

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

KORE EXTREME LLC,

Plaintiff,

v.

RFE INTERNATIONAL LTD.,  
JANE DOEs 1-10,

Defendants.

Civil Action No. 1:16-cv-02493

**Jury Trial Demanded**

**AMENDED COMPLAINT FOR PATENT INFRINGEMENT**

This is an action for patent infringement in which Plaintiff, Kore Extreme LLC (“Kore Extreme”), through its attorneys, complains and alleges against RFE International Ltd., (referred to as “the Defendant”) and JANE DOEs 1-10 (“referred to a “Customer Defendants”)(Defendant and Customer Defendants collectively identified as “All Defendants”) as follows:

**THE PARTIES**

1. Plaintiff, Kore Extreme LLC, is an Illinois Limited Liability Company having its principal place of business at 2023 West Carroll Avenue, #C307, Chicago, Illinois 60612.
2. Defendant RFE International Ltd. (“RFE”) is a United Kingdom Corporation having its principal place of business at 8 Clarendon Drive, Milton Keynes MK8 8ED, United Kingdom. On information and belief, RFE may be served at the registered office at 8 Clarendon Drive, Milton Keynes MK8 8ED, United Kingdom, via an officer, a managing or general agent, or any other agent authorized by appointment or by law to receive service of process.

3. Customer Defendants are those individuals who purchased and used products which infringe upon at least one claim of the '216 Patent and are currently unknown to Kore Extreme. Kore Extreme will seek leave of this Court to amend its complaint to show their true names and capacities when ascertained.

### **JURISDICTION AND VENUE**

4. This action arises under the patent laws of the United States, Title 35 of the United States Code ("U.S.C."). This Court has jurisdiction pursuant to 28 U.S.C. §§ 1331, 1332, and 1338(a).

5. This Court has personal jurisdiction over All Defendants because each has used and/or induced others to use, sold, offered for sale, and/or imported products that have entered the State of Illinois, including in this District, which infringe upon at least one claim of the '216 Patent.

6. This Court has personal jurisdiction over each Defendant who owns, operates, and/or controls an Internet website, including through which infringing products may be purchased by customers in the State of Illinois and in this District by way of an interactive, online ordering system or through which infringing products may be viewed in detail inducing use.

7. This Court has personal jurisdiction over All Defendants who have used and/or induced others to use products that have entered the State of Illinois, including in this District, which infringe upon at least one claim of the '216 Patent.

8. Venue is proper in this District under 28 U.S.C. §§1391(c) and 1400(b). A substantial number of acts that are the subject of this Complaint have been committed in this District and in interstate commerce. On information and belief, All Defendants have and are currently transacting, doing and/or soliciting business in this District and/or have committed and/or induced acts of patent infringement in this District.

### **PATENT-IN-SUIT**

9. On October 12, 2010, the United States Patent and Trademark Office (“USPTO”) issued U.S. Patent No. 7,811,216 (“the ‘216 Patent”) entitled “Inflatable Exercise Apparatus”. A copy of the ‘216 Patent is attached to this Complaint as Exhibit A.

10. The ‘216 Patent is valid and owned by Kore Extreme as reflected by the Assignment recorded at Reel 23318, Frame 51 at the USPTO.

### **BACKGROUND**

11. Kore Extreme is a business specializing in the design, development, manufacture, market and sale of exercise equipment goods since at least 2008. Kore Extreme has and continues to offer for sale, market, advertise, and sell its goods. See [www.koreextreme.com](http://www.koreextreme.com).

12. One of Kore Extreme’s goods is an inflatable exercise apparatus according to the ‘216 Patent (“the KoreFit<sup>®</sup> Product”). The inflatable exercise apparatus is identified by the KoreFit<sup>®</sup> Federal registered trademark, which is owned by Kore Extreme.

13. Kore Extreme has been and continues to give notice to the public that the KoreFit<sup>®</sup> Product is a patented apparatus by marking pursuant to 35 U.S.C. § 287.

14. Kore Extreme has continuously advertised, marketed, and promoted its business including the sale of exercise equipment goods since at least 2008. Kore Extreme provided promotional products including the KoreFit<sup>®</sup> Product to various businesses. (see Exhibit B).

15. In addition, Kore Extreme has promoted its business and sold the KoreFit<sup>®</sup> Product at various trade shows since at least 2009. One such trade show Kore Extreme attended was the National Strength and Conditioning Association (“NSCA”) 34<sup>th</sup> Annual National Conference held in Las Vegas, Nevada July 6-9, 2011 (“the NSCA Trade Show”). (Exhibit C).

16. Kore Extreme learned of a good identified as the Reebok® EasyTone® Step product, which was used, offered for sale or sold at the NSCA Trade Show.

17. The Reebok® EasyTone® Step product (“the Accused Product”) appears below:



18. REEBOK is the owner of both the Reebok® and the EasyTone® Federal registered trademarks.

19. REEBOK licenses its trademarks to third party licensees that manufacture and sell fitness equipment under the Reebok brand. One third party licensee is RFE.

20. RFE has and is currently inducing Customer Defendants to use the Accused Product. See <https://www.youtube.com/watch?v=eSA7dl5dlPc> uploaded on September 12, 2011, and <https://www.youtube.com/watch?v=gppN4GbDUq4> published on January 14, 2016. (Exhibit D).

21. Upon information and belief, RFE manufactures the Accused Product in China from where it is imported into the United States. Upon information and belief, RFE has exported from China to the United States, at least once, the Accused Product.

22. The Accused Product is being offered and has been offered for sale through the websites [www.performbetter.com](http://www.performbetter.com), [www.qvc.com](http://www.qvc.com), [www.amazon.com](http://www.amazon.com), [www.ebay.com](http://www.ebay.com).

[http://www.performbetter.com/webapp/wcs/stores/servlet/Product1\\_10151\\_1075\\_2\\_2230468\\_-1?cmp=cel&trigger=ac;](http://www.performbetter.com/webapp/wcs/stores/servlet/Product1_10151_1075_2_2230468_-1?cmp=cel&trigger=ac;)  
<http://www.qvc.com/Reebok-EasyTone-Step-Total-Body-Workout-with-DVD.product.F09996.html>;  
[http://www.amazon.com/s/ref=nb\\_sb\\_noss\\_1?url=search-alias%3Daps&field-keywords=reebok+easytone+step](http://www.amazon.com/s/ref=nb_sb_noss_1?url=search-alias%3Daps&field-keywords=reebok+easytone+step);  
[http://www.ebay.com/sch/i.html?from=R40&sacat=0&nkw=reebok+easytone+step&rt=nc&LH\\_BIN=1](http://www.ebay.com/sch/i.html?from=R40&sacat=0&nkw=reebok+easytone+step&rt=nc&LH_BIN=1). (Exhibit E).

23. The Accused Product is being offered and has been offered for sale through catalogs at least as early as 2011. (see Exhibit F).

24. The Accused Product is being offered and has been offered for sale through television broadcasts. <https://www.youtube.com/watch?v=wEthEe5Wo6g> published on March 30, 2013. (Exhibit G).

25. Customer Defendants use the Accused Product as induced by the Defendant.

### **COUNT 1 - PATENT INFRINGEMENT**

26. All Defendants have directly infringed and continue to infringe the '216 Patent by making, using, selling, offering to sell, and/or importing into the Northern District of Illinois, and elsewhere in the United States, products that infringe at least one claim of the '216 Patent, either literally or under the doctrine of equivalents, in violation of 35 U.S.C. §271. Such products include the Reebok<sup>®</sup> EasyTone<sup>®</sup> Step product.

27. In addition to directly infringing the '216 Patent, the Defendant has indirectly infringed and will continue to indirectly infringe the '216 Patent, including by actively inducing others to directly infringe the '216 Patent in violation of 35 U.S.C. §271.

28. Infringement of the '216 Patent by the Defendant has been and continues to be willful and deliberate entitling Kore Extreme to enhanced damages under 35 U.S.C. §284.

29. Kore Extreme, as a proximate result of All Defendants' acts, has suffered and, if not enjoined, will continue to suffer irreparable harm, for which Kore Extreme has no adequate legal remedy.

### **REQUEST FOR RELIEF**

Plaintiff Kore Extreme LLC, respectfully requests this Court to enter judgment against All Defendants, granting the following relief:

- a. Declare the '216 Patent is valid and infringed by All Defendants.
- b. Enjoin All Defendants, or each of their officers, agents, servants, employees that those acting in concert or participation with them, from directly or indirectly infringing any of the claims of the '216 Patent, and/or from causing or encouraging others to directly or indirectly infringe any claim of the '216 Patent.
- c. Order All Defendants to account for their infringement of the '216 Patent, and to pay damages under 35 U.S.C. §284, in an amount sufficient to compensate Kore Extreme for its damages arising from infringement by All Defendants, including, but not limited to, lost profits, and/or a reasonable royalty, together with prejudgment and post judgment interest, and costs.
- d. Enhance damages up to treble damages under 35 U.S.C. §284, for the deliberate and willful nature of All Defendants' infringement.
- e. Declare this case exceptional and order All Defendants to pay Kore Extreme's costs and expenses and its reasonable attorney's fees pursuant to 35 U.S.C. §285.

f. Grant relief as this Court or a jury may deem proper, equitable, and appropriate.

**JURY DEMAND**

Pursuant to Rule 38, FED. R. CIV. P., Kore Extreme demands a trial by jury on all issues presented in this Complaint that are so triable.

Date: April 15, 2016

Respectfully submitted,

KORE EXTREME, LLC

/s/ Allison M. Corder

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