

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF INDIANA
FORT WAYNE DIVISION**

BTL INDUSTRIES, INC,

Plaintiff,

v.

BE MINKED BEAUTY & COMPANY LLC
and BRITNEY HUMPHREY,

Defendants.

Civil Action No. 1:24-cv-560

JURY TRIAL DEMANDED

COMPLAINT

Plaintiff BTL Industries, Inc. (“Plaintiff” or “BTL”), by and through the undersigned counsel, files this Complaint for patent infringement, trademark infringement, and unfair competition against Defendants Be Minked Beauty & Company LLC (“Be Minked”) and Britney Humphrey (collectively, “Defendants”) 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, Defendant Be Minked is an Indiana Domestic Limited Liability Company with a Principal Office Address at 4201 Coldwater Road, Suite 311, Fort Wayne, Indiana 46805.
3. On information and belief, Defendant Be Minked has a Registered Agent listed as Defendant Britney Humphrey who resides at 226 East Williams Street, Fort Wayne, Indiana 46803.

4. On information and belief, Defendant Britney Humphrey is the Manager and Owner of Defendant Be Minked.

5. On information and belief, Defendant Britney Humphrey has personally participated in and directed the willful patent and trademark infringement asserted herein with prior knowledge of BTL's patent and trademark rights.

JURISDICTION AND VENUE

6. 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 exists pursuant to 28 U.S.C. §§ 1331, 1332, and 1338(a)-(b).

7. Subject-matter jurisdiction for the trademark and unfair competition claims asserted in this complaint exists pursuant to 28 U.S.C. §§ 1331 and 1338.

8. This Court has supplemental jurisdiction over BTL's claims arising under the laws of Indiana, pursuant to 28 U.S.C. § 1367(a), because BTL's state-law claims are so related to BTL's federal-law claims insofar as they form part of the same case or controversy and derive from a common nucleus of operative fact.

9. This Court has personal jurisdiction over Defendants because they or their employees have committed acts of patent infringement under 35 U.S.C. § 271(a), (b), or (c), and are subject to this Court's jurisdiction under 28 U.S.C. § 1400(b).

10. This Court has personal jurisdiction over Defendant Be Minked because it is an Indiana corporation and has a principal place of business in this District.

11. This Court has personal jurisdiction over Defendant Britney Humphrey because she is domiciled in this District. This Court also has personal jurisdiction over defendant Britney

Humphrey because, upon information and belief, Ms. Humphrey is the owner and moving, conscious force behind defendant Be Minked's actions.

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

13. Similarly, the exercise of personal jurisdiction over Defendants comports with the due process requirements of the United States Constitution because:

- a. Defendants have purposely established “minimum contacts” with the State of Indiana and this District; and
- b. the exercise of personal jurisdiction over Defendants will not offend the traditional notions of fair play and substantial justice.

14. Therefore, this Court has specific and general jurisdiction over Defendants.

15. Venue is proper in this District under 28 U.S.C. §§ 1391(b)(1) and 1400(b) at least because Defendants have their principal place of business and are domiciled in this District and the acts complained of herein occurred in this District.

BACKGROUND

16. 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 its HIFEM® brand and other trademarks.

17. The first such device that BTL developed was the EMSCULPT[®] device, a standalone, non-invasive, FDA-cleared aesthetic body-contouring device. *See Exhibit 1*, attached hereto (BTL March 2019 Press Release).

18. BTL 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.

19. 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 Id.*

20. 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. 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 its EMSCULPT NEO[®] device to healthcare professionals and licenses these professionals to provide treatment services using the device.

21. The EMSCULPT NEO[®] 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[®] device won Dermascope.com's Aesthetician's Choice Award in 2022 and Glamour magazine described the device as "revolutionary." *See Exhibit 2*, attached hereto (Dermascope and Glamour Awards).

A. The Asserted Patent

22. On November 19, 2019, the United States Patent and Trademark Office (“USPTO”) duly and lawfully issued U.S. Patent No. 10,478,634 (the “’634 patent”), entitled “Aesthetic Method and 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 3**. The ’634 patent was exclusively licensed to BTL, and BTL possesses 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

23. 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 for EMSCULPT[®], EM[®], and HIFEM[®] (collectively, the “BTL Trademarks”):

- a. Registration No. 5,572,801 for EMSCULPT in Class 010 for, among other goods, “medical apparatus and instruments for body toning and body shaping” and “medical apparatus and instruments for the removal of fat;”
- b. Registration No. 6,069,279 for EMSCULPT in Class 044 for, among other services, “medical services;”
- c. Registration No. 5,915,636 for EM in Class 044 for, among other services, “medical services;” and
- d. Registration No. 5,688,619 for HIFEM in Class 010 and 044 for, among other goods services, “medical and aesthetic apparatus and instruments” “health care services.”

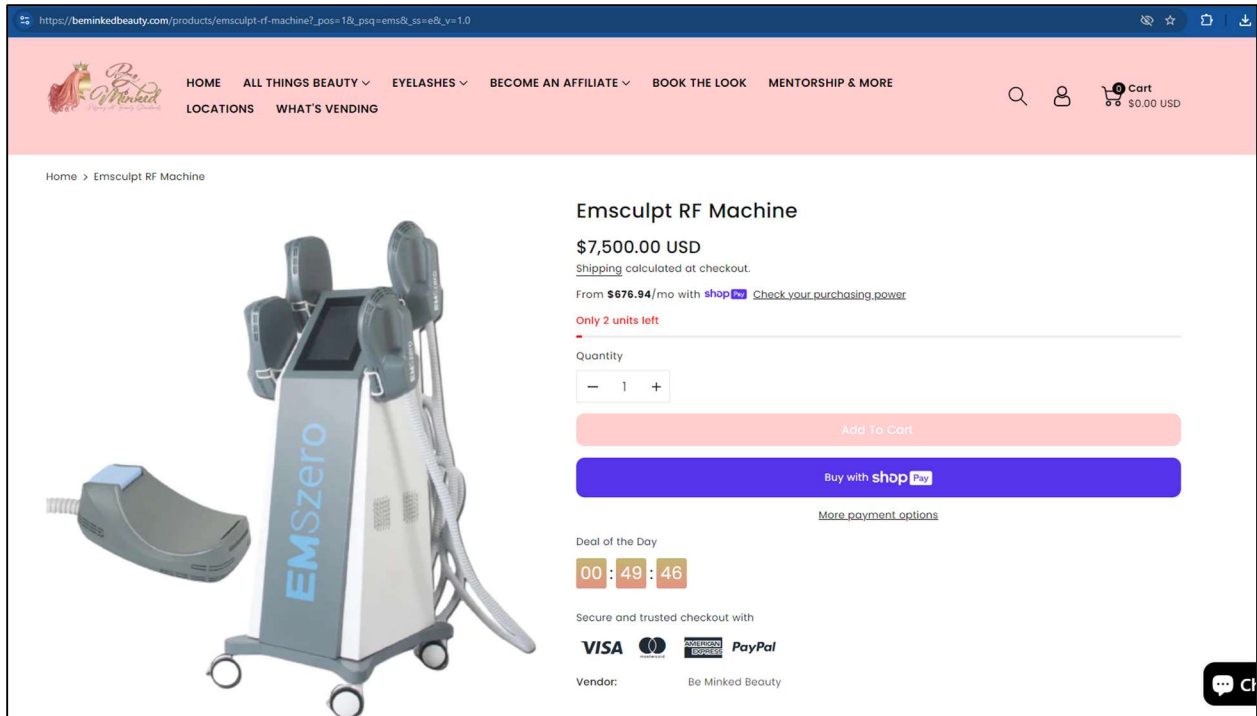
24. BTL has continuously and exclusively used the BTL Trademarks and has never abandoned them. The BTL Trademarks are validly registered in the United States and are in full force and effect. True and correct status copies of the registration certificates for each of the above trademarks, obtained from the USPTO, are attached to this Complaint as **Exhibit 4**. 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).

25. 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

26. This is a civil action brought by BTL arising out of Defendants' 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), and common law trademark infringement and unfair competition.

27. On information and belief, Defendants manufacturer, offer for sale, and/or sell products that infringe the '634 patent, including without limitation the "Emsculpt RF Machine" (the "Accused Device"), identified below:



28. Defendants promote the Accused Device on their website using terms identical to the BTL Trademarks, including without limitation “EMSCULPT” and “HIFEM” and terms confusingly similar to the BTL Trademarks, including without limitation “EMSZERO.”

29. On information and belief, Defendants’ activities are ongoing despite attorneys for BTL informing Defendants that their activities violate BTL’s rights. On May 30, 2024, attorneys for BTL sent a demand letter via email and certified mail alerting Defendants to their infringing conduct and BTL’s intellectual property rights. To date, Defendants have not responded to or otherwise acknowledged BTL’s attempted communications. A copy of this letter is attached hereto as **Exhibit 5**.

30. The images below are representative of Defendants’ infringing conduct:

The screenshot shows the product page for the Emsculpt RF Machine. The page features a navigation bar with links for HOME, ALL THINGS BEAUTY, EYELASHES, BECOME AN AFFILIATE, BOOK THE LOOK, and MENTORSHIP & MORE. The main content area includes a large image of the machine, a price tag of \$7,500.00 USD, and a shipping notice. A promotional banner indicates a deal of the day with a countdown timer showing 00:49:46. Payment options for VISA, Mastercard, American Express, and PayPal are listed, along with a 'Buy with shop Pay' button. The vendor is identified as Be Minked Beauty.

(<https://beminkedbeauty.com/products/emsculpt-rf-machine? pos=1& psq=emscul& ss=e& v=1.0>; accessed October 4, 2024)

This screenshot is similar to the one above but includes a 'Description' section at the bottom. The description states: 'This is the Emsculpt zero EM108 machine with RF'. It lists several key features: 'Non Invasive HIFEM (High-Intensity Focused Electromagnetic). HIFEM technology induces short bursts of powerful muscle contractions in the area being treated...', 'Output Frequency @ 27.12 MHz', 'Max Power @ 200 Watts', 'Dimensions: 22" x 39" cx 22"', and '84 pounds'. Social media sharing buttons for Facebook, Twitter, and Pinterest are also visible.

(<https://beminkedbeauty.com/products/emsculpt-rf-machine? pos=1& psq=emscul& ss=e& v=1.0>; accessed October 4, 2024)

31. On information and belief, the Accused Device implements the same or substantively the same technology as the '634 patent.

32. Defendants' use of "EMSCULPT," "HIFEM," and "EMSZERO" is without BTL's authorization.

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

33. BTL repeats and re-alleges paragraphs 1-32 as if fully set forth herein.

34. The '634 patent is directed toward 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 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^2 to $1,500 \text{ T cm}^2$ 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.

35. Defendants have induced infringement and continue to induce direct infringement, literally or under the doctrine of equivalents, of at least claim 1 of the '634 patent by making, using, offering to sell, selling, or importing the Accused Device in the United States and by

encouraging, promoting, and instructing customers to use at least the Accused Device in manner that directly infringes at least claim 1 of the '634 patent.

36. Defendants have and continue to encourage, promote, and instruct customers to perform the preamble of claim 1 of the '634 patent, which recites “[a] method for toning muscles in a patient using time-varying magnetic fields.”

37. On information and belief, the landing page for the Accused Device encourages, promotes, or instructs customers to use the Accused Device in a manner that tones a patient’s muscles using time-varying magnetic fields.

38. The landing page for the Accused Device states that the device uses “High-Intensity Focused Electromagnetic [energy]” and “helps burn fat better.”

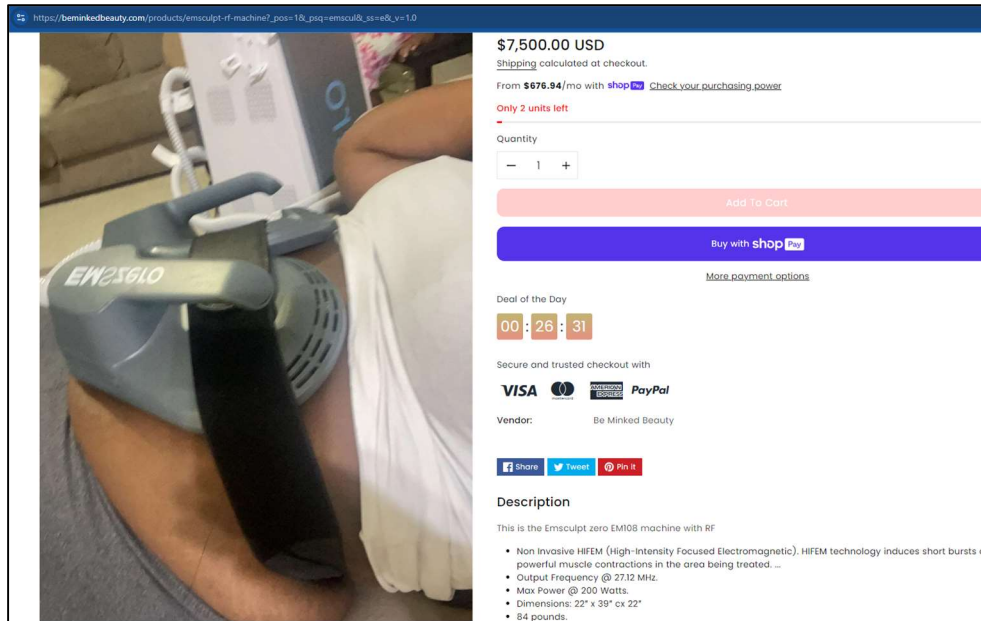
39. On information and belief, this language indicates that the device tones muscle using time-varying magnetic fields.

40. Defendants have and continue to encourage, promote, and instruct customers to perform the claimed step of “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.”

41. On information and belief, the First Accused Devices include at least one applicator comprising a magnetic field generating coil.

42. On information and belief, a reasonable opportunity for further investigation or discovery will show that the applicator(s) of the Accused Devices are put into contact with a patient’s skin or clothing in order to effect treatment at the patient’s abdomen or buttock.

43. The landing page for the Accused Device shows the applicators in contact with a patient’s skin on their abdomen area.

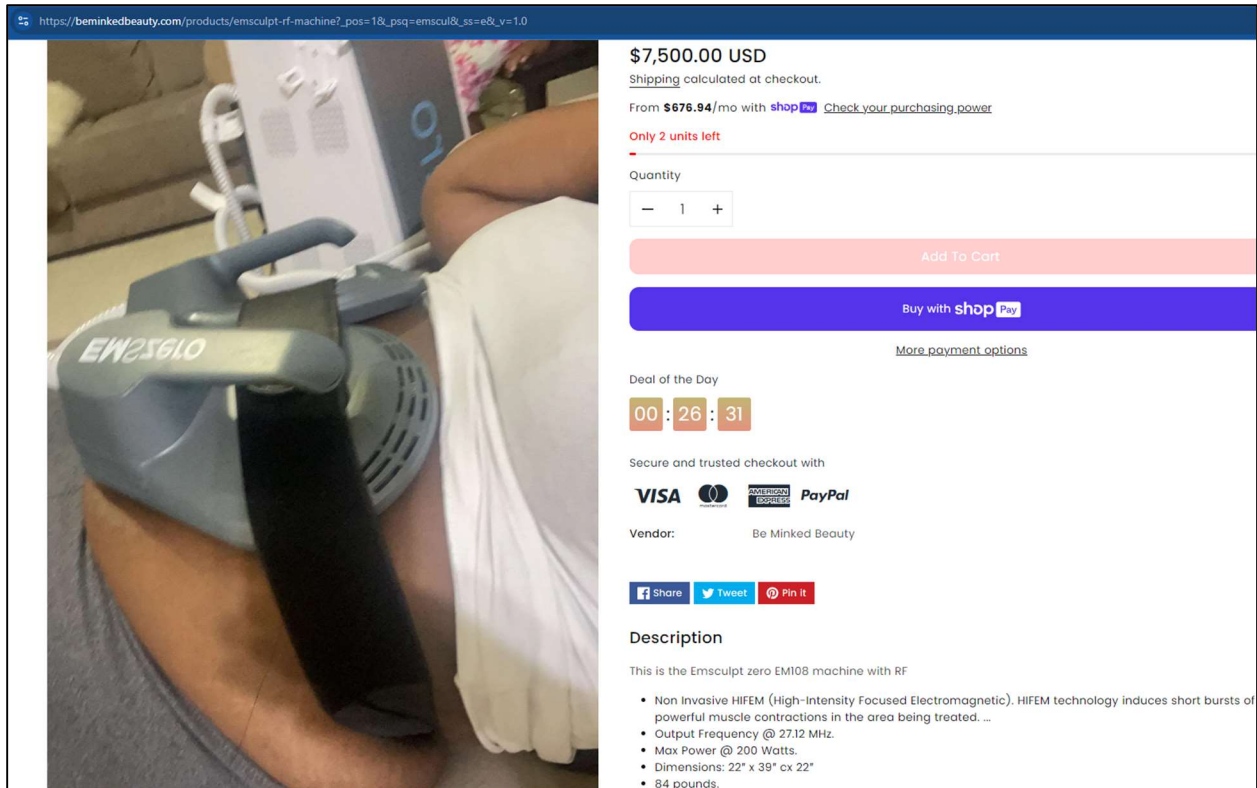


44. The landing page for this device also depicts images of the machine’s applicators which, on information and belief, are used to treat patients.

45. Defendants have and continue to encourage, promote, and instruct customers to perform the claimed step of “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.”

46. On information and belief, a reasonable opportunity for further investigation or discovery will show that the Accused Devices come with adjustable flexible belts that are used to hold the applicator(s) to the patient’s skin or clothing.

47. On information and belief, the landing page for the Accused Devices shows a first applicator coupled to patient using an adjustable flexible belt.



48. Defendants have and continue to encourage, promote, and instruct customers to perform the claimed step of “providing energy to the magnetic field generating coil in order to generate a time-varying magnetic field.”

49. On information and belief, a reasonable opportunity for further investigation or discovery will show that the Accused Device includes a power supply which transmit energy to the applicators, which in turn generates time-varying magnetic fields.

50. On information and belief, the method of operation of the Accused Device includes providing energy to an energy storage device that in turn also transmits energy to the magnetic field generating coil(s) in the applicator(s), which generates the time-varying magnetic fields.

51. The landing page for the Accused Device represents that the device uses “High-Intensity Focused Electromagnetic [energy].”

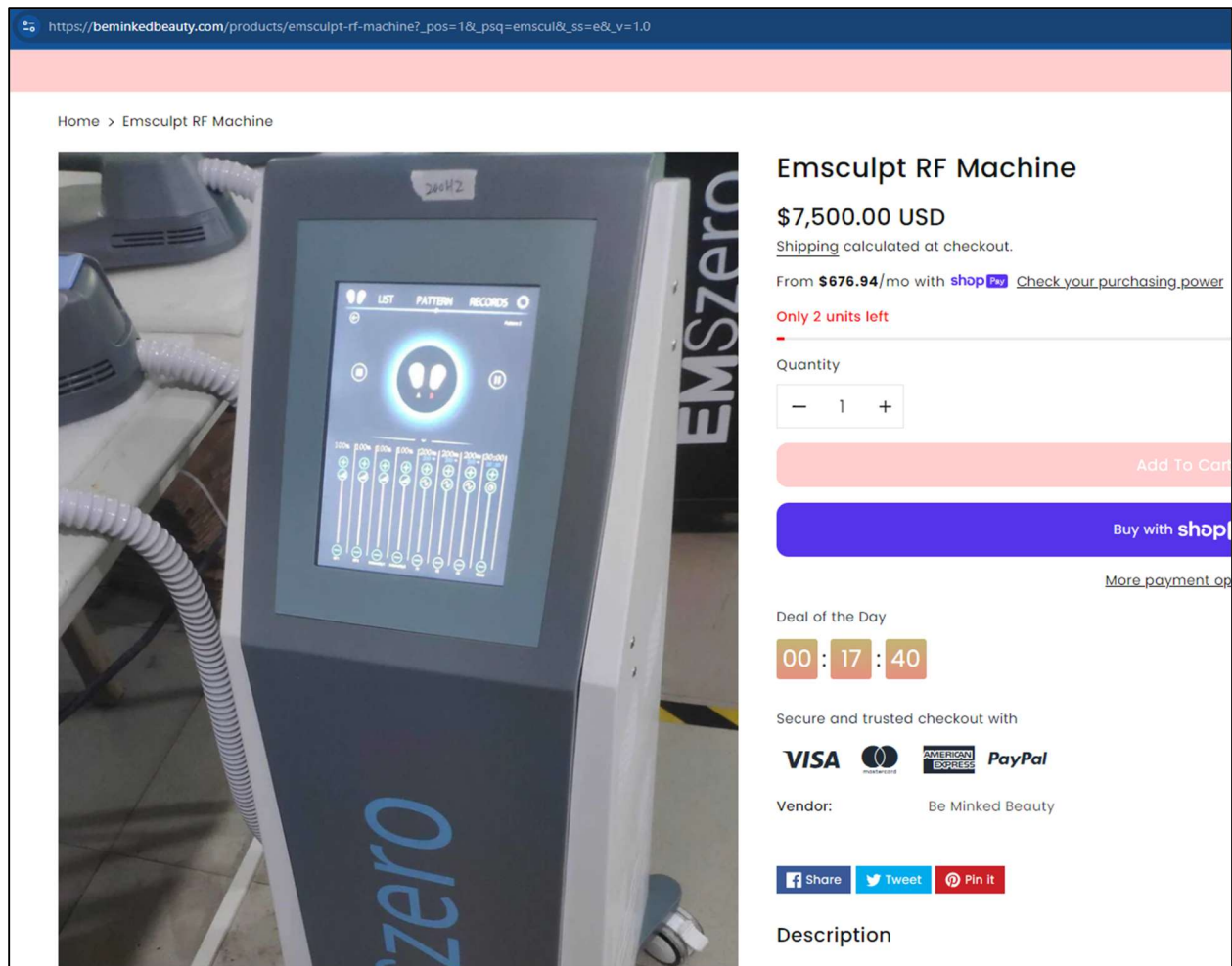
52. On information and belief, this “High-Intensity Focused Electromagnetic [energy]” requires electricity.

53. Accordingly, it is reasonable to assume that the Accused Device provides energy to its applicator which, for the reasons stated above, contains a magnetic field generating coil.

54. Defendants have and continue to encourage, promote, and instruct customers to perform the claimed step of “applying a magnetic fluence of 50 T cm² to 1,500 T cm² to the body region.”

55. On information and belief, a reasonable opportunity for further investigation or discovery will show that the Accused Device generates and delivers magnetic fields that vary in area density depending on the treatment mode and parameters and have a magnetic fluence of 50–1,500 T cm².

56. The landing page for the Accused Device shows an exemplary user interface of the Accused Device which indicates that it is able to operate in multiple different modes and parameters that vary in area density.



57. Defendants have and continue to encourage, promote, and instruct customers to perform the claimed “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.”

58. The landing page for the Accused Device promotes and advertises the Accused Device’s ability to generate magnetic fields sufficient to cause muscle contractions.

59. For example, the landing page for the Accused Devices states that the device causes “powerful muscle contractions” and procedures are “[e]quivalent to 20,000 sit-ups/50,000 muscle contractions.”

60. For the reasons stated above, the Accused Devices produce time-varying magnetic fields.

61. Defendants' infringement of the '634 patent has been, and continues to be, willful and malicious. On information and belief, Defendants have been aware of the '634 patent since before the filing of this complaint and have infringed the '634 patent willfully and deliberately and with knowledge that such conduct violates 35 U.S.C. § 271. Defendants were aware of BTL's products for the reasons stated in paragraphs 21, 22, and 28, and BTL marks its products with a reference to its online patent listing at www.btlnet.com/patents. Moreover, BTL informed Defendants of their infringement by letter on May 30, 2024.

62. BTL will suffer irreparable harm unless Defendants are enjoined from infringing the '634 patent.

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

63. BTL repeats and re-alleges paragraphs 1-32 as if fully set forth herein.

64. By using "EMSCULPT," "HIFEM," and "EMSZERO," Defendants are creating confusion among the consuming public as to the source, origin, sponsorship, and/or affiliation of the Accused Device with BTL.

65. Defendants' conduct relating to the BTL Trademarks is without authorization.

66. Defendants are thus in violation of 15 U.S.C. § 1114 regarding the BTL Trademarks and 15 U.S.C. § 1125(a) regarding the use of "EMSCULPT," "HIFEM," and "EMSZERO," and/or other confusingly similar terms.

67. Defendants' actions have caused BTL irreparable harm for which BTL is entitled to a permanent injunction under 15 U.S.C. § 1116.

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

69. Because Defendants' 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

70. BTL repeats and re-alleges paragraphs 1-32 as if fully set forth herein.

71. Defendants have no right to use the BTL Trademarks and/or other confusingly similar terms in connection with its goods, yet Defendants have traded off the goodwill associated with BTL and its products.

72. Defendants have falsely held themselves out to customers and potential customers as being connected with BTL.

73. Defendants have acted with intent to cause confusion or deceive the public as to the source and origin of its goods.

74. Defendants' false designation of origin and false representations constitute unfair competition under 15 U.S.C. § 1125.

COUNT IV: UNFAIR COMPETITION AND DECEPTIVE TRADE PRACTICES UNDER INDIANA LAW

75. BTL repeats and re-alleges paragraphs 1-32 as if fully set forth herein.

76. Defendants' unauthorized, intentional, and willful use of the BTL Trademarks to promote, market, offer for sale, and sell the Accused Device is in violation of Ind. Code 24-5-0.5-3.

77. Defendants have benefitted financially from their unfair competition and deceptive trade practices.

78. Defendants' unfair competition and deceptive trade practices have caused and are continuing to cause irreparable injury and damage to BTL in an amount not yet capable of

determination. Unless restrained, Defendants will cause further irreparable injury, leaving BTL with no adequate remedy at law.

79. BTL is entitled to injunctive relief against Defendants, restraining further unfair competition.

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

80. BTL repeats and re-alleges paragraphs 1-32 as if fully set forth herein.

81. Defendants have without authorization intentionally, willfully, and maliciously used the BTL Trademarks and/or confusingly similar variations of these trademarks to promote, market, offer for sale, and sell its products.

82. By the acts described herein, Defendants have intentionally infringed the BTL Trademarks and engaged in unfair competition with respect to BTL in violation of the common law of the State of Indiana.

83. Defendants' actions are likely to cause consumer confusion for the reasons stated above.

84. Defendants' actions have caused and will continue to cause BTL to sustain actual damages and lost profits in this District.

85. BTL has no adequate remedy at law and will continue to suffer irreparable harm unless Defendants are enjoined.

86. Because of Defendants' unlawful conduct as alleged above, BTL has been substantially injured and is entitled to damages and profits attributable to the unlawful conduct, which are presently indeterminate, and the costs of this action.

COUNT VI: FEDERAL TRADEMARK COUNTERFEITING UNDER 15 U.S.C. § 1114

87. BTL repeats and re-alleges paragraphs 1-32 as if fully set forth herein.

88. Defendants have used marks identical to BTL's EMSCULPT[®] and HIFEM[®] registered trademarks.

89. Defendants have used the identical marks in commerce in connection with the advertising and promotion of the Accused Device.

90. BTL has not authorized Defendants' use of the EMSCULPT[®] and HIFEM[®] registered trademarks to advertise and promote their Accused Device.

91. Defendants' unauthorized use of the EMSCULPT[®] and HIFEM[®] registered trademarks is likely to: (a) cause the public and consumers to believe that Defendants' Accused Device is authorized by and/or affiliated with BTL; and (b) result in Defendants unfairly benefitting from the reputation of BTL and the EMSCULPT[®] and HIFEM[®] registered trademarks to the substantial and irreparable injury of consumers, BTL, and the EMSCULPT[®] and HIFEM[®] registered trademarks, and the substantial goodwill represented thereby.

92. Defendants' acts as set forth herein constitute trademark counterfeiting in violation of 15 U.S.C. § 1117(b)(1) and reflect Defendants' intent to exploit the goodwill and strong brand recognition associated with BTL's EMSCULPT[®] and HIFEM[®] registered trademarks.

PRAYER FOR RELIEF

WHEREFORE BTL requests entry of judgment against Defendants as follows:

A. A judgment that Defendants have 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 of at least \$125,000 for infringement of the '634 patent, with said damages to be trebled because of the intentional, willful, and malicious nature of Defendants' infringement, as provided by 35 U.S.C. § 284;

C. A judgment that Defendants have 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 Defendants, their officers, directors, employees, agents, and all persons acting in concert with them, from infringing the '634 patent;

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

G. A judgment that Defendants’ use of the EMSCULPT mark, as alleged in this complaint, infringes BTL’s EMSCULPT® trademark;

H. A judgment that Defendants’ use of the HIFEM mark, as alleged in this complaint, infringes BTL’s HIFEM® trademark;

I. A judgment that the EMSZERO mark is confusingly similar to BTL’s EMSCULPT® trademarks and that Defendants’ use of that mark, as alleged in this complaint, infringes BTL’s EMSCULPT® trademarks;

J. A judgment that Defendants have violated the Lanham Act, 15 U.S.C. § 1125(a), by committing acts of federal unfair competition, false designation of origin, and false advertising;

K. An award of damages for Defendants’ infringement of the BTL Trademarks, including Defendants’ 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 Defendants’ infringement, as provided by 15 U.S.C. § 1117(b);

L. Alternatively, an award of statutory damages for Defendants’ infringement of BTL’s EMSCULPT® and HIFEM® trademarks in an amount of \$200,000 each, to be heightened

to \$2,000,000 each for Defendants' willful use of a counterfeit mark in accordance with 15 U.S.C. § 1117(c)(2);

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

N. An award of damages against Defendants as a result of their wrongful acts against BTL in an amount to be proved at trial;

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

P. Permanent injunctive relief enjoining Defendants from:

- a. Using the BTL Trademarks and/or any confusingly similar marks, in any manner in connection with the promotion, marketing, advertising, offering for sale, or sale of any good that is not a genuine good offered by BTL, or is not authorized by BTL to be offered in connection with the BTL Trademarks;
- b. passing off, inducing, or enabling others to sell or pass off any good as a genuine BTL product, or any other good 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;
- c. committing any acts calculated to cause consumers to believe that Defendants' goods are those sold under the authorization, control, or supervision of BTL, or are sponsored by, approved by, or otherwise connected with BTL; and
- d. further infringing the BTL Trademarks and damaging BTL's goodwill.

- Q. An award of BTL's costs and expenses in this action;
- R. Shut down Defendants' website located at <https://beminkedbeauty.com/>;
- S. Freeze Defendants' bank account(s); and
- T. For such other relief as the Court may deem just and proper.

JURY DEMAND

Pursuant to Federal Rule of Civil Procedure 38(b), Plaintiff hereby demands a trial by jury on all issues triable to a jury.

Dated: December 20, 2024

Respectfully submitted,

/s/ Michael E. Wever

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