

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

**Brighteye Innovations, LLC,** )  
**dba Snuggleback.com,** )  
c/o Choken Welling LLP, Reg. Agent, )  
25550 Chagrin Blvd., Ste. 220, )  
Beachwood, Ohio 44122, )  
  
Plaintiff, )

Case No.

Judge:

Magistrate:

v. )

**River Source Logistics,** )  
**dba riversourcelogistics.com,** )  
7860 Paramount Blvd. )  
Pico Rivera, CA 90660, )

**COMPLAINT FOR**  
**PATENT INFRINGEMENT**

and, )

**SH International B.V.,** )  
**dba Odoxia,** )  
Rietgansstraat 5 )  
3882 JD Putten )  
The Netherlands, )

*(Jury Demand Endorsed Hereon)*

and, )

**Rocket Orange B.V.,** )  
**dba Odoxia,** )  
Joan Muyskenweg 70 )  
1114 AN Amsterdam )  
The Netherlands, )

Defendants. )

NOW COMES the Plaintiff, *Brighteye Innovations, LLC*, and for its Complaint against the  
Defendants hereby alleges as follows:

**THE PARTIES**

- 1  
2 1. The Plaintiff, Brighteye Innovations, LLC, is a limited liability company organized under the  
3 laws of Ohio, and has its principal place of business in Ohio, although it engages in  
4 worldwide e-commerce, among other things. Brighteye, by assignment, is the owner of U.S.  
5 Design Patent D1046502 (the ‘502 design patent). Mr. Joshua Lefkovitz is the inventor.  
6 (See a copy of the Patent and Issue Notification as “Exhibit 1.”)  
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- 8 2. Brighteye also has an EU design patent Registration No. DM/236767. (See a copy of the EU  
9 design paten registration as “Exhibit 2.”)
- 10 3. Brighteye, among other things, makes, uses, sells, offers for sale, and/or imports products  
11 that read on the ‘502 design patent, which are marketed under the name SnuggleBack™.  
12 (See a .pdf screenshot of the SnuggleBack™ as “Exhibit 3.”)  
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- 14 4. The Defendant, River Source Logistics, upon information and belief, is a business entity of  
15 unknown type that is located in California, which is a “3PL,” which is a third-party logistics  
16 company, which makes, uses, sells, offers for sale, and/or imports infringing products into  
17 the United States in this judicial district and elsewhere. River Source 3PL imports infringing  
18 Odoxia chair blankets and distributes them throughout the United Stats and into this judicial  
19 district which is evidenced by a test buy in this district. (See a .pdf screenshot of River  
20 Source 3PL’s website attached as “Exhibit 4.”)  
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- 22 5. The Defendant, SH International B.V., upon information and belief, is a business entity of  
23 unknown type that is located in The Netherlands, which makes, uses, sells, offers for sale,  
24 and/or imports infringing products in the United States in this judicial district and elsewhere.  
25 SH International B.V. owns an EU trademark for “Odoxia” and makes, uses, sells, offers for  
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sale, and/or imports “Odoxia” chair blankets in the United States. (See the Odoxia EU trademark and product information as “Exhibit 5.”) (See the Odoxia test buy specimen as “Exhibit 6,” which was purchased online and shipped to the test purchaser in Ohio.)

6. The Defendant, Rocket Orange B.V., upon information and belief, is a business entity of unknown type that is located in The Netherlands, which makes, uses, sells, offers for sale, and/or imports infringing products in the United States in this judicial district and elsewhere. The Plaintiff engaged in pre-litigation communications regarding the Odoxia product and agents of Rocket Orange responded to the communications. (See the pre-litigation communications as “Exhibit 7.”)

**JURISDICTION, VENUE, AND FACTUAL BACKGROUND TO CIVIL ACTION**

- 7. This is an action for patent infringement. The patent claims arise under the patent laws of the United States, specifically 35 U.S.C. § 281 *et al.*
- 8. This Court has federal question subject matter jurisdiction in this matter, at least, pursuant to 35 U.S.C. § 281 *et al.* because this action arises under federal law of the United States.
- 9. In addition to or in the alternative to this Court’s federal question jurisdiction, this Court also has subject matter jurisdiction pursuant to diversity of citizenship principles as the parties are from different states and the amount in controversy exceeds \$75,000.
- 10. This Court has personal jurisdiction over the Defendants by virtue of their sale of products, transaction of business, and solicitation of business within the State of Ohio, within this judicial district and elsewhere. The Defendants marketed, offered for sale, sold, and/or imported products in this district.

1 11. Ohio's Long-Arm Statute, RC § 2307.382(A)(1), provides that "A court may exercise  
2 personal jurisdiction over a person who acts directly or by an agent, as to a cause of action  
3 arising from the person's: (1) Transacting any business in this state." In this case, the  
4 Defendants transacted business in this state. The Defendants sell infringing products in this  
5 district and elsewhere.

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7 12. Ohio's Long-Arm Statute, RC § 2307.382(A)(2), provides that "A court may exercise  
8 personal jurisdiction over a person who acts directly or by an agent, as to a cause of action  
9 arising from the person's: (2) Contracting to supply services or goods in this state." In this  
10 case, the Defendants contracted to supply goods in this state. The Defendants sell infringing  
11 products in this district and elsewhere.

12 13. Notably, the Defendants sold product the Amazon.com platform (see "Ex. 6"), which is a  
13 website that is active rather than a passive website, meaning, they permit Ohio users to place  
14 orders, to store personal account information, to register a username and password, to access  
15 customer service, and to ship products to different states, including Ohio. Websites with  
16 similar features have been found to satisfy the 'purposeful availment' requirement of the  
17 "minimum contacts" analysis satisfying due process. *See, e.g., Solar X Eyewear, LLC v.*  
18 *Bowyer*, 2011 WL 3418306 (N.D. Ohio Aug. 4, 2011); *Wood v. 1-800-Got-Junk?, LLC*, 2007  
19 WL 895008 (S.D. Ohio March 22, 2007); *V Secret Catalogue v. Zdrok*, 2003 WL 22136303  
20 (S.D. Ohio Aug. 29, 2003); *Bath and Body Works, Inc. v. Wal-Mart Stores, Inc.*, 2000 WL  
21 1810478 (S.D. Ohio Sept. 12, 2000).

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24 14. Venue is proper in the Northern District of Ohio pursuant to 28 U.S.C. § 1391(b)(2) and/or  
25 28 U.S.C. § 1400(b) *et al.* because a substantial part of the events giving rise to the claims  
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1 occurred in this judicial district, the Defendants are subject to personal jurisdiction in this  
2 district, and infringement occurred within this judicial district. Further, the Plaintiff, and its  
3 witnesses and evidence, are located in this district. Although the venue could lie in many  
4 different potential forums, venue is proper here.

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6 **CLAIM NO. 1**

(Patent Infringement – 35 U.S.C. § 271 et seq.)

7 15. The Plaintiff hereby incorporates by reference each statement, whether written above or  
8 below, as if each is fully re-written herein.

9 16. Since its founding, the Plaintiff has introduced a revolutionary product line.

10 17. The Plaintiff's relevant products include the SnuggleBack™ products. (Ex. 3.)  
11 SnuggleBack™ has a pending U.S. trademark registration.

12 18. On October 15, 2024, United States Design Patent No. D1,046,502 (the '502 patent) issues  
13 for the design of a chair blanket.

14 19. All rights to the '502 patent, including but not limited to, the right to recover for infringement  
15 thereunder, are assigned to the Plaintiff.

16 20. The Plaintiff's SnuggleBack™ product line reads on the '502 patent.

17 21. Each of the Defendants herein has made, used, offered for sale, sold, and/or imported  
18 infringing Odoxia chair blanket products.

19 22. The Defendants have sold their infringing product in this judicial district in Ohio and  
20 elsewhere.

21 23. The aforementioned activities of the Defendants have injured and threatened future and  
22 immediate injury to the Plaintiff. More specifically, the Defendants' activities have  
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1 diminished the Plaintiff's goodwill and caused the Plaintiff to lose sales that it otherwise  
2 would have made but for the sales of the Defendants.

3 24. The Defendants are not authorized in any way to sell their infringing products or to use the  
4 intellectual property owned by the Plaintiff.

5 25. The Plaintiff is entitled to an award of damages against Defendants, jointly and severally, and  
6 is entitled to injunctive relief.

7 26. Upon information and belief, the Defendants have been, and are, actively inducing  
8 infringement of the '502 patent, by offering for sale and selling their infringing products to  
9 dealers at wholesale prices who have, and will continue to, offer them for sale and sell them  
10 to end users.

11 27. The Defendants' infringement is, and at all times has been, deliberate, willful, with full  
12 knowledge of the Plaintiff's rights, and wanton, and as a result, the Plaintiff is entitled to  
13 treble damages pursuant to 35 U.S.C. § 284.

14 28. This is an exceptional case within the meaning of 35 U.S.C. § 285, and the award of  
15 appropriate attorney's fees is justified.

16 29. The Defendants' conduct has also infringed upon the Plaintiff's rights in their EU patent.

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19 **PRAYER FOR RELIEF / REQUEST FOR REMEDIES**

20 WHEREFORE, the Plaintiff prays that this Court enters an Order against the Defendants as  
21 follows:

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23 A) A preliminary injunction and permanent injunction enjoining the Defendants from making,  
24 using, offering for sale, selling, and/or importing any product that infringes upon the '502  
25 and EU patents;

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- 1 B) An award of damages adequate to compensate for the patent infringement including lost  
2 profits but in no event less than a reasonable royalty, together with interest and costs pursuant  
3 to 35 U.S.C. § 284 *et al.*;
- 4 C) A trebling of patent infringement damages pursuant to 35 U.S.C. § 284 *et al.*;
- 5 D) Attorney's fees in a patent case pursuant to 35 U.S.C. § 285 *et al.*;
- 6 E) An accounting for damages resulting from Defendants' intellectual property infringement;
- 7 F) An assessment of interest on the damages so computed;
- 8 G) Judgment against Defendants indemnifying the Plaintiff from any claims brought against the  
9 Plaintiff for negligence, debts, malpractice, product liability, or other breaches of any duty  
10 owed by the Defendants to any person who was confused as to some association between the  
11 Plaintiff and Defendants as alleged in this Complaint;
- 12 H) Judgment against Defendants for an accounting and monetary award in an amount to be  
13 determined at trial;
- 14 I) Requiring Defendants to account to the Plaintiff for all sales and purchases that have  
15 occurred to date, and requiring the Defendants to disgorge any and all profits derived by  
16 Defendants for selling infringing product;
- 17 J) Requiring Defendants to provide full disclosure of any and all information relating to their  
18 supplier or suppliers of infringing product;
- 19 K) Requiring Defendants to provide the location of any and all manufacturing equipment,  
20 including but not limited to, molds used to manufacture infringing products;
- 21 L) Requiring Defendants to destroy any and all manufacturing equipment used to manufacture  
22 infringing products or to deliver said equipment to the Plaintiff;
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- 1 M) Ordering a product recall of infringing product for destruction;
- 2 N) Requiring Defendants to file with this Court and serve on the Plaintiff within thirty (30) days
- 3 of this Court's order, a report setting forth the manner in which they complied with the order;
- 4 O) Requiring Defendants to provide Plaintiff with all sales records, including but not limited to,
- 5 email, mail, and advertising lists;
- 6 P) Damages according to each cause of action herein;
- 7 Q) Prejudgment interest; and,
- 8 R) Any such other relief in law or equity that this honorable Court deems just.

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10 **JURY DEMAND**

11 WHEREFORE, the Plaintiff requests a trial by jury on all issues so triable.

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14 Most Respectfully Submitted,

15 /s/ David A. Welling

16 **DAVID A. WELLING (75934) (lead counsel)**

17 **C. VINCENT CHOKEN (70530)**

18 CHOKEN WELLING LLP

19 3020 West Market Street

20 Akron, Ohio 44333

21 Tel. (330) 865-4949

22 Fax (330) 865-3777

23 Email [davidw@choken-welling.com](mailto:davidw@choken-welling.com)

24 Email [vincec@choken-welling.com](mailto:vincec@choken-welling.com)

25 *Counsel for the Plaintiff*

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