

**IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

BATH & BODY WORKS, INC. AND  
BATH & BODY WORKS BRAND  
MANAGEMENT, INC.,

Plaintiffs,

v.

HEALTH & BEYOND HEALTH  
TECHNOLOGY (SUZHOU) CO. LTD.  
d/b/a HEALTH & BEYOND,

Defendant.

Case No. 2:24-cv-4018

**JURY TRIAL DEMANDED**

**COMPLAINT**

Bath & Body Works, Inc. and Bath & Body Works Brand Management, Inc. (collectively “Plaintiffs” or “BBW”), by and through their undersigned attorneys, bring this action for willful patent infringement against Health & Beyond Health Technology (Suzhou) Co. Ltd., d/b/a Health & Beyond (“Defendant” or “H&B”). On June 17, 2024 and July 19, 2024, BBW wrote to H&B, explaining how H&B’s products infringe BBW’s design patents. (Attached as **Exhibits A-B**). To date, the only response that H&B provided was to claim that it “carried out strict internal checks, we really have not produced these products, we suspect that someone has stolen our trademark to sell products . . . .” (**Exhibit C**.) As described below, this is plainly not true. H&B has and continues to unlawfully and willfully import and sell infringing products. BBW brings this action for willful patent infringement to stop this conduct.

### NATURE OF THE ACTION

1. This is a civil action for patent infringement under the patent laws of the United States, 35 U.S.C. § 1 *et seq.*



2. BBW is the owner of all right, title, and interest in United States Design Patent Nos. D779,943 (the “D’943 patent”); D780,580 (the “D’580 patent”); D718,143 (the “D’143 patent”); D752,442 (the “D’442 patent”); and D779,945 (the “D’945 patent”) (collectively, the “BBW Patents” or the “Asserted Patents”).



3. BBW has complied with the relevant marking provisions of 35 U.S.C. § 287 by marking its products with the website [bbwinc.com/product/patents](http://bbwinc.com/product/patents), which lists the Asserted Patents alongside the products they cover.

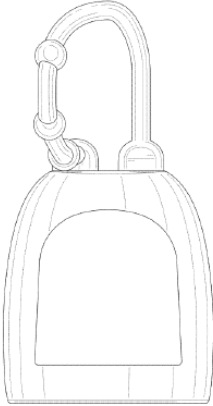

4. Defendant H&B has knowingly infringed and continues to infringe every claim of the BBW Patents.

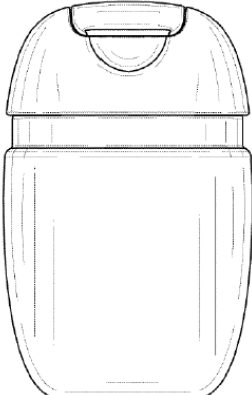

5. Defendant H&B infringes at least by making, using, importing, selling, and/or offering for sale the gel antibacterial hand sanitizers (1 oz.), gel antibacterial hand sanitizers with silicone holders (1 oz), body lotion (8 oz), and shower gel (8 oz) (the “Accused Products”).

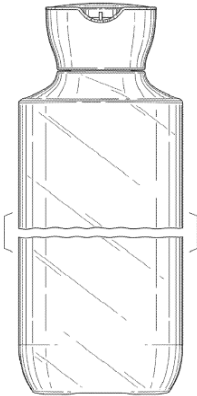

6. For example, H&B’s hand sanitizers (including the ones with silicone holders), body lotions, and shower gels blatantly appropriate BBW’s patented ornamental designs:

<b>D'943 Patent Design</b>	<b>H&amp;B's Hand Sanitizer with Silicone Holder</b>
 <p data-bbox="537 856 574 873">FIG. 3</p>	

<b>D'945 Patent Design</b>	<b>H&amp;B's Hand Sanitizer with Silicone Holder</b>
 <p data-bbox="516 1564 553 1581">FIG. 2</p>	

D'580 Patent Design	H&B's Hand Sanitizer with Silicone Holder
 <p data-bbox="537 699 578 716">FIG. 4</p>	

D'442 Patent Design	H&B's Hand Sanitizer
 <p data-bbox="518 1304 583 1333">FIG. 2</p>	

D'143 Patent Design	H&B's Body Lotion & Shower Gel
 <p data-bbox="537 1877 578 1894">FIG. 3</p>	



7. On information and belief, H&B supplies infringing products to general retailers, grocery store chains, convenient store chains, online sales entities, and wholesale customers in this District and throughout the United States.

8. Defendant H&B's infringement is widespread, throughout the United States, the State of Ohio, and this District. BBW seeks injunctive relief and monetary damages.

9. BBW welcomes fair competition, but BBW should not be forced to compete against its own designs. Given H&B's refusal to meaningfully engage in BBW's attempts to resolve this matter short of litigation, (*see Exhibits A-C*), BBW has no choice but to bring this action to stop H&B's continuing infringement.

### **THE PARTIES**

10. Plaintiff Bath & Body Works, Inc. is a corporation organized and existing under the laws of the State of Delaware, having its principal place of business at Three Limited Parkway, Columbus, Ohio 43230.

11. Plaintiff Bath & Body Works Brand Management, Inc. is a corporation organized and existing under the laws of the State of Delaware, having its principal place of business at 95 West Main Street, New Albany, Ohio, 43054.

12. BBW is an American retail chain specializing in housewares, furniture, and specialty items. BBW has long been recognized as one of the leading retail companies in the U.S., receiving awards for customer service, company growth, technology innovations, and much more since its inception. BBW is also the creator and owner of numerous design innovations.

13. On information and belief, Defendant Health & Beyond Health Technology (Suzhou) Co. Ltd., d/b/a Health & Beyond is a foreign corporation organized and existing under the laws of China with a place of business at 21F, Building 2, Jiantao Plaza, 505 Guangming Road, Huaqiao Town, Kunshan City, Jiangsu, China 215332.

### **JURISDICTION AND VENUE**

14. This is a civil action for patent infringement arising under the patent laws of the United States, 35 U.S.C. § 1 *et seq.*

15. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338(a) because Plaintiffs' claims arise under an Act of Congress relating to patents, namely, 35 U.S.C. § 271.

#### **A. Personal Jurisdiction**

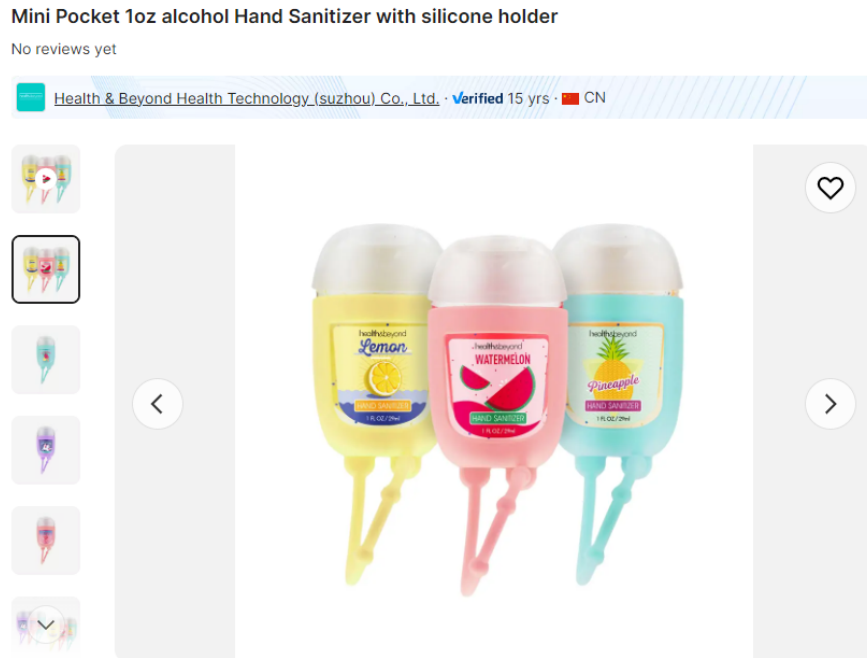
16. This Court has personal jurisdiction over Defendant at least because, on information and belief, H&B imports infringing products into the United States and the State of Ohio, does continuous and systematic business in the State of Ohio, provides infringing products to the residents of the State of Ohio that H&B knew would be used within the State of Ohio, and solicits business from the residents of the State of Ohio.

17. On information and belief, H&B also directly and through agents regulatory does, solicits, and transacts business in this District and elsewhere in the State of Ohio.

18. In particular, H&B maintains a website advertising and promoting its products, which is directed to customers in this District, the State of Ohio, and throughout the United States.<sup>1</sup>

19. H&B has committed and continues to commit acts of infringement in violation of 35 U.S.C. § 271, and has made, used, marketed, distributed, offered for sale, sold and/or imported infringing products in the State of Ohio, including in this District, and engaged in infringing conduct within and directed at or from this District.

20. By way of example, H&B sells the infringing hand sanitizers on Alibaba.com<sup>2</sup>, which offers delivery service throughout this District, the State of Ohio, and throughout the United States.



<sup>1</sup> <https://www.healthandbeyond.com/about.html>

<sup>2</sup> [https://www.alibaba.com/product-detail/Mini-Pocket-1oz-alcohol-Hand-Sanitizer\\_62262922351.html?spm=a2700.details.you\\_may\\_like.6.24e37c9fmaZDnG](https://www.alibaba.com/product-detail/Mini-Pocket-1oz-alcohol-Hand-Sanitizer_62262922351.html?spm=a2700.details.you_may_like.6.24e37c9fmaZDnG)

21. H&B has purposefully and voluntarily placed the Accused Products into the stream of commerce with the expectation that its infringing product will be used in the State of Ohio and this District. The Accused Products have been and continue to be distributed to and used in the State of Ohio and this District.

22. H&B's acts cause injury to BBW, including within this District, including by diverting sales from BBW.

23. Alternatively, and in any event, jurisdiction is proper in this District under Federal Rule of Civil Procedure 4(k)(2).

**B. Venue**

24. Venue is proper in this District in accordance with 28 U.S.C. §§ 1391(b) and 1400(b).

25. On information and belief, H&B is a foreign corporation without any related entity in the U.S. Thus, venue is also proper in any U.S. judicial district, including in this District, against H&B under 28 U.S.C. § 1391(c)(3).

26. This District is also the most convenient forum for this case. BBW have principal places of business in this District.

27. Relevant witnesses, including for example, BBW personnel with relevant knowledge about finance, marketing, and BBW's embodying products reside in this District.

28. Documents relevant to this case in this District are stored in or accessible from this District.



**THE ASSERTED PATENTS**

29. BBW is the assignee and owner of the D'943 patent, entitled "Bottle Carrier," which was duly and properly issued by the U.S. Patent and Trademark Office on February 28, 2017. A true and correct copy of the D'943 patent is attached as **Exhibit D**.

30. BBW is the assignee and owner of the D'945 patent, entitled "Bottle Carrier," which was duly and properly issued by the U.S. Patent and Trademark Office on February 28, 2017. A true and correct copy of the D'945 patent is attached as **Exhibit E**.

31. BBW is the assignee and owner of the D'580 patent, entitled "Bottle Carrier," which was duly and properly issued by the U.S. Patent and Trademark Office on March 7, 2017. A true and correct copy of the D'580 patent is attached as **Exhibit F**.

32. BBW is the assignee and owner of the D'442 patent, entitled "Bottle," which was duly and properly issued by the U.S. Patent and Trademark Office on March 29, 2016. A true and correct copy of the D'442 patent is attached as **Exhibit G**.

33. BBW is the assignee and owner of the D'143 patent, entitled "Bottle," which was duly and properly issued by the U.S. Patent and Trademark Office on November 25, 2014. A true and correct copy of the D'143 patent is attached as **Exhibit H**.

**COUNT 1: Infringement of U.S. Patent No. D779,943**

34. BBW incorporates by reference and re-alleges all the foregoing paragraphs of this Complaint as if fully set forth herein.

35. BBW owns by assignment all rights, title, and interest in and to the D'943 patent, with the full and exclusive right to bring suit to enforce the D'943 patent, including the right to recover for past infringement.

36. The D'943 patent is valid and enforceable under United States Patent Laws.

37. The D'943 patent discloses an “ornamental design for a bottle carrier[.]”  
D'943 patent, claim.

38. H&B has infringed and is infringing, either literally or under the doctrine of equivalents, the D'943 patent in violation of 35 U.S.C. § 271 *et seq.*, by making, using, offering for sale, or selling in the United States, and/or importing into the United States, without authority or license, the Accused Products, some of which embody the ornamental design claimed by the D'943 patent.

39. As a non-limiting example, **Exhibit A-1** compares a claim chart matching the design of the D'943 patent to exemplary Accused Products.

40. The contentions in **Exhibit A-1** are based on publicly available information. BBW reserves the right to modify these contentions and to identify additional infringing products, including, for example, on the basis of information that it obtained during discovery.

41. H&B have had actual knowledge of the D'943 patent since at least its receipt of BBW's June 17, 2024 letter. On information and belief, H&B has no good faith defense to BBW's infringement allegations, yet deliberately and wantonly continues its infringement.

42. Also, BBW has openly marketed, advertised and sold products that practice the claimed design of the D'943 patent, including, for example, the 1oz Pocketbac hand gel sanitizer and the Pocketbac holder:



43. H&B's infringement of the D'943 patent is exceptional and entitles BBW to attorneys' fees and costs incurred in prosecuting this action under 35 U.S.C. § 285.

44. BBW has been damaged by H&B's infringement of the D'943 patent and will continue to be damaged unless H&B is enjoined by this Court.

45. BBW has suffered and continues to suffer irreparable injury for which there is no adequate remedy at law. The balance of hardships favors BBW, and public interest is not disserved by an injunction.

46. BBW is entitled to recover from H&B all damages that BBW has sustained as a result of H&B's infringement of the D'943 patent, including without limitation, lost profits and not less than a reasonable royalty.

47. BBW is entitled to recover from H&B the extent of its total profits for the Accused Products as set forth in 35 U.S.C. § 289.

**COUNT 2: Infringement of U.S. Patent No. D779,945**

48. BBW incorporates by reference and re-alleges all of the foregoing paragraphs of this Complaint as if fully set forth herein.

49. BBW owns by assignment all rights, title, and interest in and to the D'945 patent, with the full and exclusive right to bring suit to enforce the D'945 patent, including the right to recover for past infringement.

50. The D'945 patent is valid and enforceable under United States Patent Laws.

51. The D'945 patent discloses an “ornamental design for a bottle carrier[.]” D'945 patent, claim.

52. H&B has infringed and is infringing, either literally or under the doctrine of equivalents, the D'945 patent in violation of 35 U.S.C. § 271 *et seq.*, by making, using, offering for sale, or selling in the United States, and/or importing into the United States, without authority or license, the Accused Products, some of which embody the ornamental design claimed by the D'945 patent.

53. As a non-limiting example, **Exhibit A-5** compares a claim chart matching the design of the D'945 patent to exemplary Accused Products.

54. The contentions in **Exhibit A-5** are based on publicly available information. BBW reserves the right to modify these contentions and to identify additional infringing products, including, for example, on the basis of information that it obtained during discovery.

55. H&B have had actual knowledge of the D'945 patent since at least its receipt of BBW's June 17, 2024 letter. On information and belief, H&B has no good faith defense

to BBW's infringement allegations, yet deliberately and wantonly continues its infringement.

56. Also, BBW has openly marketed, advertised and sold products that practice the claimed design of the D'945 patent, including, for example, the 1oz Pocketbac hand gel sanitizer and the Pocketbac holder:



57. H&B's infringement of the D'945 patent is exceptional and entitles BBW to attorneys' fees and costs incurred in prosecuting this action under 35 U.S.C. § 285.

58. BBW has been damaged by H&B's infringement of the D'945 patent and will continue to be damaged unless H&B is enjoined by this Court.

59. BBW has suffered and continues to suffer irreparable injury for which there is no adequate remedy at law. The balance of hardships favors BBW, and public interest is not disserved by an injunction.

60. BBW is entitled to recover from H&B all damages that BBW has sustained as a result of H&B's infringement of the D'945 patent, including without limitation, lost profits and not less than a reasonable royalty.

61. BBW is entitled to recover from H&B the extent of its total profits for the Accused Products as set forth in 35 U.S.C. § 289.

**COUNT 3: Infringement of U.S. Patent No. D780,580**

62. BBW incorporates by reference and re-alleges all of the foregoing paragraphs of this Complaint as if fully set forth herein.

63. BBW owns by assignment all rights, title, and interest in and to the D'580 patent, with the full and exclusive right to bring suit to enforce the D'580 patent, including the right to recover for past infringement.

64. The D'580 patent is valid and enforceable under United States Patent Laws.

65. The D'580 patent discloses an "ornamental design for a bottle carrier[.]" D'580 patent, claim.

66. H&B has infringed and is infringing, either literally or under the doctrine of equivalents, the D'580 patent in violation of 35 U.S.C. § 271 *et seq.*, by making, using, offering for sale, or selling in the United States, and/or importing into the United States, without authority or license, the Accused Products, some of which embody the ornamental design claimed by the D'580 patent.

67. As a non-limiting example, **Exhibit A-2** compares a claim chart matching the design of the D'580 patent to exemplary Accused Products.

68. The contentions in **Exhibit A-2** are based on publicly available information. BBW reserves the right to modify these contentions and to identify additional infringing products, including, for example, on the basis of information that it obtained during discovery.

69. H&B have had actual knowledge of the D'580 patent since at least its receipt of BBW's June 17, 2024 letter. On information and belief, H&B has no good faith defense to BBW's infringement allegations, yet deliberately and wantonly continues its infringement.

70. Also, BBW has openly marketed, advertised and sold products that practice the claimed design of the D'580 patent, including, for example, the 1oz Pocketbac hand gel sanitizer and the Pocketbac holder:



71. H&B's infringement of the D'580 patent is exceptional and entitles BBW to attorneys' fees and costs incurred in prosecuting this action under 35 U.S.C. § 285.



72. BBW has been damaged by H&B's infringement of the D'580 patent and will continue to be damaged unless H&B is enjoined by this Court.

73. BBW has suffered and continues to suffer irreparable injury for which there is no adequate remedy at law. The balance of hardships favors BBW, and public interest is not disserved by an injunction.

74. BBW is entitled to recover from H&B all damages that BBW has sustained as a result of H&B's infringement of the D'580 patent, including without limitation, lost profits and not less than a reasonable royalty.

75. BBW is entitled to recover from H&B the extent of its total profits for the Accused Products as set forth in 35 U.S.C. § 289.

**COUNT 4: Infringement of U.S. Patent No. D752,442**

76. BBW incorporates by reference and re-alleges all of the foregoing paragraphs of this Complaint as if fully set forth herein.

77. BBW owns by assignment all rights, title, and interest in and to the D'442 patent, with the full and exclusive right to bring suit to enforce the D'442 patent, including the right to recover for past infringement.

78. The D'442 patent is valid and enforceable under United States Patent Laws.

79. The D'442 patent discloses an "ornamental design for a bottle[.]" D'442 patent, claim.

80. H&B has infringed and is infringing, either literally or under the doctrine of equivalents, the D'442 patent in violation of 35 U.S.C. § 271 *et seq.*, by making, using, offering for sale, or selling in the United States, and/or importing into the United States,



without authority or license, the Accused Products, some of which embody the ornamental design claimed by the D'442 patent.

81. As a non-limiting example, **Exhibit A-4** compares a claim chart matching the design of the D'442 patent to exemplary Accused Products.

82. The contentions in **Exhibit A-4** are based on publicly available information. BBW reserves the right to modify these contentions and to identify additional infringing products, including, for example, on the basis of information that it obtained during discovery.

83. H&B have had actual knowledge of the D'442 patent since at least its receipt of BBW's June 17, 2024 letter. On information and belief, H&B has no good faith defense to BBW's infringement allegations, yet deliberately and wantonly continues its infringement.

84. Also, BBW has openly marketed, advertised and sold products that practice the claimed design of the D'442 patent, including, for example, the 1oz Pocketbac hand gel sanitizer:



85. H&B's infringement of the D'442 patent is exceptional and entitles BBW to attorneys' fees and costs incurred in prosecuting this action under 35 U.S.C. § 285.

86. BBW has been damaged by H&B's infringement of the D'442 patent and will continue to be damaged unless H&B is enjoined by this Court.

87. BBW has suffered and continues to suffer irreparable injury for which there is no adequate remedy at law. The balance of hardships favors BBW, and public interest is not disserved by an injunction.

88. BBW is entitled to recover from H&B all damages that BBW has sustained as a result of H&B's infringement of the D'442 patent, including without limitation, lost profits and not less than a reasonable royalty.

89. BBW is entitled to recover from H&B the extent of its total profits for the Accused Products as set forth in 35 U.S.C. § 289.

**COUNT 5: Infringement of U.S. Patent No. D718,143**

90. BBW incorporates by reference and re-alleges all of the foregoing paragraphs of this Complaint as if fully set forth herein.

91. BBW owns by assignment all rights, title, and interest in and to the D'143 patent, with the full and exclusive right to bring suit to enforce the D'143 patent, including the right to recover for past infringement.

92. The D'143 patent is valid and enforceable under United States Patent Laws.

93. The D'143 patent discloses an "ornamental design for a bottle[.]" D'143 patent, claim.

94. H&B has infringed and is infringing, either literally or under the doctrine of equivalents, the D'143 patent in violation of 35 U.S.C. § 271 *et seq.*, by making, using, offering for sale, or selling in the United States, and/or importing into the United States, without authority or license, the Accused Products, some of which embody the ornamental design claimed by the D'143 patent.

95. As a non-limiting example, **Exhibit A-3** compares a claim chart matching the design of the D'143 patent to exemplary Accused Products.

96. The contentions in **Exhibit A-3** are based on publicly available information. BBW reserves the right to modify these contentions and to identify additional infringing products, including, for example, on the basis of information that it obtained during discovery.

97. H&B have had actual knowledge of the D'143 patent since at least its receipt of BBW's June 17, 2024 letter. On information and belief, H&B has no good faith defense to BBW's infringement allegations, yet deliberately and wantonly continues its infringement.

98. Also, BBW has openly marketed, advertised and sold products that practice the claimed design of the D'143 patent, including, for example, the 10 oz shower gel:



99. H&B's infringement of the D'143 patent is exceptional and entitles BBW to attorneys' fees and costs incurred in prosecuting this action under 35 U.S.C. § 285.

100. BBW has been damaged by H&B's infringement of the D'143 patent and will continue to be damaged unless H&B is enjoined by this Court.

101. BBW has suffered and continues to suffer irreparable injury for which there is no adequate remedy at law. The balance of hardships favors BBW, and public interest is not disserved by an injunction.

102. BBW is entitled to recover from H&B all damages that BBW has sustained as a result of H&B's infringement of the D'143 patent, including without limitation, lost profits and not less than a reasonable royalty.

103. BBW is entitled to recover from H&B the extent of its total profits for the Accused Products as set forth in 35 U.S.C. § 289.

**JURY DEMAND**

Plaintiffs hereby demand trial by jury on all claims and issues so triable.

**PRAYER FOR RELIEF**

WHEREFORE, BBW respectfully requests that this Court enter judgment against H&B as follows:

- A. Finding that H&B has directly infringed each claim of the Asserted Patents;
- B. Awarding damages adequate to compensate BBW for the patent infringement that has occurred, in accordance with 35 U.S.C. §§ 284 and 289, including an assessment of pre-judgment and post-judgment interest and costs, and an enhancement of damages on account of H&B's willful infringement;
- C. Granting an injunction preliminarily and permanently enjoining and restraining H&B and all its affiliates, officers, employees, agents, attorneys, and all persons acting by, through, or in concert with any of them, from: (1) infringing the Asserted Patents and (2) making, using, selling, and offering for sale the Accused Products;
- D. Directing H&B to file with the Court and serve on BBW's counsel within thirty (30) days after entry of the order of injunction, or such extended period as the Court may direct, a report in writing under oath setting forth in detail the manner and form in which H&B has complied with the injunction, including provision relating to destruction and recall of infringing products and materials;
- E. Finding that this is an exceptional case under 35 U.S.C. § 285 and that BBW be awarded its reasonable attorneys' fees;

F. Awarding BBW costs and expenses in this action allowable by statute and/or other law; and

G. Providing such other relief, including other monetary and equitable relief, as this Court may deem just and proper.

Dated: October 3, 2024

**STANDLEY LAW GROUP LLP**

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