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HOIST FITNESS SYSTEMS, INC.
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7
8 UNITED STATES DISTRICT COURT
9 SOUTHERN DISTRICT OF CALIFORNIA

10
11 HOIST FITNESS SYSTEMS, INC.,

12 Plaintiff,

13 v.

14 TUFFSTUFF FITNESS
INTERNATIONAL, INC.,

15 Defendant.
16

Case No. '17CV0670 MMABLM

**COMPLAINT FOR
INJUNCTIVE RELIEF AND
DAMAGES FOR PATENT
INFRINGEMENT**

(DEMAND FOR JURY TRIAL)

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1 Plaintiff Hoist Fitness Systems, Inc. (“Hoist”), asserts this Complaint against
2 Defendant TuffStuff Fitness International, Inc. (“Defendant”).

3 Hoist seeks injunctive and monetary relief from Defendant for patent
4 infringement. As alleged more fully below, Defendant has violated, and continues
5 to violate, the Patent Act (35 U.S.C. § 1, *et seq.*) through their unauthorized use of
6 Hoist’s intellectual patent rights relating to its strength training products.

7 Hoist alleges the following against Defendant:

8 1. This is an action to combat Defendant’s willful infringement of Hoist’s
9 United States patents in violation of 35 U.S.C. § 271.

10 2. As a direct and proximate result of Defendant’s unlawful manufacture,
11 use, offering for sale, sale, and/or importation of infringing products, Hoist is
12 irreparably harmed. Hoist seeks a permanent injunction, damages adequate to
13 compensate for the infringement and enhanced damages for Defendant’s willful
14 infringement, as well as Hoist’s costs, and attorneys’ fees as authorized by the
15 Patent Act.

16 **THE PARTIES**

17 3. Hoist is a corporation organized under, and existing by virtue of, the
18 laws of the state of California, with its principal place of business located at 11900
19 Community Road, Poway, California 92064.

20 4. On information and belief, Hoist alleges that Defendant is a
21 corporation organized and existing under the laws of the State of California with its
22 principal place of business at 13971 Norton Avenue, Chino, California 91791.

23 **JURISDICTION AND VENUE**

24 5. This action arises under the Patent Laws of the United States, 35 U.S.C.
25 §§ 1, *et seq.* This Court has original subject matter jurisdiction pursuant to 28
26 U.S.C. §§ 1331 and 1338(a).

27 6. This Court has personal jurisdiction over Defendant because
28 Defendant has in the past transacted, and/or continues to transact and/or solicit

1 business throughout the United States, including in this District, and its infringing
2 activities have occurred and continue to occur throughout the United States and in
3 this District. On information and belief, Defendant maintains a sales force in
4 California for the purpose of serving customers in California and in this District.
5 On information and belief, Defendant has furnished and continues to furnish
6 strength training equipment within this District. On information and belief, by
7 furnishing strength training equipment within this District, Defendant has purposely
8 availed itself of the privilege of doing business in California and in this District.

9 7. Venue is proper in this District pursuant to 28 U.S.C. § 1391.

10 **HOIST'S INTELLECTUAL PROPERTY RIGHTS**

11 8. Hoist is in the business of designing, manufacturing, promoting,
12 marketing, advertising, distributing, and selling strength training equipment
13 worldwide, including the United States and in this District.

14 9. Hoist began in 1977 when two friends with a passion for exercise and
15 health launched a fitness club in Solana Beach, CA. They quickly realized the
16 strength training equipment available did not meet the needs of their facility. Soon
17 after, Hoist was officially founded with the goal of providing innovative equipment
18 that would perform better, be easier to use and withstand high-use commercial
19 settings.

20 10. Over the years Hoist established a name for itself as an innovator in
21 developing strength products. Hoist initially specialized in commercial strength
22 equipment. But later Hoist entered the consumer market after a number of clients
23 requested "Health Club Quality" fitness equipment, reimagined for home use. The
24 result was the Hoist 1000 Home Gym, the world's first-ever home gym Vertical
25 Press. The Hoist 1000 set a new industry standard, firmly establishing Hoist as a
26 leader in fitness equipment innovation.

27 11. Since then, Hoist has developed and built a series of products suited
28 for the training needs of diverse population groups, ranging from children, to active

1 seniors, to the more athletic and well-conditioned.

2 12. One of Hoist's premier commercial fitness product lines is the unique
3 ROC-IT™ line. When using ROC-IT™ fitness machines, the user becomes an
4 integral part of the exercise because the position of the user continuously adjusts
5 with the movement of the exercise arm. As a result, the ROC-IT™ line embodies a
6 unique training experience that achieves the unrestricted joint movement and core
7 activating benefits of functional training coupled with the stabilizing benefits of
8 machine-based equipment. The ROC-IT™ products have become prominent
9 throughout the U.S. and around world in major fitness club chains. The ROC-IT™
10 products are also used at major colleges and universities, and on US military
11 installations. In fact, ROC-IT™ products are on every aircraft carrier in the U.S.
12 Navy.

13 13. Hoist has expended significant resources at its San Diego County-
14 based design center developing its innovative products like ROC-IT™. As a result
15 of these innovations, Hoist has been awarded over 70 design and utility patents
16 world-wide, including United States Patent Nos. 7,549,949 ("949 patent"),
17 7,563,209 ("209 patent"), 7,594,880 ("880 patent"), 7,654,938 ("938 patent"),
18 7,976,440 ("440 patent") and 7,993,251 ("251 patent") (collectively, "asserted
19 patents").

20 14. Hoist has also expended substantial resources in manufacturing,
21 promoting, marketing, advertising, distributing and selling its products, brands and
22 packaging, and has built a very valuable business based on demand for its
23 distinctively-styled, quality strength training equipment.

24 **HOIST'S ASSERTED PATENTS**

25 15. Hoist is the lawful assignee and owner of all right, title, and interest in
26 and to the '949 patent, which is entitled "Chest press exercise machine with self-
27 aligning pivoting user support." The United States Patent & Trademark Office
28 ("PTO") duly and legally issued the '949 patent on June 23, 2009. A true and

1 correct copy of the '949 patent is attached hereto as Exhibit 1.

2 16. Hoist is the lawful assignee and owner of all right, title, and interest in
3 and to the '209 patent, which is entitled "Leg exercise machine with self-aligning
4 pivoting seat." The PTO duly and legally issued the '209 patent on July 21, 2009.
5 A true and correct copy of the '209 patent is attached hereto as Exhibit 2.

6 17. Hoist is the lawful assignee and owner of all right, title, and interest in
7 and to the '880 patent, which is entitled "Self-aligning pivoting seat exercise
8 machine." The PTO duly and legally issued the '880 patent on September 29, 2009.
9 A true and correct copy of the '880 patent is attached hereto as Exhibit 3.

10 18. Hoist is the lawful assignee and owner of all right, title, and interest in
11 and to the '938 patent, which is entitled "Exercise machine with pivoting user
12 support having multiple pivot linkage." The PTO duly and legally issued the '938
13 patent on February 2, 2010. A true and correct copy of the '938 patent is attached
14 hereto as Exhibit 4.

15 19. Hoist is the lawful assignee and owner of all right, title, and interest in
16 and to the '440 patent, which is entitled "Upper back exercise machine with self-
17 aligning pivoting user support." The PTO duly and legally issued the '440 patent
18 on July 12, 2011. A true and correct copy of the '440 patent is attached hereto as
19 Exhibit 5.

20 20. Hoist is the lawful assignee and owner of all right, title, and interest in
21 and to the '251 patent, which is entitled "Pectoral fly exercise machine." The PTO
22 duly and legally issued the '251 patent on August 9, 2011. A true and correct copy
23 of the '251 patent is attached hereto as Exhibit 6.

24 **DEFENDANT'S ACCUSED PRODUCTS**

25 21. Defendant's infringing products include the BA-701 Chest Press, the
26 BA-702 Shoulder Press, the BA-703 Biceps Curl, the BA-704 Triceps Dip, BA-705
27 Lat Pulldown, the BA-706 Mid Row, the BA-707 Leg Extension, the BA-708 Leg
28 Curl, and the BA-709 Leg Press (collectively, "Accused Products").

1 22. On information and belief, Defendant is infringing the Hoist asserted
2 patents by using, manufacturing, offering for sale, selling, and/or importing the
3 Accused Products without authorization from Hoist.

4 23. On information and belief, Defendant has not ceased its infringement
5 of Hoist's foregoing patents.

6 **FIRST CLAIM FOR RELIEF**

7 **(Infringement – '949 patent)**

8 24. Hoist re-alleges and incorporates by reference each of the foregoing
9 allegations as though fully set forth herein.

10 25. Hoist is the owner of all right, title, and interest in the '949 patent.

11 26. Defendant has infringed the '949 patent, and continues to infringe
12 the '949 patent, in violation of 35 U.S.C. § 271 by using, manufacturing, offering
13 for sale, selling, and/or importing the BA-701 Chest Press, which practices at least
14 claims 2, 8 and 23 of the '949 patent. A claim chart comparing the BA-701 Chest
15 Press to claims 2, 8 and 23 of the '949 patent is attached as Exhibit 7.

16 27. Hoist has been and will continue to be irreparably injured by
17 Defendant's ongoing patent infringement in a manner that may be impossible to
18 quantify, unless enjoined by this Court. Hoist has no adequate remedy at law for
19 the ongoing injury. Accordingly, Hoist seeks a preliminary and permanent
20 injunction, pursuant to 35 U.S.C. § 283, to prohibit Defendant from any further
21 infringement of the '949 patent.

22 28. As a consequence of Defendant's infringement of the '949 patent and
23 in addition to injunctive relief, Hoist is entitled to damages, pursuant to 35 U.S.C.
24 § 284, in an amount no less than a reasonable royalty for the use made of the
25 invention by Defendant, plus interest and costs.

26 29. On information and belief, Defendant has willfully infringed the '949
27 patent. Hoist is entitled to increased damages of three times the damages assessed
28 pursuant to 35 U.S.C. § 284, as well as attorney's fees pursuant to 35 U.S.C. § 285.

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SECOND CLAIM FOR RELIEF

(Infringement – '209 patent)

30. Hoist re-alleges and incorporates by reference each of the foregoing allegations as though fully set forth herein.

31. Hoist is the owner of all right, title, and interest in the '209 patent.

32. Defendant has infringed the '209 patent, and continues to infringe the '209 patent, in violation of 35 U.S.C. § 271 by using, manufacturing, offering for sale, selling, and/or importing the BA-707 Leg Extension and BA-708 Leg Curl, each of which practices at least claims 6 and 21 of the '209 patent. A claim chart comparing the BA-707 Leg Extension to claims 6 and 21 of the '209 patent is attached as Exhibit 8.

33. Hoist has been and will continue to be irreparably injured by Defendant's ongoing patent infringement in a manner that may be impossible to quantify, unless enjoined by this Court. Hoist has no adequate remedy at law for the ongoing injury. Accordingly, Hoist seeks a preliminary and permanent injunction, pursuant to 35 U.S.C. § 283, to prohibit Defendant from any further infringement of the '209 patent.

34. As a consequence of Defendant's infringement of the '209 patent and in addition to injunctive relief, Hoist is entitled to damages, pursuant to 35 U.S.C. § 284, in an amount no less than a reasonable royalty for the use made of the invention by Defendant, plus interest and costs.

35. On information and belief, Defendant has willfully infringed the '209 patent. Hoist is entitled to increased damages of three times the damages assessed pursuant to 35 U.S.C. § 284, as well as attorney's fees pursuant to 35 U.S.C. § 285.

THIRD CLAIM FOR RELIEF

(Infringement – '880 patent)

36. Hoist re-alleges and incorporates by reference each of the foregoing allegations as though fully set forth herein.

1 37. Hoist is the owner of all right, title, and interest in the '880 patent.

2 38. Defendant has infringed the '880 patent, and continue to infringe
3 the '880 patent, in violation of 35 U.S.C. § 271 by using, manufacturing, offering
4 for sale, selling, and/or importing the BA-701 Chest Press, the BA-702 Shoulder
5 Press, the BA-703 Biceps Curl, the BA-704 Triceps Dip, and the BA-709 Leg Press,
6 each of which practices at least claim 22 of the '880 patent.

7 39. Hoist has been and will continue to be irreparably injured by
8 Defendant's ongoing patent infringement in a manner that may be impossible to
9 quantify, unless enjoined by this Court. Hoist has no adequate remedy at law for
10 the ongoing injury. Accordingly, Hoist seeks a preliminary and permanent
11 injunction, pursuant to 35 U.S.C. § 283, to prohibit Defendant from any further
12 infringement of the '880 patent. A claim chart comparing the BA-701 Chest Press
13 to claim 22 of the '880 patent is attached as Exhibit 9.

14 40. As a consequence of Defendant's infringement of the '880 patent and
15 in addition to injunctive relief, Hoist is entitled to damages, pursuant to 35 U.S.C.
16 § 284, in an amount no less than a reasonable royalty for the use made of the
17 invention by Defendant, plus interest and costs.

18 41. On information and belief, Defendant has willfully infringed the '880
19 patent. Hoist is entitled to increased damages of three times the damages assessed
20 pursuant to 35 U.S.C. § 284, as well as attorney's fees pursuant to 35 U.S.C. § 285.

21 **FOURTH CLAIM FOR RELIEF**

22 **(Infringement – '938 patent)**

23 42. Hoist re-alleges and incorporates by reference each of the foregoing
24 allegations as though fully set forth herein.

25 43. Hoist is the owner of all right, title, and interest in the '938 patent.

26 44. Defendant has infringed the '938 patent, and continue to infringe
27 the '938 patent, in violation of 35 U.S.C. § 271 by using, manufacturing, offering
28 for sale, selling, and/or importing the BA-701 Chest Press, the BA-702 Shoulder

1 Press, the BA-703 Biceps Curl, the BA-704 Triceps Dip, and the BA-709 Leg Press,
2 each of which practices at least claims 1, 12 and 13 of the '938 patent. A claim
3 chart comparing the BA-701 Chest Press to claims 1, 12 and 13 of the '938 patent
4 is attached as Exhibit 10.

5 45. Hoist has been and will continue to be irreparably injured by
6 Defendant's ongoing patent infringement in a manner that may be impossible to
7 quantify, unless enjoined by this Court. Hoist has no adequate remedy at law for
8 the ongoing injury. Accordingly, Hoist seeks a preliminary and permanent
9 injunction, pursuant to 35 U.S.C. § 283, to prohibit Defendant from any further
10 infringement of the '938 patent.

11 46. As a consequence of Defendant's infringement of the '938 patent and
12 in addition to injunctive relief, Hoist is entitled to damages, pursuant to 35 U.S.C.
13 § 284, in an amount no less than a reasonable royalty for the use made of the
14 invention by Defendant, plus interest and costs.

15 47. On information and belief, Defendant has willfully infringed the '938
16 patent. Hoist is entitled to increased damages of three times the damages assessed
17 pursuant to 35 U.S.C. § 284, as well as attorney's fees pursuant to 35 U.S.C. § 285.

18 **FIFTH CLAIM FOR RELIEF**

19 **(Infringement – '440 patent)**

20 48. Hoist re-alleges and incorporates by reference each of the foregoing
21 allegations as though fully set forth herein.

22 49. Hoist is the owner of all right, title, and interest in the '440 patent.

23 50. Defendant has infringed the '440 patent, and continue to infringe
24 the '440 patent, in violation of 35 U.S.C. § 271 by using, manufacturing, offering
25 for sale, selling, and/or importing the BA-705 Lat Pulldown and the BA-706 Mid
26 Row, each of which practices at least claims 5, 12, 13 and 20 of the '440 patent. A
27 claim chart comparing the BA-705 Lat Pulldown to claims 5, 12, 13 and 20 of
28 the '440 patent is attached as Exhibit 11.

1 51. Hoist has been and will continue to be irreparably injured by
2 Defendant’s ongoing patent infringement in a manner that may be impossible to
3 quantify, unless enjoined by this Court. Hoist has no adequate remedy at law for
4 the ongoing injury. Accordingly, Hoist seeks a preliminary and permanent
5 injunction, pursuant to 35 U.S.C. § 283, to prohibit Defendant from any further
6 infringement of the ’440 patent.

7 52. As a consequence of Defendant’s infringement of the ’440 patent and
8 in addition to injunctive relief, Hoist is entitled to damages, pursuant to 35 U.S.C.
9 § 284, in an amount no less than a reasonable royalty for the use made of the
10 invention by Defendant, plus interest and costs.

11 53. On information and belief, Defendant has willfully infringed the ’440
12 patent. Hoist is entitled to increased damages of three times the damages assessed
13 pursuant to 35 U.S.C. § 284, as well as attorney’s fees pursuant to 35 U.S.C. § 285.

14 **SIXTH CLAIM FOR RELIEF**

15 **(Infringement – ’251 patent)**

16 54. Hoist re-alleges and incorporates by reference each of the foregoing
17 allegations as though fully set forth herein.

18 55. Hoist is the owner of all right, title, and interest in the ’251 patent.

19 56. Defendant has infringed the ’251 patent, and continues to infringe
20 the ’251 patent, in violation of 35 U.S.C. § 271 by using, manufacturing, offering
21 for sale, selling, and/or importing the BA-701 Chest Press, which practices at least
22 claims 54 and 71 of the ’251 patent. A claim chart comparing the BA-701 Chest
23 Press to claims 54 and 71 of the ’251 patent is attached as Exhibit 12.

24 57. Hoist has been and will continue to be irreparably injured by
25 Defendant’s ongoing patent infringement in a manner that may be impossible to
26 quantify, unless enjoined by this Court. Hoist has no adequate remedy at law for
27 the ongoing injury. Accordingly, Hoist seeks a preliminary and permanent
28 injunction, pursuant to 35 U.S.C. § 283, to prohibit Defendant from any further

1 infringement of the '251 patent.

2 58. As a consequence of Defendant's infringement of the '251 patent and
3 in addition to injunctive relief, Hoist is entitled to damages, pursuant to 35 U.S.C.
4 § 284, in an amount no less than a reasonable royalty for the use made of the
5 invention by Defendant, plus interest and costs.

6 59. On information and belief, Defendant has willfully infringed the '251
7 patent. Hoist is entitled to increased damages of three times the damages assessed
8 pursuant to 35 U.S.C. § 284, as well as attorney's fees pursuant to 35 U.S.C. § 285.

9 **PRAYER FOR RELIEF**

10 WHEREFORE, Hoist respectfully requests that the Court enter judgment for
11 Hoist and against Defendant, and award Hoist the following relief:

- 12 1. A judgment that Defendant has infringed one or more claims of the
13 asserted patents;
- 14 2. Permanently enjoining Defendant, its successors, officers, agents,
15 and employees, and anyone acting in concert or participation with or
16 at the behest or direction of any of them, from further infringing the
17 asserted patents by manufacturing, using, offering for sale, selling, or
18 importing any products that infringe the asserted patents;
- 19 3. Awarding Hoist compensation for any and all damages, injury or
20 harm pursuant to 35 U.S.C. § 284;
- 21 4. Awarding Hoist treble damages resulting from Defendant's willful
22 and intentional conduct pursuant to 35 U.S.C. § 284;
- 23 5. Assessing Hoist's costs of this action and Hoist's attorneys' fees
24 against Defendant pursuant to 35 U.S.C. §§ 284-285; and
- 25 6. Ordering or awarding any other such relief that the Court deems just
26 and proper.

27 **DEMAND FOR JURY TRIAL**

28 Hoist hereby makes a demand pursuant to Federal Rule of Civil Procedure

1 38(b) for a trial by jury on all issues triable to a jury.

2 Dated: April 3, 2017

JONES DAY,

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/s/ John D. Kinton

John D. Kinton

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Attorney for Plaintiff
HOIST FITNESS SYSTEMS, INC.

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