

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

BRUNO INTELLECTUAL RESERVE LLC,	)	Case No.:
	)	
<i>Plaintiff,</i>	)	Judge:
	)	
v.	)	
	)	
MEEPO TRADING LIMITED,	)	
YONGKANGSHILITUGONGMAOYOU	)	
XIANGONGSI,	)	
MENGYINXIANTAOZUISHANSHUIH	)	
ANGMAOYOUXIANGONGSI,	)	
YONGKANG CHANGKAI INDUSTRY	)	
AND TRADE CO., LTD,	)	
YIWUGUANYUE DIANZISHANGWU	)	
YOUXIANGONGSI, YIWU SENYUN	)	
DIAN ZI SHANG WU YOU XIAN GONG	)	
SI, HANGZHOU ZHONGRUI TRADING	)	
CO., LTD.,	)	
ZHEJIANGCHENGMEIJINCHUKOUYO	)	
UXIANGONGSI, RENSHOU	)	
COUNTY QINGMU POULTRY	)	
MEDICINE CO., LTD., SHENZHEN ZHIFU	)	
NETWORK TECHNOLOGY CO., LTD.,	)	
DONGGUANSHIYUANFENGQIWANGL	)	
UOKEJIYOUXIANGONGSI,	)	
YIWUSHIZHIYETIYUYONGPINYOUXI	)	
ANGONGSI,	)	
SHENZHENSHIJIJULINGQINGCHUANG	)	
DIANZISHANGWUYOUXIANGONGSI,	)	
LANBAO (HANGZHOU) FITNESS	)	
EQUIPMENT CO., LTD.,	)	
HANGZHOU FEINIU TRADING CO.,	)	
LTD., AND ZHEJIANG QILI HEALTH	)	
TECHNOLOGY CO., LTD.,	)	
	)	
<i>Defendants.</i>	)	

**COMPLAINT**

Plaintiff Bruno Intellectual Reserve LLC (“Plaintiff”), asserts the following claims against Defendants MEEPO TRADING LIMITED, YONGKANGSHILITUGONGMAOYOUXIA-

NGONGSI, MENGYINXIANTAOZUI SHANSHUI SHANGMAOYOUXIANGONGSI, YONGKANG CHANGKAI INDUSTRY AND TRADE CO., LTD, YIWUGUANYUE DIANZISHANGWU YOUXIANGONGSI, YIWU SENYUN DIAN ZI SHANG WU YOU XIAN GONG SI, HANGZHOU ZHONGRUI TRADING CO., LTD., ZHEJIANGCHENGMEIJINCHUKOUYOUXIANGONGSI, RENSHOU COUNTY QINGMU POULTRY MEDICINE CO., LTD., SHENZHEN ZHIFU NETWORK TECHNOLOGY CO., LTD., DONGGUANSHIYUANFENGQIWANGLUOKEJIYOUXIANGONGSI, YIWUSHIZHIYETIYUYONGPINYOUXIANGONGSI, SHENZHENSHIJIJULINGQINGCHUANGDIANZISHANGWUYOUXIANGONGSI, LANBAO (HANGZHOU) FITNESS EQUIPMENT CO., LTD., HANGZHOU FEINIU TRADING CO., LTD., AND ZHEJIANG QILI HEALTH TECHNOLOGY CO., LTD., (collectively “Defendants”), for patent infringement of U.S. Patent No. 7,614,983 (the “983 Patent”) in violation of 35 U.S.C. § 271 and hereby alleges as follows:

### **PARTIES**

1. Bruno Intellectual Reserve LLC is a Nevada limited liability company having a physical presence at 8401 Southern Boulevard, Youngstown, Ohio 44512.
2. Upon information and belief based, Defendants are based in China and own e-commerce stores on Amazon.com that sold adjustable dumbbells each of which has a distinct Amazon Standard Identification Number (“ASIN”).
3. Defendants have the capacity to be sued pursuant to Federal Rule of Civil Procedure 17(b).
4. Defendants, who may be individuals or business entities of indeterminate structure, are believed to be based in or operate from foreign jurisdictions. They are involved in

redistributing products from similar sources in those locations and shipping these goods to the United States for further redistribution from shipping and fulfillment centers.

5. Upon information and belief, Defendants have registered, established, purchased, or maintained seller IDs on the Amazon.com platform and/or other web-based platforms.

6. Defendants target their business activities toward consumers throughout the United States, including within this District, through the simultaneous operation of commercial internet based e-commerce stores via internet marketplace websites, such as Amazon.com, eBay.com, or Walmart.com, under various seller IDs or store names.

7. Defendants are identified as the current and previous controllers of sales involving infringing and counterfeit goods related to Plaintiff's intellectual property, primarily using the seller IDs or Amazon store names identified in the table below.

8. Defendants directly engage in unfair competition with Plaintiff by making, using selling, or offering for sale goods that infringe upon Plaintiff's intellectual property rights to consumers within the United States and this District through internet based e-commerce stores using, at least, the seller IDs below and possibly other unknown names, websites, or seller aliases not yet known to Plaintiff.

9. Defendants have deliberately aimed a portion of their unlawful activities at consumers in Ohio, involving the advertising, offering, sale, and/or distribution of counterfeit and infringing goods into the state.

10. Upon information and belief, Defendants may have engaged in deceptive practices during the registration or maintenance of their seller IDs or Amazon store names, possibly providing inaccurate or misleading information to the e-commerce platforms or domain registrars.

11. Upon information and belief, many Defendants registered and maintained their seller IDs or Amazon store names for the sole purpose of engaging in illegal infringing activities.

12. Upon information and belief, Defendants will likely continue to register or acquire new seller identification aliases for the purpose of selling and offering for sale counterfeits and infringements of Plaintiff's intellectual property rights unless preliminarily and permanently enjoined.

13. The following table lists the information of Defendants, their store names on Amazon.com or other web platforms, and the ASINs or item numbers of their products that are sold on Amazon.com.

**TABLE 1**

<b>Defendant Number</b>	<b>Defendant Name</b>	<b>Store Name / Seller ID</b>	<b>ASIN or Identification/ Item No.</b>
1	MEEPO TRADING LIMITED	GOIMU (Amazon.com)	B0D7BQK5DB B0CZMLV5S8 B0CZLGP4WP B0CXXGPNMF
2	YONGKANGSHILITUGONGMAOYOU- XIANGONGSI	LITUUER SPORTS (Amazon.com)	B0D7MZJK1C B0D79BF7M2 B0CJL3R3G9 B0CC231PJP B0CBP1ZZ5X
3	MENGYINXIANTAOZUISHANSHUIHANG- MAOYOUXIANGONGSI	KANCHIMI (Amazon.com)	B0D1XLY5DV
4	YONGKANG CHANGKAI INDUSTRY AND TRADE CO., LTD.	CHANGKAI- GONGMAO (Amazon.com)	B0D8VFDXXJ B0D8VF7WCF
5	YIWUGUANYUE DIANZISHANGWUYOU- XIANGONGSI	GUANYUE DISTRICT (Amazon.com)	B0C3M5RW2Q B0C3M3Y4J1 B0C3VM8BWL B0D95KFXY
6	YIWU SENYUN DIAN ZI SHANG WU YOU XIAN GONG SI	FORESTCLOUD (Amazon.com)	B0C49M9CPV B0D4DR3528 B0C49K63Q3

7	HANGZHOU ZHONGRUI TRADING CO., LTD.	SCTTREES (Amazon.com)	B0CRBG9798
8	ZHEJIANGCHENGMEIJINCHUKOUYOUXIAN-GONGSI	CHENGMEI (Amazon.com)	B0D5XSPC14 B0CZ6QWPBM
9	RENSHOU COUNTY QINGMU POULTRY MEDICINE CO., LTD	KEPPI FITNESS (Amazon.com)	B091MB9N74 B0986PYJV7
10	SHENZHEN ZHIFU NETWORK TECHNOLOGY CO., LTD.	XDDIAS FITNESS EXPERT (Amazon.com)	B0DH5TK7KD B0D46VCP1F B0D46WV7FQ B0D46WNWPJ B0D46YS7DW
11	DONGGUANSHIYUANFENGQIWANG-LUOKEJIYOUXIANGONGSI	RENDPAS DIRECT (Amazon.com)	B0C4XX93WK B0C4XZ32FH
12	YIWUSHIZHIYETIYUYONGPINYOUXIAN-GONGSI	ZYZHI (Amazon.com)	B0CS9GYSGN B0CS9GH5VQ B0CS9GYSGN B0CY59PJ3P B0DGXWV6K
13	SHENZHENSHIJIJULINGQINGCHUANGDIAN-ZISHANGWUYOUXIANGONGSI	LEEKEY DIRECT (Amazon.com)	B0CML914XS B0CMLRHJSV B0CML8S5HD
14	LANBAO (HANGZHOU) FITNESS EQUIPMENT CO., LTD.	LNOWFITNESS (eBay.com)	387350088609 387349996354
15	HANGZHOU FEINIU TRADING CO., LTD.	POOBOOSTORE (Walmart.com)	6638855653 6638955011 6633965695 6650800670

### JURISDICTION

14. Plaintiff incorporates its allegations above as though each is fully rewritten here.

15. Plaintiff's claims arise under the patent laws of the United States, specifically, Title 35 of the United States Code.

16. The jurisdiction of this Court is proper under, at a minimum, 28 U.S.C. §§ 1331, 1338, 1367 and 2201 *et seq.*

17. This Court has personal jurisdiction over Defendants by virtue of their systematic and continuous contacts with this jurisdiction and its residents in this District, as well as because the claims and damages alleged by Plaintiff arose in this District.

18. Defendants are subject to personal jurisdiction in this district because they purposefully direct their activities toward, and conduct business with, consumers throughout the United States, including those within the state of Ohio and this District, through internet-based e-commerce stores accessible in Ohio and operating under their seller IDs.

19. Defendants are subject to this Court's specific and general personal jurisdiction pursuant to its substantial business in this forum, including: (i) at least a portion of the infringements alleged herein; (ii) regularly doing or soliciting business, engaging in other persistent courses of conduct, and/or deriving substantial revenue from goods and services provided to individuals in this forum state and in this judicial District.

20. This Court has supplemental jurisdiction pursuant to 28 U.S.C. § 1367 over the state law claims because those claims are so related to the federal claims that they form part of the same case or controversy.

21. Alternatively, Defendants are subject to personal jurisdiction in this District pursuant to Federal Rule of Civil Procedure 4(k)(2) because (i) Defendants are not subject to jurisdiction in any state's court of general jurisdiction; and (ii) exercising jurisdiction is consistent with the United States Constitution and laws.

#### **VENUE**

22. Plaintiff incorporates its allegations above as though each is fully rewritten here.

23. Venue is proper in this Court pursuant to 28 U.S.C. § 1391 and 1400(b).

24. Venue is proper in this Court pursuant to 28 U.S.C. § 1391(b)(3) because Defendants are subject to the Court's personal jurisdiction and are not residents in the United States. Therefore, there is no district in which an action may otherwise be brought. Venue is proper in this Court pursuant to 28 U.S.C. § 1391 because Defendants are, upon information and belief,

aliens who are engaged in infringing activities and causing harm within this District by advertising, offering to sell, selling and/or shipping infringing products to consumers in this District.

### **FACTUAL ALLEGATIONS**

25. On November 10, 2009, the United States Patent and Trademark Office (“USPTO”) duly and legally issued United States Patent No. 7,614,983 (the “‘983 Patent”), entitled “Apparatus for adjusting weight resistance to exercise” after a full and fair examination. The ‘983 Patent is attached hereto as Exhibit A and is incorporated herein as if fully rewritten.

26. Plaintiff is the owner of the ‘983 Patent, having received all right, title, and interest in and to the ‘983 Patent from the previous assignee of record.

27. Plaintiff possesses all rights of recovery under the ‘983 Patent, including the exclusive right to recover for past infringement.

28. To the extent required, Plaintiff has complied with all marking requirements under 35 U.S.C. § 287.

29. The invention claimed in the ‘983 Patent is an exercise apparatus.

30. Independent Claim 1 of the ‘983 Patent states:

1. An exercise apparatus, comprising:
  - a liftable member having at least one weight supporting section;
  - weights sized and configured to be supported by the at least one weight supporting section;
  - a weight selector rotatably mounted on the liftable member for rotation about an axis extending lengthwise between adjacent said weights, wherein the weight selector is configured for rotation through a cavity defined between adjacent said weights.

31. Independent Claim 9 of the ‘983 Patent states:

9. An exercise apparatus, comprising:
  - a weight lifting member having at least one weight supporting section;
  - weights sized and configured to be supported by the at least one weight supporting section, wherein notches in the weights cooperate to

define a cavity having upwardly open sectors and upwardly closed sectors;  
and

a weight selector rotatably mounted on the weight lifting member for rotation inside the cavity, wherein the weight selector defines a rotational axis, and includes a plate having a generally semi-circular shape when viewed axially.

32. Independent Claim 11 of the '983 Patent states:

11. An exercise apparatus, comprising:

a weight lifting member having at least one weight supporting section;

weights sized and configured to be supported by the at least one weight supporting section, wherein notches in the weights cooperate to define a cavity having upwardly open sectors and upwardly closed sectors;  
and

a weight selector, rotatably mounted on the weight lifting member for rotation inside the cavity, wherein the weight selector is rotatable between a first orientation underlying only one of the weights, and a second orientation underlying only another of the weights.

33. Plaintiff and/or its affiliates sell products protected by the '983 Patent on Amazon.com.

34. Amazon offers vendors that use its platform an expedited patent review program (the Amazon Patent Evaluation Express or "APEX" program) that is designed to help patent holders quickly and efficiently identify and potentially delist products that infringe the patent holder's patent(s).

35. A qualified, independent third-party neutral evaluator, agreed upon by both parties, assesses the alleged infringement claim as part of the APEX program.

36. Much like a Special Master in a district court litigation, the neutral evaluators are typically experienced patent attorneys or former patent examiners with a deep understanding of patent law, including the nuances of patent claims and infringement issues.

37. The APEX program involves a structured back-and-forth process between the patent owner and the accused infringer, facilitated by the neutral evaluator.



38. In an APEX proceeding, the patent owner submits a request for APEX, including their utility patent number and the ASIN of the allegedly infringing product.

39. Amazon reviews the request and, if eligible, sends an APEX agreement to the patent owner.

40. Then, Amazon notifies the accused infringer about the APEX request and provides them with the option to participate.

41. The accused infringer has three weeks to decide whether to participate in the APEX process.

42. After the accused infringer has agreed to participate, both parties submit briefs presenting their arguments and supporting evidence; the patent owner setting forth arguments and supporting evidence in favor of a finding of patent infringement and the accused infringer against it.

43. The neutral evaluator reviews the briefs and the patent claim to determine if the accused product infringes on the patent.

44. The neutral evaluator makes a decision, which is binding on Amazon's platform, on whether the accused product infringes the patent.

45. If the decision is in favor of the patent owner, the accused product is permanently removed from Amazon.

46. The APEX program is necessary because of the rapid proliferation of foreign knockoffs on Amazon. These knock-offs often change store names and relist products after being taken down, making it difficult for patent owners to enforce their rights through traditional legal means.

47. The proliferation of foreign knockoffs and infringers is a significant issue, especially with the rise of e-commerce platforms that make it easier for counterfeit products to reach consumers worldwide.

48. Foreign knockoffs often exploit the gaps in intellectual property enforcement in their home countries, leading to widespread availability of counterfeit products. This not only harms the original patent holders but also poses risks to consumers who may unknowingly purchase inferior or dangerous products.

49. Plaintiff and/or its affiliates initiated an APEX proceeding against a number of foreign manufacturers via APEX Number 15327982161, and accused the same of selling products on Amazon that infringe upon the '983 Patent.

50. This APEX Proceeding proceeded properly according to Amazon's procedures and protocols, and was fully briefed and reviewed by the neutral patent evaluator who was well-versed in U.S. Patent law and infringement.

51. This APEX Proceeding resulted in a finding by the neutral evaluator that Plaintiff and/or its affiliates were likely able to prove that those accused products infringe Claim 1 of the '983 Patent.

52. A copy of the neutral evaluator's decision form from APEX Number 15327982161 is attached as Exhibit B.

53. Based on its success in the Apex Proceeding, Plaintiff requested Amazon take down products listed for sale by Defendants that were similar to those that Amazon had already found to have likely infringed the '983 Patent.

**DEFENDANTS' PRODUCT(S)**

54. Defendants manufacture or sell the products identified by the following ASINs or other items numbers (when sold on other platforms such as Walmart.com or eBay.com, which are collectively referred to as the Accused Products<sup>1</sup>):

B0D7BQK5DB  
B0CZMLV5S8  
B0CZLGP4WP  
B0CXXGPNMF  
B0D7MZJK1C  
B0D79BF7M2  
B0CJL3R3G9  
B0CC231PJP  
B0CBP1ZZ5X  
B0D1XLY5DV  
B0D8VFDXXJ  
B0D8VF7WCF  
B0C3M5RW2Q  
B0C3M3Y4J1  
B0C3VM8BWL  
B0D95KFXKY  
B0C49M9CPV  
B0D4DR3528  
B0C49K63Q3  
B0CRBG9798  
B0D5XSPC14  
B0CZ6QWPBM  
B091MB9N74  
B0986PYJV7  
B0DH5TK7KD  
B0D46VCP1F  
B0D46WV7FQ  
B0D46WNWPJ  
B0D46YS7DW  
B0C4XX93WK  
B0C4XZ32FH  
B0CS9GYSGN  
B0CS9GH5VQ  
B0CS9GYSGN  
B0CY59PJ3P

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<sup>1</sup> The Accused Products may be just some of the products manufactured or sold by Defendants. Because Plaintiff's investigation is ongoing, additional products may be identified as Accused Products at a later date.

B0DGXWV6K  
B0CML914XS  
B0CMLRHJSV  
B0CML8S5HD  
387350088609  
387349996354  
6638855653  
6638955011

**JOINDER OF DEFENDANTS IN THIS ACTION IS PROPER**

55. Each Defendant is promoting, selling, offering for sale, and distributing counterfeit goods (the “Accused Products”) infringing the ‘983 Patent within this District.

56. Joinder of all Defendants is permissible based on the permissive party joinder rule of Fed. R. Civ. P. 20(a)(2) that permits the joinder of persons in an action as Defendants where any right to relief is asserted against them jointly, severally, or in the alternative with respect to or arising out of the same transaction, occurrence, or series of transactions or occurrences; and any question of law or fact common to all Defendants will arise in the action.

57. Joinder of the multiple Defendants is permitted because Plaintiff asserts rights to relief against these Defendants jointly, severally, or in the alternative with respect to or arising out of the same transaction, occurrence, or series of transactions or occurrences; and common questions of law or fact will arise in the action.

58. Joinder of the multiple Defendants serves the interests of convenience and judicial economy, which will lead to a just, speedy, and inexpensive resolution for Plaintiff, Defendants, and this Court.

59. Joinder of the multiple Defendants will not create any unnecessary delay nor will it prejudice any party. On the other hand, severance is likely to cause delays and prejudice Plaintiff and Defendants alike.

60. Joinder of the multiple Defendants is procedural only and does not affect the substantive rights of any single Defendant.

61. Plaintiff's claims against the multiple Defendants are all transactionally related.

62. Plaintiff is claiming counterfeiting and infringement against Defendants of Plaintiff's patent rights.

63. The actions of all Defendants cause indivisible harm to Plaintiff by Defendants' combined actions engaging in similar counterfeiting conduct when each is compared to the others.

64. All Defendants' actions are logically related. All Defendants are engaging in the same systematic approach of establishing online storefronts to redistribute illegal products from the same or similar sources while maintaining financial accounts that Defendants can easily conceal to avoid any real liability for their actions.

65. All Defendants are located in foreign jurisdictions, mostly China.

66. All Defendants undertake efforts to conceal their true identities from Plaintiff to avoid detection for their illegal counterfeiting and infringing activities.

67. All Defendants have the same or closely related sources for their counterfeit and infringing products with some sourcing from the same upstream source and others sourcing from downstream sources who obtain counterfeit and infringing products from the same upstream sources.

68. All Defendants take advantage of a set of circumstances the anonymity and mass reach the internet affords to sell counterfeit and infringing goods across international borders and violate Plaintiff's patent rights with impunity.

69. All Defendants have registered their seller IDs or Amazon store names with a small number of online platforms for the purpose of engaging in counterfeiting and infringement.

70. All Defendants use payment and financial accounts associated with their online storefronts or the online platforms where their online storefronts reside.

71. All Defendants use their payment and financial accounts to accept, receive, and deposit profits from their counterfeiting and infringing activities.

72. All Defendants can easily and quickly transfer or conceal their funds in their use payment and financial accounts to avoid detection and liability in the event Plaintiff's anti-counterfeiting efforts are discovered, or Plaintiff obtains a monetary award.

73. All Defendants violated one or more of Plaintiff's patent rights in the United States by the use of common or identical methods.

74. All Defendants understand that their ability to profit through anonymous internet stores is enhanced as their numbers increase, even though they may not all engage in direct communication or coordination.

75. Many Defendants are operating multiple internet storefronts and online marketplace seller accounts using different seller IDs or Amazon store names.

76. Defendants' business names, *i.e.*, the seller IDs or Amazon store names, associated payment accounts, and any other alias seller identification names or e-commerce stores used in connection with the sale of counterfeits and infringements of Plaintiff's patent rights are essential components of Defendants' online activities and are one of the means by which Defendants further their counterfeiting and infringement scheme and cause harm to Plaintiff.

77. Defendants are using counterfeits and infringements of Plaintiff's patent rights to drive internet consumer traffic to their e-commerce stores operating under the seller IDs or Amazon store names identified above, thereby increasing the value of the seller IDs or Amazon

store names and decreasing the size and value of Plaintiff's legitimate marketplace and patent rights at Plaintiff's expense.

78. Defendants, through the sale and offer to sell counterfeit and infringing products, are directly, and unfairly, competing with Plaintiff's economic interests in the state of Ohio and causing Plaintiff harm and damage within this jurisdiction.

79. The natural and intended byproduct of Defendants' logically related actions is the erosion and destruction of the goodwill associated with Plaintiff's patent rights and the destruction of the legitimate market sector in which it operates.

80. Upon information and belief, at all times relevant hereto, Defendants had actual or constructive knowledge of Plaintiff's patent rights, including Plaintiff's exclusive right to make, use or sell products identified by such patent rights.

#### **DEFENDANTS' INFRINGING ACTIVITIES**

81. Defendants are promoting, advertising, distributing, selling, and/or offering for sale copies of Plaintiff's products, such as the Accused Products, in interstate commerce that are infringements of Plaintiff's intellectual property rights (the "Counterfeit Goods") through at least the internet based e-commerce stores operating under the seller IDs identified above.

82. Defendants, upon information and belief, are actively using, promoting and otherwise advertising, distributing, selling and/or offering for sale substantial quantities of their Counterfeit Goods with the knowledge and intent that such goods are in direct infringement of Plaintiff's patent rights, and without authority to do so.

83. The net effect of Defendants' actions is likely to cause confusion of consumers, at the time of initial interest, sale, and in the post-sale setting, who will believe all of Defendants'

goods offered for sale on Defendants' e-commerce stores are genuine goods originating from, associated with, and approved by Plaintiff.

84. Defendants advertise their e-commerce stores, including their Infringing Goods offered for sale, to the consuming public via e-commerce stores on at least one internet marketplace website operating under the seller IDs or Amazon store names identified above.

85. In so advertising their stores and products, Defendants improperly and unlawfully infringe Plaintiff's '983 Patent without Plaintiff's permission.

86. As part of their overall infringement scheme, most Defendants are, upon information and belief, concurrently employing and benefitting from substantially similar, advertising and marketing strategies based, in large measure, upon an illegal use and infringement of the '983 Patent.

87. By their actions, Defendants are contributing to the creation and maintenance of an illegal marketplace operating in parallel to the legitimate marketplace for Plaintiff's genuine goods.

88. Defendants are causing individual, concurrent, and indivisible harm to Plaintiff and the consuming public by (i) depriving Plaintiff and other third parties of their right to fairly compete for space within search engine results and reducing the visibility of Plaintiff's genuine goods on the World Wide Web, (ii) causing an overall degradation of the value of the '983 Patent, and (iii) increasing Plaintiff's overall cost to market its goods and educate consumers via the internet.

89. Upon information and belief, Defendants are concurrently conducting and targeting their counterfeiting and infringing activities toward consumers and likely causing unified harm within this District and elsewhere throughout the United States.



90. As a result, Defendants are defrauding Plaintiff and the consuming public for Defendants' own benefit.

91. Upon information and belief, at all times relevant hereto, Defendants had full knowledge of Plaintiff's ownership of the '983 Patent including its exclusive right to use and license such intellectual property and the goodwill associated therewith.

92. Defendants are engaging in the above-described illegal, counterfeiting, and infringing activities knowingly and intentionally or with reckless disregard or willful blindness to Plaintiff's rights, and without its permission.

93. Upon information and belief, Defendants' payment and financial accounts are being used by Defendants to accept, receive, and deposit profits from Defendants' counterfeiting and infringing, as well as their unfairly competitive activities connected to their seller IDs or Amazon store names and any other alias e-commerce stores or seller identification names being used and/or controlled by them.

94. Further, upon information and belief, Defendants are likely to transfer or hide their assets to avoid payment of any monetary judgment awarded to Plaintiff.

95. Plaintiff is suffering irreparable injury and has suffered substantial damages as a result of Defendants' unauthorized and infringing activities and their wrongful use of Plaintiff's intellectual property rights.

96. If Defendants' counterfeiting, infringing, and unfairly competitive activities are not preliminarily and permanently enjoined by this Court, Plaintiff and the consuming public will continue to be harmed.

97. The harm and damages sustained by Plaintiff have been directly and proximately caused by Defendants' wrongful production, use, advertisement, promotion, offers to sell, and sale of their infringing goods.

98. Defendants have sold their infringing goods in competition directly with Plaintiff's genuine products.

99. Plaintiff should not have any competition from Defendants because Plaintiff never authorized Defendants to use Plaintiff's patent(s).

100. Plaintiff has no adequate remedy at law.

101. More particularly, Defendants commercialize fitness products that have all elements recited in at least Claim 1 of the '983 Patent. Specifically, Defendants make, use, sell, offer for sale, or import an adjustable dumbbell that has all elements of that which is covered by at least Claim 1 of the '983 Patent.

102. Additionally, and more particularly, Defendants commercialize fitness products that have all elements recited in at least Claim 9 of the '983 Patent. Specifically, Defendants make, use, sell, offer for sale, or import an adjustable dumbbell that has all elements of that which is covered by at least Claim 9 of the '983 Patent.

103. More particularly, Defendants commercialize fitness products that have all elements recited in at least Claim 11 of the '983 Patent. Specifically, Defendants make, use, sell, offer for sale, or import an adjustable dumbbell that has all elements of that which is covered by at least Claim 11 of the '983 Patent.

**FIRST CAUSE OF ACTION  
(DIRECT INFRINGEMENT OF THE '983 PATENT)**

104. Plaintiff incorporates its allegations above as though each is fully rewritten here.

105. Defendants make, use, sell, import, or offer for sale in the United States, or have made, used, sold, imported, or offered for sale in the past and currently, the Accused Products that satisfy and contain every element of Claim 1 of the '983 Patent.

106. Defendants directly infringe, either literally or under the doctrine of equivalents, Claim 1 of the '983 Patent.

107. Specifically, the Accused Products manufactured, used, or sold by Defendants and sold to their customers directly infringe Claim 1 of the '983 Patent.

108. Defendants directly infringe, either literally or under the doctrine of equivalents, at least one of the dependent Claims 2-8 of the '983 Patent.

109. Defendants directly infringe, either literally or under the doctrine of equivalents, Claim 9 of the '983 Patent.

110. Specifically, the Accused Products manufactured, used, or sold by Defendants and sold to their customers directly infringe Claim 9 of the '983 Patent.

111. Defendants directly infringe, either literally or under the doctrine of equivalents, dependent Claim 10 of the '983 Patent.

112. Defendants directly infringe, either literally or under the doctrine of equivalents, Claim 11 of the '983 Patent.

113. Specifically, the Accused Products manufactured, used, or sold by Defendants and sold to their customers directly infringe Claim 11 of the '983 Patent.

114. By engaging in the conduct described herein, Defendants have injured Plaintiff and are thus liable for infringement of the '983 Patent pursuant to 35 U.S.C. § 271.

115. Defendants have committed these acts of infringement without license or authorization.

116. As a result of Defendants' infringement of the '983 Patent, Plaintiff has suffered monetary damages and is entitled to a monetary judgment in an amount adequate to compensate for Defendants' past infringement, together with interests and costs.

117. Plaintiff will continue to suffer damages in the future unless Defendants' infringing activities are enjoined by this Court. As such, Plaintiff is entitled to compensation for any continuing and/or future infringement up until the date that Defendants are finally and permanently enjoined from further infringement.

**SECOND CAUSE OF ACTION  
(INDUCED INFRINGEMENT OF THE '983 PATENT)**

118. Plaintiff incorporates its allegations above as though each is fully rewritten here.

119. Defendants have induced others (*e.g.*, their distributors or customers) to infringe the '983 Patent by encouraging infringement, knowing that the acts Defendants induced constituted patent infringement, and their encouraging acts actually resulted in direct patent infringement either literally or under the doctrine of equivalents.

120. Defendants have induced and are actively inducing others (*e.g.*, their distributors or customers) to make, use, sell, import, or offer for sale in the United States the Accused Products that infringe Claim 1 of the '983 Patent.

121. Specifically, the Accused Products purchased by the customers of Defendants on Amazon.com and then used by those customers directly infringe Claim 1 of the '983 Patent.

122. Defendants have induced and are actively inducing others (*e.g.*, their distributors or customers) to make, use, sell, import, or offer for sale in the United States the Accused Products that infringe at least one of the dependent Claims 2-8 of the '983 Patent.

123. Defendants have induced and are actively inducing others (*e.g.*, their distributors or customers) to make, use, sell, import, or offer for sale in the United States the Accused Products that infringe Claim 9 of the '983 Patent.

124. Specifically, the Accused Products purchased by the customers of Defendants on Amazon.com and then used by those customers directly infringe Claim 9 of the '983 Patent.

125. Defendants have induced and are actively inducing others (*e.g.*, their distributors or customers) to make, use, sell, import, or offer for sale in the United States the Accused Products that infringe dependent Claims 10 of the '983 Patent.

126. Defendants have induced and are actively inducing others (*e.g.*, their distributors or customers) to make, use, sell, import, or offer for sale in the United States the Accused Products that infringe Claim 11 of the '983 Patent.

127. Specifically, the Accused Products purchased by the customers of Defendants on Amazon.com and then used by those customers directly infringe Claim 11 of the '983 Patent.

128. By engaging in the conduct described herein, Defendants have injured Plaintiff and are thus liable for infringement of the '983 Patent pursuant to 35 U.S.C. § 271.

129. Defendants have committed these acts of infringement without license or authorization.

130. As a result of Defendants' induced infringement of the '983 Patent, Plaintiff has suffered monetary damages and is entitled to a monetary judgment in an amount adequate to compensate for Defendants' past infringement, together with interests and costs.

131. Plaintiff will continue to suffer damages in the future unless Defendants' infringing activities are enjoined by this Court. As such, Plaintiff is entitled to compensation for any

continuing and/or future infringement up until the date that Defendants are finally and permanently enjoined from further infringement.

**THIRD CAUSE OF ACTION  
(CONTRIBUTORY INFRINGEMENT OF THE '983 PATENT)**

132. Plaintiff incorporates its allegations above as though each is fully rewritten here.

133. Defendants actively, knowingly, and intentionally have been and continue to materially contribute to end-users' infringement of the 983 Patent, literally or by the doctrine of equivalents, by selling the Accused Product to their customers for use in a manner that infringes one or more claims of the '983 Patent.

134. The Accused Products are not a staple article of commerce suitable for substantial non-infringing use.

135. Specifically, the Accused Products sold by Defendants on Amazon.com to end-users directly infringe Claim 1 of the '983 Patent when used by those end-users.

136. The Accused Products sold by Defendants on Amazon.com to end-users directly infringe at least one of the dependent Claims 2-8 of the '983 Patent when used by those end-users.

137. Specifically, the Accused Products sold by Defendants on Amazon.com to end-users directly infringe Claim 9 of the '983 Patent when used by those end-users.

138. The Accused Products sold by Defendants on Amazon.com to end-users directly infringe dependent Claim 10 of the '983 Patent when used by those end-users.

139. Specifically, the Accused Products sold by Defendants on Amazon.com to end-users directly infringe Claim 11 of the '983 Patent when used by those end-users.

140. By engaging in the conduct described herein, Defendants have injured Plaintiff and are thus liable for infringement of the '983 Patent pursuant to 35 U.S.C. § 271.

141. Defendants have committed these acts of infringement without license or authorization.

142. As a result of Defendants' contributory infringement of the '983 Patent, Plaintiff has suffered monetary damages and is entitled to a monetary judgment in an amount adequate to compensate for Defendants' past infringement, together with interests and costs.

143. Plaintiff will continue to suffer damages in the future unless Defendants' infringing activities are enjoined by this Court. As such, Plaintiff is entitled to compensation for any continuing and/or future infringement up until the date that Defendants are finally and permanently enjoined from further infringement.

#### **PRAYER FOR RELIEF**

WHEREFORE, Plaintiff prays that this Court enter judgment in its favor and against Defendants by granting the following relief:

- a. That each Defendant be adjudged to have directly infringed the '983 Patent either literally or under the doctrine of equivalents;
- b. An accounting of all infringing sales and damages including, but not limited to, those sales and damages not presented at trial;
- c. That each Defendant, its officers, directors, agents, servants, employees, attorneys, affiliates, divisions, branches, parents, and those persons in active concert or participation with any of them, be permanently restrained and enjoined from directly infringing the '983 Patent;
- d. An award of damages pursuant to 35 U.S.C. § 284 sufficient to compensate Plaintiff for the Defendants' past infringement and any continuing or future infringement up

- until the date that Defendants are finally and permanently enjoined from further infringement, including compensatory damages;
- e. An assessment of pre-judgment and post-judgment interest and costs against Defendants, together with an award of such interest and costs, in accordance with 35 U.S.C. § 284;
  - f. That Defendants be directed to pay enhanced damages, including Plaintiff's attorneys' fees incurred in connection with this lawsuit pursuant to 35 U.S.C. § 285;
  - g. Entry of temporary, preliminary, and permanent injunctions pursuant to 35 U.S.C. § 283;
  - h. Entry of a temporary restraining order, as well as preliminary and permanent injunctions pursuant to 28 U.S.C. § 1651(a), The All Writs Act, and the Court's inherent authority, enjoining Defendants and all third parties with actual notice of the injunction issued by this Court from participating in, including providing financial services, technical services or other support to, Defendants in connection with the importing, selling, offering for sale, or using products that infringe Plaintiff's patent;
  - i. Entry of an Order pursuant to 28 U.S.C. § 1651(a), The All Writs Act, and this Court's inherent authority that, upon Plaintiff's request, any messaging service and internet marketplace website operators, administrators, registrar and/or top level domain (TLD) Registry for the seller IDs or store names who are provided with notice of an injunction issued by this Court identify any e-mail address known to be associated with Defendants' respective seller IDs;
  - j. Entry of an Order pursuant to 28 U.S.C. § 1651(a), The All Writs Act and this Court's inherent authority that, upon Plaintiff's request, Defendants and any internet



- marketplace website operators and/or administrators who are provided with notice of an injunction issued by this Court immediately cease fulfillment of and sequester all goods of each Defendant infringing Plaintiff's patent in its inventory, possession, custody, or control, turn over documents reflecting the total number of infringing goods manufactured, distributed, sold and still remaining in inventory including, but not limited to, production reports, shipping invoices, bills of lading, sales invoices, and inventory-on-hand reports, and surrender those goods to Plaintiff;
- k. Entry of an Order that, upon Plaintiff's request, Defendants and any financial institutions, payment processors, banks, escrow services, money transmitters, or marketplace platforms, and their related companies and affiliates, identify and restrain all funds, up to and including the total amount of judgment, in all financial accounts and/or sub-accounts used in connection with the seller IDs or store names identified above, or other alias seller identification or e-commerce store names used by Defendants presently or in the future, as well as any other related accounts of the same customer(s) and any other accounts which transfer funds into the same financial institution account(s) and remain restrained until such funds are surrendered to Plaintiff in partial satisfaction of the monetary judgment entered herein;
- l. Entry of an Order requiring Defendants to pay Plaintiff full damages, as well as punitive or exemplary damages for the use of Plaintiff's patent(s), and the costs of maintaining this civil action and attorneys' fees;
- m. Entry of an award of pre-judgment interest on the judgment amount; and
- n. That Plaintiff be granted such other and further relief as this Court may deem just and proper.

Respectfully submitted,

/s/ Brian A. Coulter

Matthew G. Vansuch (0079328)

Brian A. Coulter (0092158)

Roetzel & Andress LPA  
6550 Seville Dr., Suite B

Canfield, OH 44406

Tel. (330) 533-6195

Fax (330) 533-6198

mvansuch@ralaw.com

bcoulter@ralaw.com

Together with:

Howard L. Wernow (0089019)

James F. McCarthy, III (0002245)

Sand Sebolt & Wernow LPA  
4940 Munson Street NW, Suite 1100

Canton, Ohio 44718

Tel.: (330) 244-1174

Fax: (330) 244-1173

howard.wernow@sswip.com

james.mccarthy@sswip.com

*Counsel for Plaintiff*

**DEMAND FOR JURY TRIAL**

Plaintiff demands a trial by jury on all claims and defenses so triable.

Respectfully submitted,

/s/ Brian A. Coulter

Matthew G. Vansuch (0079328)

Brian A. Coulter (0092158)

Roetzel & Andress LPA

6550 Seville Dr., Suite B

Canfield, OH 44406

Tel. (330) 533-6195

Fax (330) 533-6198

[mvansuch@ralaw.com](mailto:mvansuch@ralaw.com)

[bcoulter@ralaw.com](mailto:bcoulter@ralaw.com)

Together with:

Howard L. Wernow (0089019)

James F. McCarthy, III (0002245)

Sand Sebolt & Wernow LPA

4940 Munson Street NW, Suite 1100

Canton, Ohio 44718

Tel.: (330) 244-1174

Fax: (330) 244-1173

[howard.wernow@sswip.com](mailto:howard.wernow@sswip.com)

[james.mccarthy@sswip.com](mailto:james.mccarthy@sswip.com)

*Counsel for Plaintiff*