

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF WISCONSIN

WOODWAY USA, INC., )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 ) Case No.  
 SAMSARA FITNESS, LLC and )  
 CHAPCO, INC. )  
 )  
 Defendants. )  
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**COMPLAINT**

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Woodway USA, Inc. (“Woodway”), by and for its Complaint against Defendants Samsara Fitness, LLC (“Samsara”) and Chapco, Inc. (“Chapco”) (collectively, “Defendants”), alleges to the Court as follows:

**PARTIES**

1. Woodway is a company organized and existing under the laws of the State of Wisconsin, with a principal place of business located in this District at W229 N591 Foster Court, Waukesha, Wisconsin 53186.

2. Woodway is informed and believes that Samsara is a limited liability company organized and existing under the laws of the State of Connecticut, with a principal place of business located at 10 Denlar Drive, Chester, Connecticut 06412.

3. Woodway is informed and believes that Chapco is a corporation organized and existing under the laws of the State of Connecticut, with a principal place of business located at 10 Denlar Drive, Chester, Connecticut 06412.

## **JURISDICTION AND VENUE**

4. This is an action for patent infringement arising out of Defendants' unauthorized manufacturing, using, offering for sale, and selling of certain manual treadmills in violation of Woodway's patent rights. Because this is an action for infringement under the patent laws of the United States, 35 U.S.C. § 271, *et seq.*, this Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a).

5. This Court has personal jurisdiction over Defendants in that, at all times pertinent hereto, upon information and belief, Defendants are doing business and have systematic activities in this District and are committing infringing acts in Wisconsin and this District. More specifically, upon information and belief, at least Samsara offers for sale and sells treadmills, including the accused treadmills, online and through one of its dealers, Direct Fitness Solutions, in this District. Upon information and belief, Defendants also induce direct infringement in this District.

6. Venue properly lies in this District pursuant to 28 U.S.C. §§ 1391(b) and (c) and 1400(b) because Defendants are subject to personal jurisdiction in this District, due at least to their substantial business in Wisconsin and this District.

## **COUNT I**

### **INFRINGEMENT OF U.S. PATENT NO. 8,986,169**

7. Woodway repeats and realleges each and every allegation contained in paragraphs 1-6, inclusive, as though fully set forth herein.

8. Woodway is the assignee and owner of United States Patent No. 8,986,169 ("the '169 patent").

9. The '169 patent, entitled "Manual Treadmill and Methods of Operating the Same," was duly and legally issued by the United States Patent and Trademark Office on March

24, 2015. A true and correct copy of the '169 patent is attached hereto as Exhibit A.

10. The '169 patent is valid and enforceable.

11. Without permission or authorization from Woodway and in violation of 35 U.S.C. § 271(a), Defendants are making, selling, offering for sale, and/or using in this District and elsewhere in the United States, certain manual treadmills, including, but not limited to, the "TrueForm Runner" ("Products-in-Suit"), that infringe at least one claim of the '169 patent.

12. Without permission or authorization from Woodway and in violation of 35 U.S.C. § 271(b), Defendants are actively inducing the direct infringement of at least one claim of the '169 patent by aiding, abetting, and encouraging its customers' use of the Products-in-Suit with knowledge of the infringement of the '169 patent and with the intent to cause such infringement.

13. To the extent that any marking or notice was required by 35 U.S.C. § 287, Woodway has complied with the requirements of that statute by providing actual and/or constructive notice to Defendants of their infringement of the '169 patent.

14. Defendants' infringement of the '169 patent has been and continues to be willful and deliberate.

15. Defendants' conduct has caused and will continue to cause Woodway substantial damage, including irreparable harm, for which Woodway has no adequate remedy at law, unless and until Defendants are enjoined from infringing the '169 patent.

## **COUNT II**

### **INFRINGEMENT OF U.S. PATENT NO. 9,039,580**

16. Woodway repeats and realleges each and every allegation contained in paragraphs 1-15, inclusive, as though fully set forth herein.

17. Woodway is the assignee and owner of United States Patent No. 9,039,580 (“the ’580 patent”).

18. The ’580 patent, entitled “Manual Treadmill and Methods of Operating the Same,” was duly and legally issued by the United States Patent and Trademark Office on May 26, 2015. A true and correct copy of the ’580 patent is attached hereto as Exhibit B.

19. The ’580 patent is valid and enforceable.

20. Without permission or authorization from Woodway and in violation of 35 U.S.C. § 271(a), Defendants are making, selling, offering for sale, and/or using in this District and elsewhere in the United States, the Products-in-Suit that infringe at least one claim of the ’580 patent.

21. Without permission or authorization from Woodway and in violation of 35 U.S.C. § 271(b), Defendants are actively inducing the direct infringement of at least one claim of the ’580 patent by aiding, abetting, and encouraging its customers’ use of the Products-in-Suit with knowledge of the infringement of the ’580 patent and with the intent to cause such infringement.

22. To the extent that any marking or notice was required by 35 U.S.C. § 287, Woodway has complied with the requirements of that statute by providing actual and/or constructive notice to Defendants of their infringement of the ’580 patent.

23. Defendants’ infringement of the ’580 patent has been and continues to be willful and deliberate.

24. Defendants’ conduct has caused and will continue to cause Woodway substantial damage, including irreparable harm, for which Woodway has no adequate remedy at law, unless and until Defendants are enjoined from infringing the ’580 patent.

**PRAYER FOR RELIEF**

Wherefore, Woodway respectfully prays for entry of a judgment:

- A. That Defendants have infringed the '169 and '580 patents;
- B. That Defendants and their respective agents, servants, officers, directors, employees and all persons in privity or active concert or participation with them, directly or indirectly, be preliminarily and permanently enjoined from infringing, inducing others to infringe, or contributing to the infringement of the '169 and '580 patents;
- C. That Defendants be ordered to account for and pay to Woodway damages adequate to compensate for Defendants' infringement of the '169 and '580 patents, including lost profits and/or reasonable royalty;
- D. That a post-judgment equitable accounting of damages be ordered for the period of infringement of the '169 and '580 patents following the period of damages established by Woodway at trial;
- E. That damages be trebled for the willful, deliberate, and intentional infringement by Defendants as alleged herein in accordance with 35 U.S.C. § 284;
- F. That this case be adjudged an exceptional case under 35 U.S.C. § 285 and that Woodway be awarded its costs, expenses, and disbursements incurred in this action, including reasonable attorneys' fees as available by law to be paid by Defendants;
- G. For an award of pre-judgment interest, post-judgment interest, and costs in this action; and
- H. For such other relief to Woodway as this Court deems just and proper.

**DEMAND FOR JURY TRIAL**

Woodway demands a trial by jury on all issues so triable.

Dated: August 11, 2015

**FOLEY & LARDNER LLP**

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