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8 *Novoluto GmbH*

9 **UNITED STATES DISTRICT COURT**  
10 **CENTRAL DISTRICT OF CALIFORNIA, SOUTHERN DIVISION**

11  
12 NOVOLUTO GMBH, § Case No. 8:24-cv-01907  
13 Plaintiff, §  
14 vs. § **COMPLAINT FOR PATENT**  
15 XR, LLC D/B/A XR BRANDS, § **INFRINGEMENT**  
16 Defendant. § **JURY TRIAL DEMANDED**  
17 §

18 **NOVOLUTO GMBH’S**  
19 **COMPLAINT FOR PATENT INFRINGEMENT**

20 Plaintiff, Novoluto GmbH (“Novoluto” or “Plaintiff”), files this complaint  
21 against Defendant, XR, LLC d/b/a XR Brands (“XR Brands” or “Defendant”),  
22 seeking damages and other relief for XR Brands’ infringement of U.S. Patent Nos.  
23 9,763,851, 10,857,063, 11,090,220, 11,103,418, 9,849,061, and 9,937,097.  
24 Novoluto, by and through its counsel, alleges and states, with knowledge as to its  
25 own acts and on information and belief as to other matters, as follows:

26 **NATURE OF ACTION**

27 1. This is a patent infringement case arising under the Patent Laws of the  
28 United States, 35 U.S.C. § 1, et seq.



**JURISDICTION AND VENUE**

6. This is an action for patent infringement arising under the patent laws of the United States, 35 U.S.C. §§ 1 et seq. This Court has subject matter jurisdiction over this action pursuant to at least 28 U.S.C. §§ 1331 and 1338(a).

7. This Court has personal jurisdiction over Defendant because, *inter alia*, Defendant resides in California and has its principal place of business in this District, regularly conducts business in this District, and continues to commit acts of patent infringement in this District, including by making, using, offering to sell, and/or selling products that infringe the Asserted Patents within this District.

8. Venue is proper in the Central District of California pursuant to 28 U.S.C. § 1400(b) because Defendant resides in, has committed and continues to commit acts of patent infringement in, and has its principal place of business in, this District.

**BACKGROUND**

9. The Asserted Patents describe the first sexual stimulation devices to use modulated positive and negative pressures with respect to a reference pressure to enhance sexual arousal.

10. The '851, '063, '220, and '418 Patents are each generally directed to a handheld sexual stimulation device with various components and features, including an opening through which modulated positive and negative pressures can be applied to female erogenous zones, particularly the clitoris. The '097 and '061 Patents are also generally directed to handheld sexual stimulation devices that, among other features, each include an opening through which modulated positive and negative pressures can be applied to female erogenous zones, particularly the clitoris, as well as a vaginal dildo appendage.

11. The commercial embodiments of the Asserted Patents are branded under the originally German name, "Womanizer®", a name given by the German inventor, inspired by the idea that the invention would revolutionize sexual arousal

1 for women. Translated to English, the name bears unfortunate colloquial negative  
2 connotations that have been noted by various commentators; however, due to the  
3 products' patented features, the products experienced such rapid success that a name  
4 change in the United States became impractical. The commercial embodiments of  
5 the Asserted Patents include, among others, the "Classic," "Premium," "Starlet," and  
6 "Pro40" products, and are collectively referred to here as "Commercial  
7 Embodiments." The Commercial Embodiments have been described as "an entirely  
8 new type of sex toy," "totally unique," and "nothing short of perfection."

9 12. After Novoluto filed the applications that led to the Asserted Patents  
10 and launched the first commercial embodiments, the industry saw an influx of  
11 devices attempting to capitalize on the innovative technology disclosed in the  
12 Asserted Patents, including a multitude of Defendant's "Rose" type products (both  
13 with and without appendages), as well as various products in Defendant's Shegasm  
14 and Bloomgasm lines of products.

15 13. On information and belief, Defendant has been aware of the Asserted  
16 Patents and the Commercial Embodiments since before the commercial release of  
17 Defendant's first air pleasure product.

18 14. As explained in more detail below and in the associated claim charts  
19 included with this complaint (Exhibits 7-12), the Accused Products infringe the  
20 Asserted Patents.

## 21 COUNT I

### 22 INFRINGEMENT OF U.S. PATENT NO. 9,763,851

23 15. Plaintiff realleges and incorporates by reference the allegations in the  
24 preceding paragraphs.

25 16. The '851 Patent is titled "Stimulation Device." On September 19,  
26 2017, the '851 Patent was duly and legally issued by the U.S. Patent and Trademark  
27 Office (USPTO). Novoluto is the assignee of the entire right, title, and interest in  
28 and to the '851 Patent, including all rights to enforce this patent against infringers.

1 A true and correct copy of the '851 Patent is attached as Exhibit 1.

2 17. Defendant has infringed at least claim 1 of the '851 Patent at least by  
3 making, using, selling, offering to sell, and/or importing stimulation devices such as  
4 the Accused Products in the United States.

5 18. At least each of the Shegasm Mini 12x Mini Silicone Clit Stimulator,  
6 Shegasm Focused Clitoral Stimulator, Mystic Rose Sucking & Vibrating Silicone  
7 Rose, Romping Rose 10x Suction Rose Thrusting Vibrator, and Passion Petals 10x  
8 Silicone Suction Rose Vibrator directly infringe, either literally or under the doctrine  
9 of equivalents, at least claim 1 of the '851 Patent, under 35 U.S.C. § 271(a). A  
10 representative claim chart showing that the Romping Rose 10X Suction Rose &  
11 Thrusting Vibrator ("The Romping Rose") includes each and every element of  
12 representative claim 1 of the '851 Patent, and therefore infringes the '851 Patent, is  
13 attached as Exhibit 7. The Romping Rose is a representative infringing product that  
14 is functionally and structurally substantially similar to the previously listed products,  
15 which also infringe, either literally or under the doctrine of equivalents, at least claim  
16 1 of the '851 Patent.

17 19. On information and belief, Defendant has had knowledge of the '851  
18 Patent and the application from which it issued prior to the issuance of the '851  
19 Patent.

20 20. On information and belief, Defendant also provided their customers  
21 with instructions and training, including user manuals and instructional videos, that  
22 teach, recommend and induce the infringing use and operation of the Accused  
23 Products in the United States.

24 21. On information and belief, Defendant is aware that use and operation  
25 of the Accused Products in the United States by Defendant or their customers  
26 directly infringes the '851 Patent.

27 22. On information and belief, Defendant, with knowledge of the '851  
28 Patent, encourages distributors and retailers to sell the Accused Products and

1 specifically educates distributors and retailers on the infringing use and operation of  
2 the Accused Products in the United States.

3 23. On information and belief, Defendant aids and abets their customers'  
4 direct infringement of the '851 Patent with knowledge that use of the Accused  
5 Products in the United States directly infringes the '851 Patent.

6 24. Defendant's actions actively induce infringement of the '851 Patent.  
7 Accordingly, Defendant is also liable for indirect infringement pursuant to 35 U.S.C.  
8 § 271(b).

9 25. On information and belief, Defendant knows that the Accused Products  
10 are not staple articles of commerce, are not suitable for substantial non-infringing  
11 use, and are especially made or adapted for use in a manner that infringes Novoluto's  
12 patent rights associated with the '851 Patent.

13 26. Defendant's actions constitute contributory infringement of the '851  
14 Patent pursuant to 35 U.S.C. § 271(c).

15 27. Novoluto has been damaged by Defendant's infringing conduct. Thus,  
16 Defendant is liable to Novoluto in an amount that adequately compensates it for such  
17 infringement, which, by law, cannot be less than a reasonable royalty, together with  
18 interest and costs as fixed by this Court under 35 U.S.C. § 284.

19 28. On information and belief, Defendant's infringement of the '851 Patent  
20 has been willful at least because despite being aware of the '851 Patent and being  
21 aware of the similarities between the Accused Products and the Commercial  
22 Embodiments, such infringing conduct continues in conscious disregard of  
23 Novoluto's rights in the '851 Patent.

24 29. Novoluto has satisfied all statutory obligations required to collect pre-  
25 filing damages for the full period allowed by law for Defendant's infringement of  
26 the '851 Patent.

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1 **COUNT II**

2 **INFRINGEMENT OF U.S. PATENT NO. 10,857,063**

3 30. Plaintiff realleges and incorporates by reference the allegations in  
4 the preceding paragraphs.

5 31. The '063 Patent is titled "Stimulation Device." On December 8,  
6 2020, the '063 Patent was duly and legally issued by the USPTO. Novoluto is  
7 the assignee of the entire right, title, and interest in and to the '063 Patent,  
8 including all rights to enforce this patent against infringers. A true and correct  
9 copy of the '063 Patent is attached as Exhibit 2.

10 32. Defendant has infringed at least claim 1 of the '063 Patent at least by  
11 making, using, selling, offering to sell, and/or importing stimulation devices such as  
12 the Accused Products in the United States.

13 33. At least each of the Bloomgasm Wild Rose 10x Suction Clit Stimulator,  
14 The Perfect Rose Clitoral Stimulator, Sweet Heart Rose 5x Suction Rose + 10K  
15 Vibrator, Bloomgasm Rose Duet Sucking & Vibrating Silicone Duo, Enchanted  
16 Rose 10x Clit Stimulator, Blooming Bunny Sucking & Thrusting Silicone Rabbit  
17 Vibrator, The Double Tease Rose 10x Sucking & Licking Rose Stimulator, Gossip  
18 Rose Crave 10X Silicone Clit Stimulator, Shegasm 5 Star Vibe Tech, and Royalty  
19 Rose Textured Suction Clit Stimulator directly infringe, either literally or under the  
20 doctrine of equivalents, at least claim 1 of the '063 Patent, under 35 U.S.C. § 271(a).  
21 A representative claim chart showing that the Enchanted Rose 10X Clit Stimulator  
22 includes each and every element of representative claim 1 of the '063 Patent, and  
23 therefore infringes the '063 Patent, is attached as Exhibit 8. The Enchanted Rose is  
24 a representative infringing product that is functionally and structurally substantially  
25 similar to the previously listed products, which also infringe, either literally or under  
26 the doctrine of equivalents, at least claim 1 of the '063 Patent.

27 34. On information and belief, Defendant has had knowledge of the '063  
28 Patent and the application from which it issued prior to the issuance of the '063

1 Patent.

2 35. On information and belief, Defendant also provided their customers  
3 with instructions and training, including user manuals and instructional videos, that  
4 teach, recommend and induce the infringing use and operation of the Accused  
5 Products in the United States.

6 36. On information and belief, Defendant is aware that use and operation  
7 of the Accused Products in the United States by Defendant or their customers  
8 directly infringes the '063 Patent.

9 37. On information and belief, Defendant, with knowledge of the '063  
10 Patent, encourages distributors and retailers to sell the Accused Products and  
11 specifically educates distributors and retailers on the infringing use and operation of  
12 the Accused Products in the United States.

13 38. On information and belief, Defendant aids and abets their customers'  
14 direct infringement of the '063 Patent with knowledge that use of the Accused  
15 Products in the United States directly infringes the '063 Patent.

16 39. Defendant's actions actively induce infringement of the '063 Patent.  
17 Accordingly, Defendant is also liable for indirect infringement pursuant to 35 U.S.C.  
18 § 271(b).

19 40. On information and belief, Defendant knows that the Accused Products  
20 are not staple articles of commerce, are not suitable for substantial non-infringing  
21 use, and are especially made or adapted for use in a manner that infringes Novoluto's  
22 patent rights associated with the '063 Patent.

23 41. Defendant's actions constitute contributory infringement of the '063  
24 Patent pursuant to 35 U.S.C. § 271(c).

25 42. Novoluto has been damaged by Defendant's infringing conduct. Thus,  
26 Defendant is liable to Novoluto in an amount that adequately compensates it for such  
27 infringement, which, by law, cannot be less than a reasonable royalty, together with  
28 interest and costs as fixed by this Court under 35 U.S.C. § 284.



1 43. On information and belief, Defendant’s infringement of the ’063 Patent  
2 has been willful at least because despite being aware of the ’063 Patent and being  
3 aware of the similarities between the Accused Products and the Commercial  
4 Embodiments, such infringing conduct continues in conscious disregard of  
5 Novoluto’s rights in the ’063 Patent.

6 44. Novoluto has satisfied all statutory obligations required to collect pre-  
7 filing damages for the full period allowed by law for Defendant’s infringement of  
8 the ’063 Patent.

9 **COUNT III**

10 **INFRINGEMENT OF U.S. PATENT NO. 11,090,220**

11 45. Plaintiff realleges and incorporates by reference the allegations in the  
12 preceding paragraphs.

13 46. The ’220 Patent is titled “Stimulation Device.” On August 17, 2021,  
14 the ’220 Patent was duly and legally issued by the USPTO. Novoluto is the assignee  
15 of the entire right, title, and interest in and to the ’220 Patent, including all rights to  
16 enforce this patent against infringers. A true and correct copy of the ’220 Patent is  
17 attached as Exhibit 3.

18 47. Defendant has infringed at least claim 1 of the ’220 Patent at least by  
19 making, using, selling, offering to sell, and/or importing stimulation devices such as  
20 the Accused Products in the United States.

21 48. At least each of the Bloomgasm Wild Rose 10x Suction Clit Stimulator,  
22 Shegasm Mini 12x Mini Silicone Clit Stimulator, Shegasm Focused Clitoral  
23 Stimulator, The Perfect Rose Clitoral Stimulator, Sweet Heart Rose 5x Suction Rose  
24 + 10K Vibrator, Bloomgasm Rose Duet Sucking & Vibrating Silicone Duo,  
25 Enchanted Rose 10x Clit Stimulator, Blooming Bunny Sucking & Thrusting  
26 Silicone Rabbit Vibrator, The Double Tease Rose 10x Sucking & Licking Rose  
27 Stimulator, The Romping Rose, Royalty Rose Textured Suction Clit Stimulator,  
28 Gossip Rose Crave 10X Silicone Clit Stimulator, Shegasm 5 Star Vibe Tech, and

1 Passion Petals 10x Silicone Suction Rose Vibrator directly infringe, either literally  
2 or under the doctrine of equivalents, at least claim 1 of the '220 Patent, under 35  
3 U.S.C. § 271(a). A representative claim chart showing that The Romping Rose  
4 includes each and every element of representative claim 1 of the '220 Patent, and  
5 therefore infringes the '220 Patent, is attached as Exhibit 9. The Romping Rose is a  
6 representative infringing product that is functionally and structurally substantially  
7 similar to the previously listed products, which also infringe, either literally or under  
8 the doctrine of equivalents, at least claim 1 of the '220 Patent.

9 49. On information and belief, Defendant has had knowledge of the '220  
10 Patent and the application from which it issued prior to the issuance of the '220  
11 Patent.

12 50. On information and belief, Defendant also provided their customers  
13 with instructions and training, including user manuals and instructional videos, that  
14 teach, recommend and induce the infringing use and operation of the Accused  
15 Products in the United States.

16 51. On information and belief, Defendant is aware that use and operation  
17 of the Accused Products in the United States by Defendant or their customers  
18 directly infringes the '220 Patent.

19 52. On information and belief, Defendant, with knowledge of the '220  
20 Patent, encourages distributors and retailers to sell the Accused Products and  
21 specifically educates distributors and retailers on the infringing use and operation of  
22 the Accused Products in the United States.

23 53. On information and belief, Defendant aids and abets their customers'  
24 direct infringement of the '220 Patent with knowledge that use of the Accused  
25 Products in the United States directly infringes the '220 Patent.

26 54. Defendant's actions actively induce infringement of the '220 Patent.  
27 Accordingly, Defendant is also liable for indirect infringement pursuant to 35 U.S.C.  
28 § 271(b).



1 making, using, selling, offering to sell, and/or importing stimulation devices such as  
2 the Accused Products in the United States.

3 63. At least each of the Bloomgasm Wild Rose 10x Suction Clit Stimulator,  
4 Shegasm Mini 12x Mini Silicone Clit Stimulator, Shegasm Focused Clitoral  
5 Stimulator, The Perfect Rose Clitoral Stimulator, Sweet Heart Rose 5x Suction Rose  
6 + 10K Vibrator, Bloomgasm Rose Duet Sucking & Vibrating Silicone Duo,  
7 Enchanted Rose 10x Clit Stimulator, Blooming Bunny Sucking & Thrusting  
8 Silicone Rabbit Vibrator, The Double Tease Rose 10x Sucking & Licking Rose  
9 Stimulator, The Romping Rose, Royalty Rose Textured Suction Clit Stimulator,  
10 Gossip Rose Crave 10X Silicone Clit Stimulator, Shegasm 5 Star Vibe Tech, and  
11 Passion Petals 10x Silicone Suction Rose Vibrator directly infringe, either literally  
12 or under the doctrine of equivalents, at least claim 1 of the '418 Patent, under 35  
13 U.S.C. § 271(a). A representative claim chart showing that The Romping Rose  
14 includes each and every element of representative claim 1 of the '418 Patent, and  
15 therefore infringes the '418 Patent, is attached as Exhibit 10. The Romping Rose is  
16 a representative infringing product that is functionally and structurally substantially  
17 similar to the previously listed products, which also infringe, either literally or under  
18 the doctrine of equivalents, at least claim 1 of the '418 Patent.

19 64. On information and belief, Defendant has had knowledge of the '418  
20 Patent and the application from which it issued prior to the issuance of the '418  
21 Patent.

22 65. On information and belief, Defendant also provided their customers  
23 with instructions and training, including user manuals and instructional videos, that  
24 teach, recommend and induce the infringing use and operation of the Accused  
25 Products in the United States.

26 66. On information and belief, Defendant is aware that use and operation  
27 of the Accused Products in the United States by Defendant or their customers  
28 directly infringes the '418 Patent.

1           67. On information and belief, Defendant, with knowledge of the '418  
2 Patent, encourages distributors and retailers to sell the Accused Products and  
3 specifically educates distributors and retailers on the infringing use and operation of  
4 the Accused Products in the United States.

5           68. On information and belief, Defendant aids and abets their customers'  
6 direct infringement of the '418 Patent with knowledge that use of the Accused  
7 Products in the United States directly infringes the '418 Patent.

8           69. Defendant's actions actively induce infringement of the '418 Patent.  
9 Accordingly, Defendant is also liable for indirect infringement pursuant to 35 U.S.C.  
10 § 271(b).

11           70. On information and belief, Defendant knows that the Accused Products  
12 are not staple articles of commerce, are not suitable for substantial non-infringing  
13 use, and are especially made or adapted for use in a manner that infringes Novoluto's  
14 patent rights associated with the '418 Patent.

15           71. Defendant's actions constitute contributory infringement of the '418  
16 Patent pursuant to 35 U.S.C. § 271(c).

17           72. Novoluto has been damaged by Defendant's infringing conduct. Thus,  
18 Defendant is liable to Novoluto in an amount that adequately compensates it for such  
19 infringement, which, by law, cannot be less than a reasonable royalty, together with  
20 interest and costs as fixed by this Court under 35 U.S.C. § 284.

21           73. On information and belief, Defendant's infringement of the '418 Patent  
22 has been willful at least because despite being aware of the '418 Patent and being  
23 aware of the similarities between the Accused Products and the Commercial  
24 Embodiments, such infringing conduct continues in conscious disregard of  
25 Novoluto's rights in the '418 Patent.

26           74. Novoluto has satisfied all statutory obligations required to collect pre-  
27 filing damages for the full period allowed by law for Defendant's infringement of  
28 the '418 Patent.

1 **COUNT V**

2 **INFRINGEMENT OF U.S. PATENT NO. 9,849,061**

3 75. Plaintiff realleges and incorporates by reference the allegations in the  
4 preceding paragraphs.

5 76. The '061 Patent is titled "Stimulation Device Having An Appendage."  
6 On December 26, 2017, the '061 Patent was duly and legally issued by the USPTO.  
7 Novoluto is the assignee of the entire right, title, and interest in and to the '061  
8 Patent, including all rights to enforce this patent against infringers. A true and  
9 correct copy of the '061 Patent is attached as Exhibit 5.

10 77. Defendant has infringed at least claim 1 of the '061 Patent at least by  
11 making, using, selling, offering to sell, and/or importing stimulation devices such as  
12 the Accused Products in the United States.

13 78. At least each of The Romping Rose and Passion Petals 10x Silicone  
14 Suction Rose Vibrator directly infringe, either literally or under the doctrine of  
15 equivalents, at least claim 1 of the '061 Patent, under 35 U.S.C. § 271(a). A  
16 representative claim chart showing that The Romping Rose includes each and every  
17 element of representative claim 1 of the '061 Patent, and therefore infringes the '061  
18 Patent, is attached as Exhibit 11. The Romping Rose is a representative infringing  
19 product that is functionally and structurally substantially similar to the previously  
20 listed products, which also infringe, either literally or under the doctrine of  
21 equivalents, at least claim 1 of the '061 Patent.

22 79. On information and belief, Defendant has had knowledge of the '061  
23 Patent and the application from which it issued prior to the issuance of the '061  
24 Patent.

25 80. On information and belief, Defendant also provided their customers  
26 with instructions and training, including user manuals and instructional videos, that  
27 teach, recommend and induce the infringing use and operation of the Accused  
28 Products in the United States.

1 81. On information and belief, Defendant is aware that use and operation  
2 of the Accused Products in the United States by Defendant or their customers  
3 directly infringes the '061 Patent.

4 82. On information and belief, Defendant, with knowledge of the '061  
5 Patent, encourages distributors and retailers to sell the Accused Products and  
6 specifically educates distributors and retailers on the infringing use and operation of  
7 the Accused Products in the United States.

8 83. On information and belief, Defendant aids and abets their customers'  
9 direct infringement of the '061 Patent with knowledge that use of the Accused  
10 Products in the United States directly infringes the '061 Patent.

11 84. Defendant's actions actively induce infringement of the '061 Patent.  
12 Accordingly, Defendant is also liable for indirect infringement pursuant to 35 U.S.C.  
13 § 271(b).

14 85. On information and belief, Defendant knows that the Accused Products  
15 are not staple articles of commerce, are not suitable for substantial non-infringing  
16 use, and are especially made or adapted for use in a manner that infringes Novoluto's  
17 patent rights associated with the '061 Patent.

18 86. Defendant's actions constitute contributory infringement of the '061  
19 Patent pursuant to 35 U.S.C. § 271(c).

20 87. Novoluto has been damaged by Defendant's infringing conduct. Thus,  
21 Defendant is liable to Novoluto in an amount that adequately compensates it for such  
22 infringement, which, by law, cannot be less than a reasonable royalty, together with  
23 interest and costs as fixed by this Court under 35 U.S.C. § 284.

24 88. On information and belief, Defendant's infringement of the '061 Patent  
25 has been willful at least because despite being aware of the '061 Patent and being  
26 aware of the similarities between the Accused Products and the Commercial  
27 Embodiments, such infringing conduct continues in conscious disregard of  
28 Novoluto's rights in the '061 Patent.

1 89. Novoluto has satisfied all statutory obligations required to collect pre-  
2 filing damages for the full period allowed by law for Defendant's infringement of  
3 the '061 Patent.

4 **COUNT VI**

5 **INFRINGEMENT OF U.S. PATENT NO. 9,937,097**

6 90. Plaintiff realleges and incorporates by reference the allegations in the  
7 preceding paragraphs.

8 91. The '097 Patent is titled "Stimulation Device Having An Appendage."  
9 On April 10, 2018, the '097 Patent was duly and legally issued by the USPTO.  
10 Novoluto is the assignee of the entire right, title, and interest in and to the '097  
11 Patent, including all rights to enforce this patent against infringers. A true and  
12 correct copy of the '097 Patent is attached as Exhibit 6.

13 92. Defendant has infringed at least claim 1 of the '097 Patent at least by  
14 making, using, selling, offering to sell, and/or importing stimulation devices such as  
15 the Accused Products in the United States.

16 93. At least each of the Sweet Heart Rose 5x Suction Rose + 10K Vibrator,  
17 Bloomgasm Rose Duet Sucking & Vibrating Silicone Duo, Blooming Bunny  
18 Sucking & Thrusting Silicone Rabbit Vibrator, The Romping Rose, Royalty Rose  
19 Textured Suction Clit Stimulator, Passion Petals 10x Silicone Suction Rose Vibrator,  
20 and Shegasm 5 Star Vibe Tech directly infringe, either literally or under the doctrine  
21 of equivalents, at least claim 1 of the '097 Patent, under 35 U.S.C. § 271(a). A  
22 representative claim chart showing that The Romping Rose includes each and every  
23 element of representative claim 1 of the '097 Patent, and therefore infringes the '097  
24 Patent, is attached as Exhibit 12. The Romping Rose is a representative infringing  
25 product that is functionally and structurally substantially similar to the previously  
26 listed products, which also infringe, either literally or under the doctrine of  
27 equivalents, at least claim 1 of the '097 Patent.

28 94. On information and belief, Defendant has had knowledge of the '097



1 Patent and the application from which it issued prior to the issuance of the '097  
2 Patent.

3 95. On information and belief, Defendant also provided their customers  
4 with instructions and training, including user manuals and instructional videos, that  
5 teach, recommend and induce the infringing use and operation of the Accused  
6 Products in the United States.

7 96. On information and belief, Defendant is aware that use and operation  
8 of the Accused Products in the United States by Defendant or their customers  
9 directly infringes the '097 Patent.

10 97. On information and belief, Defendant, with knowledge of the '097  
11 Patent, encourages distributors and retailers to sell the Accused Products and  
12 specifically educates distributors and retailers on the infringing use and operation of  
13 the Accused Products in the United States.

14 98. On information and belief, Defendant aids and abets their customers'  
15 direct infringement of the '097 Patent with knowledge that use of the Accused  
16 Products in the United States directly infringes the '097 Patent.

17 99. Defendant's actions actively induce infringement of the '097 Patent.  
18 Accordingly, Defendant is also liable for indirect infringement pursuant to 35 U.S.C.  
19 § 271(b).

20 100. On information and belief, Defendant knows that the Accused Products  
21 are not staple articles of commerce, are not suitable for substantial non-infringing  
22 use, and are especially made or adapted for use in a manner that infringes Novoluto's  
23 patent rights associated with the '097 Patent.

24 101. Defendant's actions constitute contributory infringement of the '097  
25 Patent pursuant to 35 U.S.C. § 271(c).

26 102. Novoluto has been damaged by Defendant's infringing conduct. Thus,  
27 Defendant is liable to Novoluto in an amount that adequately compensates it for such  
28 infringements, which, by law, cannot be less than a reasonable royalty, together with

1 interest and costs as fixed by this Court under 35 U.S.C. § 284.

2 103. On information and belief, Defendant's infringement of the '097 Patent  
3 has been willful at least because despite being aware of the '097 Patent and being  
4 aware of the similarities between the Accused Products and the Commercial  
5 Embodiments, such infringing conduct continues in conscious disregard of  
6 Novoluto's rights in the '097 Patent.

7 104. Novoluto has satisfied all statutory obligations required to collect pre-  
8 filing damages for the full period allowed by law for Defendant's infringement of  
9 the '097 Patent.

10 **JURY DEMAND**

11 Plaintiff hereby demands a trial by jury on all issues triable as of right by a  
12 jury.

13 **PRAYER FOR RELIEF**

14 Novoluto requests the Court find in its favor and against Defendant, and that  
15 the Court grant Novoluto the following relief:

16 A. Judgment that one or more claims of the Asserted Patents have been  
17 infringed, either literally and/or under the doctrine of equivalents, by Defendant;

18 B. Judgment that Defendant's infringement has been willful;

19 C. A permanent injunction enjoining Defendant and its officers, directors,  
20 agents, affiliates, employees, divisions, branches, subsidiaries, parents, and all  
21 others acting in concert therewith from the infringement of the Asserted Patents; or,  
22 in the alternative, an award of ongoing damages for future infringement.

23 D. Judgment that Defendant account for and pay to Novoluto all damages  
24 to and costs incurred by Novoluto because of Defendant's infringing activities and  
25 other conduct complained of herein, including an award of all increased damages  
26 to which Novoluto is entitled under 35 U.S.C. § 284;

27 E. That Novoluto be granted pre-judgment and post-judgment interest on  
28 the damages caused by Defendant's infringing activities and other complained-of-

1 conduct;

2 F. That this Court declare this an exceptional case and award Novoluto its  
3 reasonable attorney's fees and costs in accordance with 35 U.S.C. § 285; and

4 G. That Novoluto be granted such other and further relief as the Court may  
5 deem just and proper under the circumstances.

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1 Date: September 3, 2024

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