K** **FREE CONSULTATION** **FLEXIBLE FINANCING OPTIONS**

**ALIX SAPHIR @ EMS POWER PLUS: Sculpt Your Dream Body**

- Achieve weight loss and muscle building goals effortlessly.
- Experience skin tightening and radio frequency treatments.
- Get the benefits of 45 minutes of treatment in just 5 hours at the gym.
- ALIX EMS BODY TRAINER shapes your body to perfection.
- Skin firming

✕ Complete Treatment Equipment Included  
🚚 Complimentary Delivery by Customer Service  
🎓 Access to Online Training Academy (Included Certification)

**Get your expert consultation**

(<https://alix-lasers.us/products/alix-saphir-%C2%AE-ems-power-plus>; accessed May 17, 2024)

# HI-EMT Technology: Muscle Growth and Fat Reduction

Utilizing **HI-EMT (High-Intensity Focused Electro-Magnetic Technology)**, the ALIX EMS BODY TRAINER induces muscles to expand and contract continuously, akin to extreme training. This process deeply reshapes the internal structure of the muscles, leading to **muscle growth (myofibril growth)** and the production of new protein chains and muscle fibers (**muscle hyperplasia**). Consequently, this increases **muscle density and volume**. The technology also causes muscles to reach a **100% contraction limit**, leading to significant **fat loss** as fatty acids are broken down and eliminated from the body's normal metabolism. Medical research indicates that this technology can effectively increase muscle by **16%** and reduce fat by **19%** at the end of a treatment.

(<https://alix-lasers.us/products/alix-saphir-%C2%AE-ems-power-plus>; accessed May 16, 2024)

#startyourbeautybusiness #beautysalon #entrepreneurship  
#BeautySalon #AestheticianLife #SkinCareGoals #emsscupt  
#emsmachine #GlowUp #FlawlessSkin #BeautyRoutine  
#SalonExperience #SkinCareMagic #ems #emsdevice  
#SkinLove

([https://www.instagram.com/p/C17vFCYoD0e/?img\\_index=2](https://www.instagram.com/p/C17vFCYoD0e/?img_index=2); accessed May 16, 2024)

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# ALIX SAPHIR<sup>®</sup> EMS POWER PLUS



([https://www.instagram.com/p/C17vFCYoD0e/?img\\_index=2](https://www.instagram.com/p/C17vFCYoD0e/?img_index=2); accessed May 17, 2024)

24. Alix Lasers's use of HI-EMT, #emsscuptl, and any other confusingly similar variations of the BTL Trademarks is without BTL's authorization.

25. On information and belief, the Accused Device uses time-varying magnetic fields that are applied to a patient's skin and held there using a flexible belt attached to an applicator that includes a magnetic-field generating coil. On information and belief, the magnetic-field-generating coil generates a time-varying, magnetic field, and the device applies a magnetic flux of 50 T cm<sup>2</sup> to 1,500 T cm<sup>2</sup> and causes muscle contractions. For example, Alix Lasers advertises the device as using electromagnetic fields and each applicator of the Accused Device as generating up to 7 Tesla. Based on the size of the applicators (handpieces), this is expected to fall within the claimed range. The listed "pulse length 310µs±20%" and "[s]ymmetric [b]iphasic [p]ulse, [m]ax 50Hz" indicates

use of a time-varying, magnetic fields. Finally, the image below depicts the applicator being held to a patient's abdomen with a flexible belt.



(<https://alix-lasers.us/products/alix-saphir-%C2%AE-ems-power-plus>; accessed May 22, 2024)

26. On information and belief, the applicators are specifically designed for application to the abdomen and buttocks. For example, Alix Lasers advertises that the applicators are “perfectly simulate[d to] the curve of the buttocks and specifically addresses the gluteal muscles.” See <https://alix-saphir.com/en/products/ems-plus/>. Alix Lasers also advertises the device’s ability to “train the abs” and “help[] to tighten loose abdominal muscles and reduce abdominal circumference.” See <https://alix-lasers.us/products/alix-saphir-%C2%AE-ems-power-plus>. The image above also shows an applicator in contact with a patient’s abdomen.

27. On information and belief, the Accused Device implements the same or substantively the same technology as the Asserted Patent and perform each and every limitation of at least one claim of the Asserted Patent, either literally or under the doctrine of equivalents. By importing, using, offering to sell, and selling the Accused Device in the United States, Alix Lasers

has and continued to directly infringe, literally or under the doctrine of equivalents, one or more claims of the Asserted Patent under 35 U.S.C. § 271(a).

28. On information and belief, Alix Lasers has and continues to actively encourage, promote, distribute, provide instruction for, and support the use of the Accused Device by their customers or employees in a manner that directly infringes, either literally or under the doctrine of equivalents, one or more claims of the Asserted Patent under 35 U.S.C. § 271(b), knowing and intending that Alix Lasers's customers and employees would commit acts in such a manner as to directly infringe at least the Asserted Patent.

**COUNT I: INFRINGEMENT OF U.S. PATENT NO 10,478,634**

29. BTL repeats and re-alleges paragraphs 1-23 as if fully set forth herein.

30. The '634 Patent is directed towards a method for toning muscles in a patient using time-varying, magnetic fields. Claim 1 of the patent recites:

A method for toning muscles in a patient using time-varying magnetic fields, the method comprising:

placing a first applicator comprising a magnetic field generating coil in contact with a patient's skin or clothing at a body region of the patient, wherein the body region is an abdomen or a buttock;

coupling the first applicator to the patient with an adjustable flexible belt so that the belt holds the first applicator to the patient's skin or clothing;

providing energy to the magnetic field generating coil in order to generate a time-varying magnetic field; and

applying a magnetic fluence of 50 T cm<sup>2</sup> to 1,500 T cm<sup>2</sup> to the body region,

wherein the time-varying magnetic field is applied to the body region with a magnetic flux density sufficient to cause a muscle contraction in the body region.

31. For the reasons stated in paragraphs 20–23, the intended use of the Accused Device meets each and every limitation of at least claim 1 of the '634 Patent.

32. Defendant has induced infringement and continues to induce infringement, literally or under the doctrine of equivalents, of at least claim 1 of the '634 Patent by using, offering to sell, selling, and/or importing the Accused Device in the United States and by encouraging, promoting, and instructing customers to use the Accused Device in a manner that directly infringes the '634 Patent. On information and belief, Alix Lasers was aware of the '634 Patent since before the filing of this Complaint. On information and belief, Alix Lasers has known that the Accused Device is designed for a use that infringes one or more claims of the '634 Patent, and the Accused Device lacks a substantial non-infringing use. On information and belief, Alix Lasers has, and will continue to, intentionally encourage acts of direct infringement with knowledge of the '634 Patent and knowledge that its acts are encouraging infringement.

33. Alix Lasers's indirect infringement of the '634 Patent has been, and continues to be, willful. On information and belief, Defendant has been aware of the '634 Patent since before the filing of this Complaint and has infringed the '634 Patent willfully and deliberately and with knowledge that such conduct violates 35 U.S.C. § 271.

34. Alix Lasers's indirect infringement of the '634 Patent has damaged, and continues to damage, BTL in an amount yet to be determined, of at least a reasonable royalty and/or lost profits that BTL would have made but for Alix Lasers's infringing acts as provided by 35 U.S.C. § 284.

35. BTL will suffer irreparable harm unless Alix Lasers is enjoined from infringing the '634 Patent.

**COUNT II: TRADEMARK INFRINGEMENT UNDER 15 U.S.C. § 1114**

36. BTL repeats and re-alleges paragraphs 1-23 as if fully set forth herein.

37. By using “HI-EMT” and “#emsscupt,” Alix Lasers is creating confusion among the consuming public as to the source, origin, sponsorship, and/or affiliation of the Accused Device with BTL.

38. Alix Lasers’s conduct relating to the BTL Trademarks is without authorization.

39. Alix Lasers is thus in violation of 15 U.S.C. § 1114 regarding the BTL Trademarks and 15 U.S.C. § 1125(s) regarding the use of “HI-EMT” and “#emsscupt,” and/or other identical or confusingly similar terms.

40. Alix Lasers’s actions have caused BTL irreparable harm for which BTL is entitled to a permanent injunction under 15 U.S.C. § 1116.

41. Such acts further cause harm to BTL, including without limitation to BTL’s reputation and goodwill, for which BTL is entitled to recover actual damages as well as the costs of any necessary or corrective advertising.

42. Because Alix Lasers’s conduct is willful, malicious, and exceptional, BTL is entitled to an accounting of profits, attorneys’ fees, and multiplied damages.

**COUNT III: FEDERAL UNFAIR COMPETITION, FALSE DESIGNATION OF ORIGIN, AND FALSE ADVERTISING UNDER 15 U.S.C. § 1125**

43. BTL repeats and re-alleges paragraphs 1-23 as if fully set forth herein.

44. Alix Lasers has no right to use confusingly similar variations of the BTL Trademarks in connection with its goods, yet Alix Lasers has passed off its goods to the public as if they were BTL’s goods.



45. Alix Lasers has falsely held itself out to customers and potential customers as being connected with BTL.

46. Alix Lasers has acted with intent to confuse or deceive the public as to the source and origin of its goods and services.

47. Alix Lasers's false designation of origins and false representations constitute unfair competition under 15 U.S.C. § 1125.

**COUNT IV: VIOLATION OF THE FLORIDA DECEPTIVE AND UNFAIR TRADE PRACTICES ACT UNDER FLA. STAT. § 501.201 *et seq.***

48. BTL repeats and re-alleges paragraphs 1-23 as if fully set forth herein.

49. The acts of Alix Lasers complained of herein in Counts II–III constitute deceptive and unfair trade practices in violation of FDUTPA, Fla. Stat. § 501.201 *et seq.*

50. Alix Lasers's unauthorized, intentional, and willful use of marks confusingly similar to the BTL Trademarks to promote, market, offer for sale, and sell the Accused Device constitutes deceptive and unfair trade practices in violation of FDUTPA, Fla. Stat. § 501.201 *et seq.*

51. Alix Lasers's unauthorized, intentional, and willful representations are false and misleading and were done to deceive the consuming public in Florida and to capitalize on the goodwill developed by BTL.

52. Alix Lasers's use of marks confusingly similar to the BTL Trademarks in connection with the marketing and sale of the Accused Device constitutes unfair competition that is likely to cause confusion, mistake, and deception among consumers as to the affiliation, connection, or association with BTL or the origin, sponsorship, or approval of Alix Lasers's infringing services by BTL. Alix Lasers's deceptive actions are likely to influence the consuming

public's purchasing decisions. Alix Lasers's unfair competition jeopardizes the goodwill created by BTL in the BTL Trademarks.

53. Despite its actual and constructive knowledge of BTL's use and rights in the BTL Trademarks, Alix Lasers has continued to use marks confusingly similar to the BTL Trademarks in association with the promotion, advertising, marketing, and/or sale of the Accused Device without BTL's authorization or consent. Alix Lasers's actions are deliberate and willful and have been done with the intention of trading upon the valuable goodwill created by BTL in the BTL Trademarks.

54. BTL has sustained injury, damage, and loss in Florida based on Alix Lasers's actions. Alix Lasers's actions directly or indirectly affected Florida.

55. Alix Lasers is liable for a violation of FDUTPA, Fla. Stat. § 501.201 *et seq.*

56. Pursuant to §§ 501.2105 and 501.211, BTL is entitled to recover its actual damages, plus reasonable attorneys' fees and costs.

**COUNT V: COMMON LAW TRADEMARK INFRINGEMENT  
AND UNFAIR COMPETITION**

57. BTL repeats and re-alleges paragraphs 1-23 as if fully set forth herein.

58. Alix Lasers has without authorization, intentionally, willfully, and maliciously used marks confusingly similar to the BTL Trademarks to promote, market, offer for sale, and sell the Accused Device.

59. By the acts described herein, Alix Lasers has intentionally infringed the BTL Trademarks and engaged in unfair competition with respect to BTL in violation of the common law of the State of Florida.

60. Alix Lasers's actions have caused and will continue to cause BTL to sustain actual damages and lost profits in this District.

61. BTL has no adequate remedy at law and will continue to suffer irreparable harm unless Alix Lasers is enjoined.

**PRAYER FOR RELIEF**

WHEREFORE BTL requests entry of judgment against Alix Lasers as follows:

A. A judgment that Alix Lasers has infringed one or more claims of U.S. Patent No. 10,478,634 in violation of 35 U.S.C. § 271(a)-(c);

B. An award of damages for infringement of the '634 Patent in the amount of not less than \$125,000.00, with said damages to be trebled because of the intentional, willful, and malicious nature of Alix Lasers's infringement, as provided by 35 U.S.C. § 284;

C. A judgment that Alix Lasers has willfully and maliciously infringed one or more claims of the '634 Patent;

D. A determination that this case is "exceptional" under 35 U.S.C. § 285 and an award of BTL's reasonable attorneys' fees;

E. An order permanently enjoining Alix Lasers, its officers, directors, employees, agents, and all persons acting in concert with it, from infringing the '634 Patent;

F. A judgment that Alix Lasers has violated the Lanham Act, 15 U.S.C. § 1114, by committing acts of trademark infringement;

J. A judgment that Alix Lasers's "HI-EMT" mark is confusingly similar to BTL's HIFEM trademark and that Alix Laser's use of that mark, as alleged in this Complaint, infringes BTL's HIFEM trademark;

K. A judgment that Alix Lasers's "#emsscupt" mark is confusingly similar to BTL's EMSCULPT trademark and that Alix Lasers's use of that mark, as alleged in this Complaint, infringes BTL's EMSCULPT trademark;

L. A judgment that Alix Lasers's conduct in violating BTL's trademarks was willful and malicious;

M. A judgment that Alix Lasers's has violated the Lanham Act, 15 U.S.C. § 1125(a), by committing acts of federal unfair competition, false designation of origin, and false advertising;

N. An award of damages for Alix Lasers's infringement of the BTL Trademarks, including Alix Lasers's profits, any damages sustained by BTL, and the costs of the action as provided by 15 U.S.C. § 1117(a), with said damages to be trebled because of the intentional, willful, and malicious nature of Alix Lasers's infringement, as provided by 15 U.S.C. § 1117(b);

P. A judgment that this case is "exceptional" under 15 U.S.C. § 1117(a) and an award of reasonable attorneys' fees;

Q. An award of damages against Alix Lasers as a result of its wrongful acts against BTL in an amount to be proved at trial;

R. A judgment that Alix Lasers has violated the Florida Deceptive and Unfair Trade Practices Act, Fla. State. § 501.201 *et seq.*;

S. An award of pre-and post-judgment interest of any monetary damages at the highest rate allowed by law;

T. Permanent injunctive relief enjoining Alix Lasers from:

i. using the BTL Trademarks or any confusingly similar marks, in any manner in connection with the promotion, marketing, advertising, offering for sale, or sale of any good or service that is not a good or service offered by a genuine BTL product, or is not authorized by BTL to be offered in connection with the BTL Trademarks;

ii. passing off, inducing, or enabling others to sell or pass off any good or service as a good or service offered by a genuine BTL product, or any other good or service

offered by BTL, that is not BTL's or not offered under the authorization, control, or supervision of BTL and approved by BTL for sale under the BTL Trademarks;

iii. committing any acts calculated to cause consumers to believe that Alix Lasers's goods or services are those sold under the authorization, control, or supervision of BTL, or are sponsored by, approved by, or otherwise connected with BTL; and

iv. further infringing BTL's Trademarks and damaging BTL's goodwill; using <https://alix-lasers.us/> or any other website from

T. An order barring <https://alix-lasers.us/> or any other website used by Alix Laser from offering up products or services that violate BTL's Trademarks or infringing the '634 Patent;

U. An order barring any financial service, bank, payment servicing company, from processing orders for products or services that violate BTL's Trademarks or infringing the '634 Patent;

V. An award of BTL's costs and expenses in this action; and

W. For such other relief as the Court may deem just and proper.

Dated: August 28, 2024

Respectfully submitted,

**ASSOULINE & BERLOWE, P.A.**

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