

**IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OHIO**

JUMP ROPE SYSTEMS, LLC,  
1303 Empire Road  
Louisville, CO 80027  
Plaintiff,

Case No. 2:18-CV-00731

v.

COULTER VENTURES, LLC,  
d/b/a ROGUE FITNESS,  
1080 Steelwood Road  
Columbus, OH 43212

SERVE ALSO:  
Kevin M. Mueller, statutory agent  
545 E. 5<sup>th</sup> Ave.  
Columbus, Ohio 43201

Defendant.

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**COMPLAINT AND JURY DEMAND**

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Plaintiff Jump Rope Systems, LLC (“JRS”) alleges the following for its complaint of patent infringement against Defendant Coulter Ventures, LLC. d/b/a Rogue Fitness (“Rogue” or “Defendant”):

**NATURE OF THE ACTION**

1. This is an action for patent infringement arising under the laws of the United States, Title 35, Section 271 of the United States Code, *et seq.* (the “Federal Patent Statute”) seeking damages and injunctive and other relief. After years of intensive research and development, JRS developed the first dual-bearing shaft technology in a jump rope handle coupled with pivoting-eye technology in the handle-cable coupling. Previously, conventional

jump ropes' constructional form limited the rate at which the cable could be spun. Aspects of this problem included the level of resistance within the handle, the closeness or distance of the cable from the handle, and the failure to allow the cable to swivel or pivot during rotation. JRS solved this problem by developing a jump rope handle that contains a bearing element that permits a shaft to more easily rotate, the shaft extending from the handle an optimal distance, and a cable pivot at the end of the shaft that allows the cable to pivot and swivel.

### **THE PARTIES**

2. JRS is a Colorado company with its principal place of business at 1303 Empire Road, Louisville, Colorado 80027. JRS is a leading developer of speed jump rope technology and jump rope handles in the United States. Its co-owners, Ms. Metz and Mr. Borth, have a combined 45 years of experience in this industry. JRS is the owner by assignment of the patents-in-suit.

3. On information and belief, Defendant Rogue is a company based in Columbus, Ohio with its principal place of business at 1080 Steelwood Road, Columbus, OH 43212.

### **JURISDICTION AND VENUE**

4. This Court has original subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338(a) because this action arises under the Federal Patent Statute.

5. This Court has personal jurisdiction over Defendant Rogue because Rogue's headquarters and principal place of business is in the State of Ohio.

6. Venue is proper in this Judicial District under 28 U.S.C §§ 1391 and 1400(b).

### **THE PATENTS IN SUIT**

7. United States Patent Number 7,789,809 (the "'809 Patent"), entitled "Jump Rope System," was duly and lawfully issued by the United States Patent and Trademark Office

(“PTO”) on September 7, 2010. JRS is the owner by assignment of the entire right, title, and interest in and to the ’809 patent, including the sole and undivided right to sue for infringement. Exhibit 1 is a genuine and authentic copy of the ’809 Patent.

8. The United States Patent Number 8,136,208 (the “ ’208 Patent”), entitled “Handle System” was duly and lawfully issued by the PTO on March 20, 2012. JRS is the owner by assignment of the entire right, title, and interest in and to the ’208 Patent, including the sole and undivided right to sue for infringement. Exhibit 2 is a genuine and authentic copy of the ’208 Patent.

### **BACKGROUND OF THE DISPUTE**

#### **Inventing the Fastest Jump Rope Handle in the World**

9. Inventor Ms. Metz began jumping rope as a young girl and began competitive jump roping at the age of seven.

10. Ms. Metz had tremendous success locally, nationally and world-wide; ultimately becoming a five-time world jump rope champion.

11. In 2004, Ms. Metz, however, sustained an injury that required a special jump rope handle that would allow the jump rope cable to pivot relative to the handle.

12. Beginning in the fall of 2005, and after many prototypes and a lot of trial-and-error, Ms. Metz and Mr. Borth invented in the spring of 2007 a special jump rope handle that solved many of the limitations of conventional jump ropes and allowed for faster rotation.

13. On April 1, 2008, Ms. Metz and Mr. Borth filed an application with the United States Patent and Trademark Office requesting patent protection for their new invention. The ’809 Patent and the ’208 Patent were granted in 2010 and 2012, respectively.

14. Ms. Metz's and Mr. Borth's patented pivoting-eye speed rope ultimately became the fastest jump rope in the world.

15. With the patented pivoting-eye speed rope technology, Ms. Metz went on to set many personal records; for example, she is the current U.S. National Record Holder for speed and power for her age division.

16. Ms. Metz has also coached competitive jump rope teams who used the patented pivoting-eye speed rope technology to U.S. National Top 10 finishes in 2010, 2011 and 2012.

**Rogue Chose to Willfully  
Infringe Ms. Metz's and Mr. Borth's Patents**

17. By mid-2008, Ms. Metz and Mr. Borth began manufacturing and selling their own line of speed jump ropes that incorporated their patented pivoting-eye speed rope technology.

18. In August 2011, Ms. Metz contacted Rogue's founder, William Henniger, about a potential business relationship related to her patented speed ropes.

19. By September 2011, Rogue had begun marketing – but not selling -- a new speed jump rope through at least its social media and a YouTube video. Ms. Metz noted to Mr. Henniger that the design of Rogue's new prospective rope was strikingly similar to the one she was producing and covered by her U.S. Patent No. 7,789,809.

20. Mr. Henniger stated that he:

“...was not in the business of violating patents and if there is a patent issue we will certainly address it.”

21. In November 2011, Ms. Metz noted to Mr. Henniger that, based on a recent Rogue Facebook posting, it appeared Rogue was about to launch a new speed jump rope that incorporated her patented pivoting-eye speed rope technology.

22. Rather than address Ms. Metz's concerns, Mr. Henniger ignored her concerns and, instead, directed Ms. Metz to send all future communications to Rogue's attorney.



23. On or about December 12, 2012, Mr. Borth sent a letter to Rogue's Mr. Henniger notifying him of Rogue's infringement of Ms. Metz's and his patents. Instead of ceasing to infringe the JRS Patents, Rogue chose to continue its infringement.

24. On or about April 20, 2015, Mr. Borth again sent a letter to Rogue's Mr. Henniger notifying him of Rogue's continued infringement of Ms. Metz's and his patents. Instead of ceasing to infringe the JRS Patents, Rogue chose to continue its infringement.

25. Rogue chose to willfully infringe Ms. Metz's and Mr. Borth's pivoting-eye speed rope patents.

**Rogue Continues to Willfully  
Infringe Ms. Metz's and Mr. Borth's Patents**

26. Rogue makes, uses, sells, offers for sale, imports, or provides speed jump ropes that incorporate JRS's patented jump rope technology.

27. Rogue currently sells or recently sold the following fourteen (14) jump ropes (the "Accused Products") through its website [www.roguefitness.com](http://www.roguefitness.com) and/or [www.amazon.com](http://www.amazon.com).

28. Below is a screen shot of Rogue's offer for sale of the "Froning SR-1F Speed Rope" from July 24, 2018, on its www.roguefitness.com website.

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## FRONING SR-1F SPEED ROPE

10' Adjustable Gray PU Cable

TPE Overmold Handles

Froning Signature R\* Logo on Endcap

BEARING BUILT FOR UNBEATABLE SPEED

★★★★★ 4.7 94 Reviews [Write a review](#)

[3 Ships Free Item](#)

Froning SR-1F Speed Rope	\$23.95	0
Froning SR-1F Speed Rope - 5 Pack	\$119.75	0
Froning SR-1F Speed Rope - 10 Pack	\$230.00	0
Froning SR-1F Speed Rope - 20 Pack	\$450.00	0

[Add to Cart](#)

[+ Add to Wishlist](#)

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### FRONING SR-1F SPEED ROPE

Co-developed with Rogue athlete and 4-time CrossFit Games champion [Rich Froning Jr.](#), this new take on our SR-1 Bearing Speed Rope is built to handle the double-under demands of the Fittest Man on Earth.

The adjustable Froning SR-1F Speed Rope includes tapered, 6.5" rotating handles with a TPE overmold for a reliable, no-slip grip. The rope's high-precision bearing system allows for top-end revolutions, and the coated 3/32" polyurethane cable is highly durable but also more flexible than nylon—it won't show much coil after being rolled up in a gym bag. Rich's design also features a unique new color palette with black handles, gray coating on both the grips and cable, and the Froning R\* logo in white on each handle endcap.

### GEAR SPECS

Brand	<a href="#">Rogue Fitness</a>
Color	Gray

29. Below is a screen shot of Rogue's offer for sale of the "Rogue PRO Jump Rope" from July 24, 2018, on its www.roguefitness.com website.

**ROGUE PRO JUMP ROPE**

★★★★★ 4.7 11 Reviews [Write a review](#)

**Made In U.S.A.** **3 Ships Free Item**

**\$159.50** QTY 1

Cable Length \*

95" 100" 105" 110" 115"

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**GEAR SPECS**

Brand	<a href="#">Rogue Fitness</a>
Color	Silver
Product Weight	1 lbs (per handle)
Handle Length	5.95"
Handle Diameter	1"

**ROGUE PRO JUMP ROPE**

As seen in competition during the 2016 CrossFit Games, the Rogue PRO is a new breed of weighted jump rope—featuring a heavy 5.5mm coated cable (twice the thickness of our [SR-1](#) cable) and a pair of 1 LB stainless steel handles. The PRO Jump Rope comes with two weight plugs, also made from stainless steel, which are inserted into the end of each handle to create the heavier feel and greater resistance athletes seek to ramp up their speed rope training.

Like the the SR series, this is a precision bearing jump rope with a 360-degree swivel design for maximum rotation and superior double-unders. The handles are finished with a full-depth, fine knurl for a solid, comfortable grip, and an etched Rogue logo is also included. The cable is available in 5 fixed-length options (95", 100", 105", 110", & 115"), which you can select from.

30. Below is a screen shot of Rogue's offer for sale of the "Rogue PRO Aluminum Jump Rope" from July 24, 2018, on its www.roguefitness.com website.

The screenshot shows the Rogue Fitness website's product page for the "Rogue PRO Aluminum Jump Rope". The page features a large image of the jump rope with labels: "Aluminum Handle", "Knurled Grip", "Adjustable Length", and "Etched Logo". Below the main image are four smaller images showing different handle colors: Bare, Black, and two others. The product is priced at \$89.50 with a quantity selector set to 1. There are buttons for "Add to Cart" and "Add to Wishlist". A "3 SHIPS FREE ITEM" badge is visible, indicating a promotion. The page also includes a "GEAR SPECS" section with the brand "Rogue Fitness".

**ROGUE PRO ALUMINUM JUMP ROPE**

★★★★★ 5.0 1 Reviews [Write a review](#)

Made In U.S.A. [3 Ships Free Item](#)

**\$89.50** QTY

Handle Color\*

[Add to Cart](#)

[+ Add to Wishlist](#)

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**ROGUE PRO ALUMINUM JUMP ROPE**

Another strong edition to the Rogue line of competition-ready bearing speed ropes, the PRO Aluminum Jump Rope includes 25mm knurled handles, a 10-ft adjustable nylon speed cable, and a ball-bearing, swivel design for maximum omni-directional rotation and superior double-unders.

**GEAR SPECS**

Brand [Rogue Fitness](#)



31. Below is a screen shot of Rogue's offer for sale of the "SR-1 Rogue Bearing Speed Rope" from July 24, 2018, on its [www.roguefitness.com](http://www.roguefitness.com) website.

The screenshot shows the Rogue Fitness website's product page for the SR-1 Bearing Speed Rope. The page features a large image of the red rope with labels for the '10' Adjustable Red Nylon Cable' and '6.75" Nylon Resin Handle'. The product is priced at \$21.95 and has a 4.6-star rating from 126 reviews. It is marked as a '3 Ships Free Item'. The page also includes a 'GEAR SPECS' section with details on brand, handle length, diameter, and mechanism.

**ROGUE SR-1 SPEED ROPE**  
BEARING BUILT FOR UNBEATABLE SPEED

10' Adjustable Red Nylon Cable  
6.75" Nylon Resin Handle

ADDITIONAL COLORS

**SR-1 ROGUE BEARING SPEED ROPE**  
AVAILABLE IN VARIOUS COLORS

Built with a six inch, rotating handle for sure grip, the Rogue SR-1 is capable of unbeatable speed. The bearing system allows for top-end revolutions and the coated cable adds speed and durability. It's built to last, the only thing that will break are your records.

**Specifications:**

**SR-1 ROGUE BEARING SPEED ROPE**

★★★★★ 4.6 126 Reviews [Write a review](#)

**3 Ships Free Item**

**\$21.95** QTY 1

Handle Color\*  
Choose an Option...

Pack Size\*  
Choose an Option...

**Add to Cart**

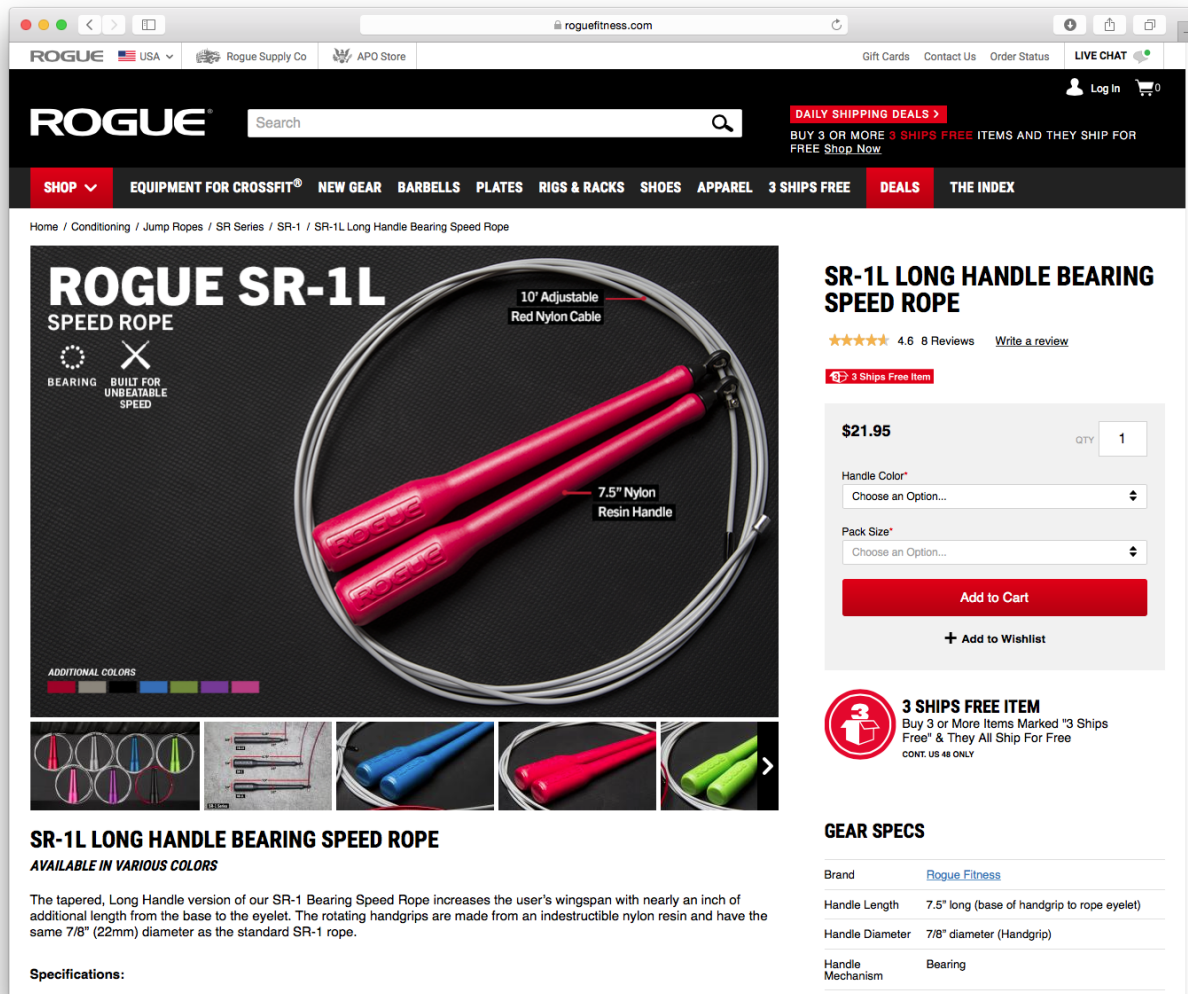
**+ Add to Wishlist**

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**GEAR SPECS**

Brand	<a href="#">Rogue Fitness</a>
Handle Length	6.75"
Handle Diameter	1/2" - 7/8" Taper
Handle Mechanism	Bearing

32. Below is a screen shot of Rogue's offer for sale of the "Rogue SR-1L Long Handle Bearing Speed Rope" from July 24, 2018, on its www.roguefitness.com website.



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# ROGUE SR-1L SPEED ROPE

BEARING BUILT FOR UNBEATABLE SPEED

10' Adjustable Red Nylon Cable

7.5" Nylon Resin Handle

ADDITIONAL COLORS

**SR-1L LONG HANDLE BEARING SPEED ROPE**

★★★★★ 4.6 8 Reviews [Write a review](#)

**3 Ships Free Item**

**\$21.95** QTY

Handle Color\*  
 Choose an Option...

Pack Size\*  
 Choose an Option...

**Add to Cart**

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### GEAR SPECS

Brand	<a href="#">Rogue Fitness</a>
Handle Length	7.5" long (base of handgrip to rope eyelet)
Handle Diameter	7/8" diameter (Handgrip)
Handle Mechanism	Bearing

**SR-1L LONG HANDLE BEARING SPEED ROPE**

**AVAILABLE IN VARIOUS COLORS**

The tapered, Long Handle version of our SR-1 Bearing Speed Rope increases the user's wingspan with nearly an inch of additional length from the base to the eyelet. The rotating handgrips are made from an indestructible nylon resin and have the same 7/8" (22mm) diameter as the standard SR-1 rope.

**Specifications:**

33. Below is a screen shot of Rogue's offer for sale of the "SR-1S Short Handle Bearing Speed Rope" from July 24, 2018, on its www.roguefitness.com website.

The screenshot displays the Rogue Fitness website's product page for the SR-1S Short Handle Bearing Speed Rope. The page layout includes a navigation bar at the top with the Rogue logo, a search bar, and links to various product categories. The main content area features a large image of the red speed rope with labels indicating its 10' adjustable red nylon cable and 5.25" nylon resin handle. To the right of the image, the product title 'SR-1S SHORT HANDLE BEARING SPEED ROPE' is displayed, along with a 4.6-star rating from 38 reviews and a '3 Ships Free Item' badge. Below the main image, there are smaller images showing different handle colors and a detailed view of the handle mechanism. The 'Specifications' section on the right lists the brand as Rogue Fitness, handle length as 5.25", handle diameter as 1/2" - 5/8" taper, and handle mechanism as bearing. The purchase section on the right shows a price of \$21.95, a quantity selector set to 1, and buttons for 'Add to Cart' and 'Add to Wishlist'. A promotional banner at the bottom of the page states '3 SHIPS FREE ITEM' with the condition 'Buy 3 or More Items Marked "3 Ships Free" & They All Ship For Free. CONT. US 48 ONLY'.

**ROGUE SR-1S SPEED ROPE**

BEARING BUILT FOR UNBEATABLE SPEED

10' Adjustable Red Nylon Cable

5.25" Nylon Resin Handle

ADDITIONAL COLORS

**SR-1S SHORT HANDLE BEARING SPEED ROPE**

AVAILABLE IN VARIOUS COLORS

The SR-1S is the younger sibling to the SR-1. The only difference is the smaller handle dimension which makes it easier to grip for athletes with smaller hands. Built with a 5.25" inch, rotating handle for sure grip, the Rogue SR-1S is capable of unbeatable speed. The bearing system allows for top-end revolutions and the coated cable adds speed and durability. It's built to last, the only thing that will break are your records.

**Specifications:**

**GEAR SPECS**

Brand	Rogue Fitness
Handle Length	5.25"
Handle Diameter	1/2" - 5/8" Taper
Handle Mechanism	Bearing

**\$21.95** QTY 1

Handle Color\* Choose an Option...

Pack Size\* Choose an Option...

**Add to Cart**

**3 SHIPS FREE ITEM**  
Buy 3 or More Items Marked "3 Ships Free" & They All Ship For Free  
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34. Below is a screen shot of Rogue's offer for sale of the "Spealler SR-1S Speed Rope 2.0" from July 24, 2018, on its [www.roguefitness.com](http://www.roguefitness.com) website.

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## SPEALLER SR-1S SPEED ROPE 2.0

★★★★★ 4.7 53 Reviews [Write a review](#)

[3 Ships Free Item](#)

Spealler SR-1S Speed Rope 2.0	<b>\$23.95</b>	0
Spealler SR-1S Speed Rope 2.0 - 5-Pack	<b>\$119.75</b>	0
Spealler SR-1S Speed Rope 2.0 - 10-Pack	<b>\$230.00</b>	0
Spealler SR-1S Speed Rope 2.0 - 20-Pack	<b>\$450.00</b>	0

[Add to Cart](#)

[+ Add to Wishlist](#)

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Buy 3 or More Items Marked "3 Ships Free" & They All Ship For Free  
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### GEAR SPECS

Brand [Rogue Fitness](#)

10' Adjustable Dark Gray PU Cable

TPE Overmold Handles

Spealler Signature Logo on Endcap

**SPEALLER SR-1S SPEED ROPE 2.0**

BEARING BUILT FOR UNBEATABLE SPEED

The official bearing speed rope of longtime Rogue athlete and CrossFit legend Chris Spealler. This updated design features (4) hi-precision cartridge ball bearings, a 10' polyurethane cable, and 5.25" tapered handles (16.5mm diameter) with a TPE overmold for a firm, no-slip grip. Speal can hit over 250 double-unders in two minutes, so any jump rope he approves of has to be optimized for top-end revolutions.



35. Below is a screen shot of Rogue's offer for sale of the "Fraser SR-2S Speed Rope 2.0" from July 24, 2018, on its www.roguefitness.com website.

**FRASER SR-2S SPEED ROPE 2.0**

★★★★★ 4.9 14 Reviews [Write a review](#)

Made In U.S.A. [3 Ships Free Item](#)

Fraser SR-2S Speed Rope 2.0 - Single **\$42.99** 0

[Add to Cart](#)

[+ Add to Wishlist](#)

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**GEAR SPECS**

Brand	<a href="#">Rogue Fitness</a>
Color	Red
Product Weight	0.29lbs
Handle Length	5.25"
Handle Diameter	5/8"

**FRASER EDITION SR-2S SPEED ROPE**

This special edition of the short-handle SR-2S Bearing Speed Rope is inspired by two-time "Fittest Man on Earth" and longtime Rogue athlete, [Mathew Fraser](#). The custom design includes a red anodized handle with a laser etched HWPO ("Hard Work Pays Off") logo on the knurl, and a nylon-coated 2.3mm black cable.

The Fraser Speed Rope utilizes the same aircraft-grade aluminum and 5.25" tapered handle style as the [standard SR-2S](#), with a knurl-textured grip, and etched Rogue branding. An omni-directional bearing swivel and durable 120" speed cable ensure blazing speed with a smooth, consistent spin. If you're trying to get your double-unders up and hit new PRs, using the official jump rope of the CrossFit Games champion is a pretty good place to start.

36. Below is a screen shot of Rogue's offer for sale of the "Rogue SR-2S Speed Rope 2.0" from July 24, 2018, on its [www.roguefitness.com](http://www.roguefitness.com) website.

The screenshot shows the Rogue Fitness website's product page for the SR-2S Speed Rope 2.0. The page features a large image of the red speed rope with black handles. Key features highlighted include 'Adjustable Length', 'Aircraft Grade Aluminum', and 'Knurled Handle'. The price is listed as \$39.99, and the product is marked as a '3 SHIPS FREE ITEM'. The page also includes a 'GEAR SPECS' section with details on brand, handle length, diameter, and mechanism.

**ROGUE SR-2S SPEED ROPE 2.0**

★★★★★ 5.0 57 Reviews [Write a review](#)

All handle colors other than Black ship with a clear coated cable. Black ships with a red cable.

**\$39.99** QTY 1

Handle Color\*

Black Blue Gray Green Pink Purple

Red

**Add to Cart**

[+ Add to Wishlist](#)

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**GEAR SPECS**

Brand	Rogue Fitness
Handle Length	5.25"
Handle Diameter	5/8"
Handle Mechanism	Bearing

**ROGUE SR-2S SPEED ROPE 2.0**

*Short-Handle Version of Our Handcrafted, Ballistic Bearing Rope*

The Rogue SR-2S Speed Rope 2.0 features the same ultra-durable aircraft grade aluminum, omni-directional bearing swivel, and 3/32" red-coated speed cable as our [standard SR-2 Ballistic Rope 2.0](#) —but with shorter, 5.25" tapered handles. Trusted by CrossFitters and demanding athletes, trainers, and gym owners from all disciplines, this high-performance jump rope has few rivals when it comes to quality construction, blazing speed, and a smooth spin. Get your double unders up, hit new PRs, then come back and do it again tomorrow. Version 2.0 of the SR-2S Short Handle Rope adds the improved swivel component and updates the handles themselves with a new sandblast texture spine, a fine knurl-textured grip, and etched Rogue

37. Below is a screen shot of Rogue's offer for sale of the "Rogue SR-2 Speed Rope 2.0" from July 24, 2018, on its www.roguefitness.com website.

**SR-2 2.0**  
BEARING SPEED ROPE

U.S.A. MFG BEARING

Adjustable Length  
Aircraft Grade Aluminum  
Knurled Handle

Available in Custom Colors

**ROGUE SR-2 SPEED ROPE 2.0**

★★★★★ 5.0 60 Reviews [Write a review](#)

All handle colors other than Black ship with a clear coated cable. Black ships with a red cable.

**Made in U.S.A.** **3 Ships Free Item**

**\$44.95** QTY 1

Handle Color\*

Black Blue Gray Green Pink Purple

Red

**Add to Cart**

**3 SHIPS FREE ITEM**  
Buy 3 or More Items Marked "3 Ships Free" & They All Ship For Free  
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**GEAR SPECS**

Brand	<a href="#">Rogue Fitness</a>
Handle Length	6.75"
Handle Diameter	7/8"
Handle Mechanism	Bearing

**ROGUE SR-2 BALLISTIC SPEED ROPE 2.0**

*Quality Craftsmanship, Handmade in the USA*

The Rogue SR-2 Ballistic Speed Rope is the high-performance, adjustable jump rope of choice for athletes, trainers, and gym owners who demand the best. Made in the USA using aircraft-grade aluminum and a 3/32" red-coated speed cable, Version 2.0 of the SR-2 also introduces a high-speed, ball-bearing swivel design, allowing the rope to move seamlessly in any direction.

The exterior of the tapered handles has been updated, as well, and includes a sandblast textured spindle with a fine, knurl-



38. Below is a screen shot of Rogue's offer for sale of the "Rogue E-Grip Jump Rope" from July 24, 2018, on its www.roguefitness.com website.

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**ROGUE E-GRIP**  
BEARING JUMP ROPE

**Swivel 360° Rotation**  
**Ergonomic Grip**  
**TPE Overmold**

**ROGUE E-GRIP JUMP ROPE**  
★★★★★ 4.5 10 Reviews [Write a review](#)  
**3 Ships Free Item**

**\$27.00**  
Reg. Price ~~\$39.99~~ QTY 1  
**Add to Cart**  
[+ Add to Wishlist](#)

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**GEAR SPECS**

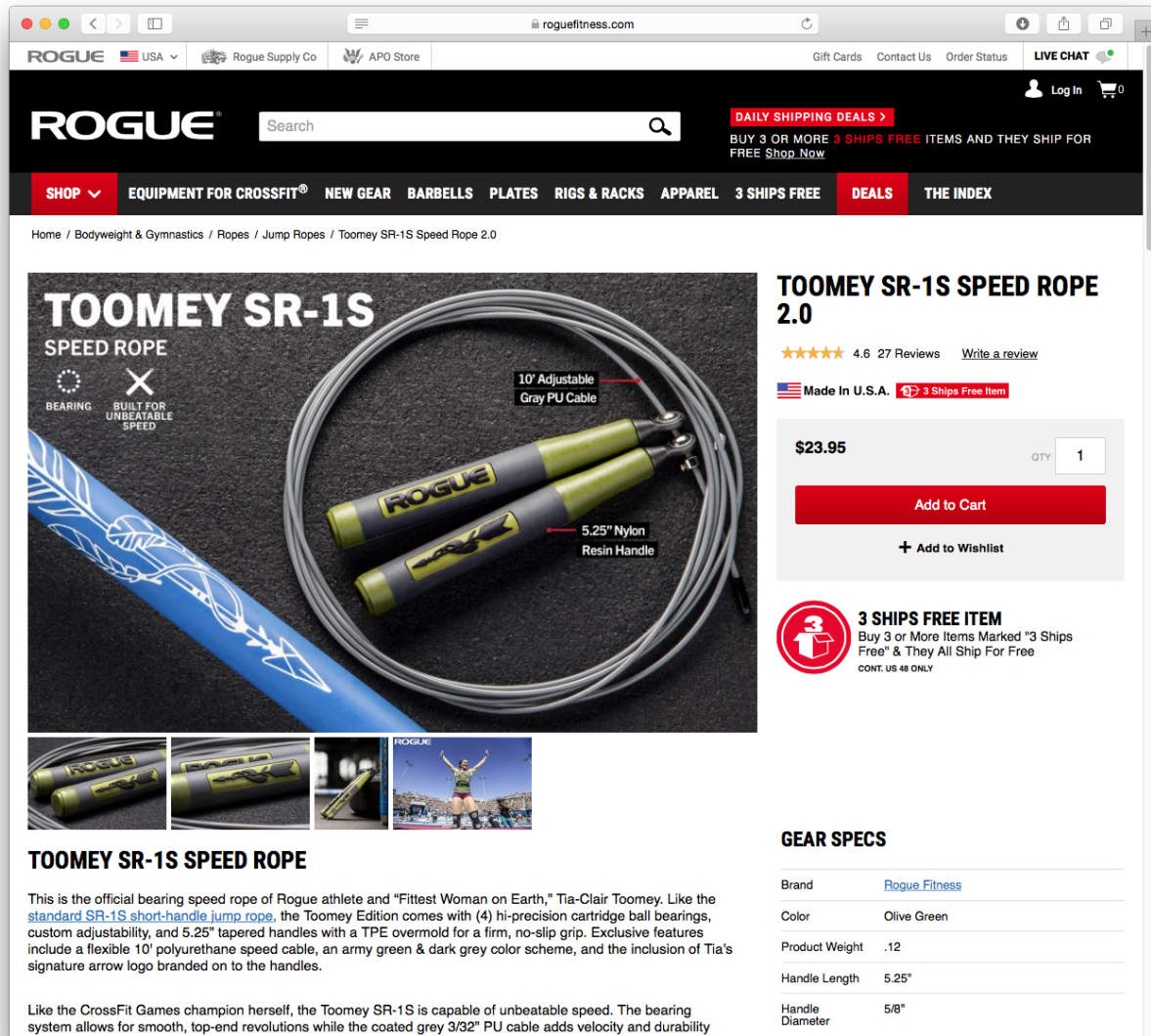
Brand	<a href="#">Rogue Fitness</a>
Color	Black & Red
Product Weight	.4 lbs
Handle Length	6.5"

**ROGUE E-GRIP JUMP ROPE**

The Rogue E-Grip Jump Rope combines the same 10' red-coated speed cable as the [Rogue SR Series](#) with a unique, ergonomic bearing handle—featuring a precision swivel design and a complete TPE overmold for a firm, comfortable grip. Each tapered handle measures roughly 14mm in diameter at its narrowest point, 27mm at the end cap, and includes an exclusive PVC Rogue logo badge.

Athletes of any skill level and training background can benefit from the speed, smooth spin, and durability of the E-Grip Jump

39. Below is a screen shot of Rogue's offer for sale of the "Toomey SR-1S Speed Rope 2.0" from July 24, 2018, on its [www.roguefitness.com](http://www.roguefitness.com) website.



**TOOMEY SR-1S SPEED ROPE 2.0**

★★★★★ 4.6 27 Reviews [Write a review](#)

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**GEAR SPECS**

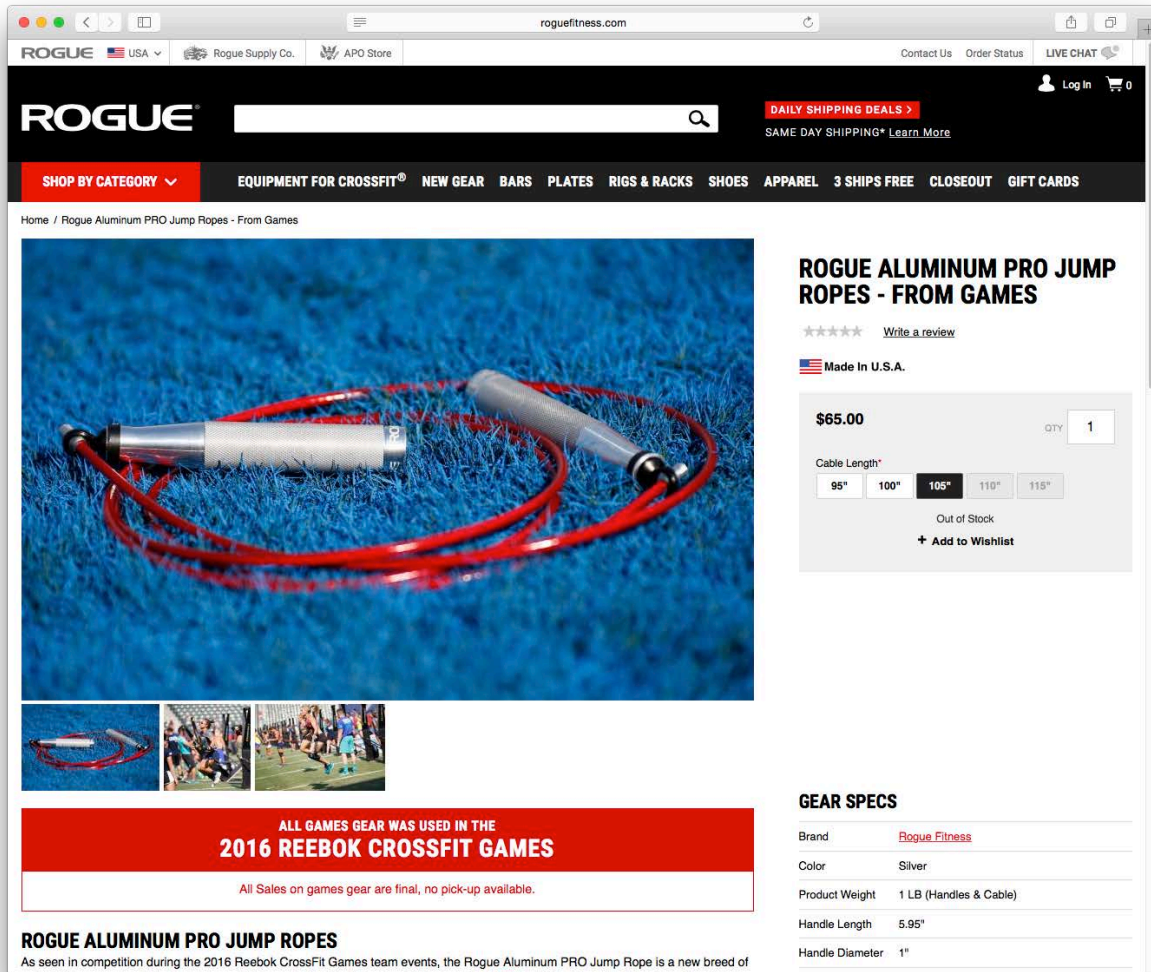
Brand	<a href="#">Rogue Fitness</a>
Color	Olive Green
Product Weight	.12
Handle Length	5.25"
Handle Diameter	5/8"

**TOOMEY SR-1S SPEED ROPE**

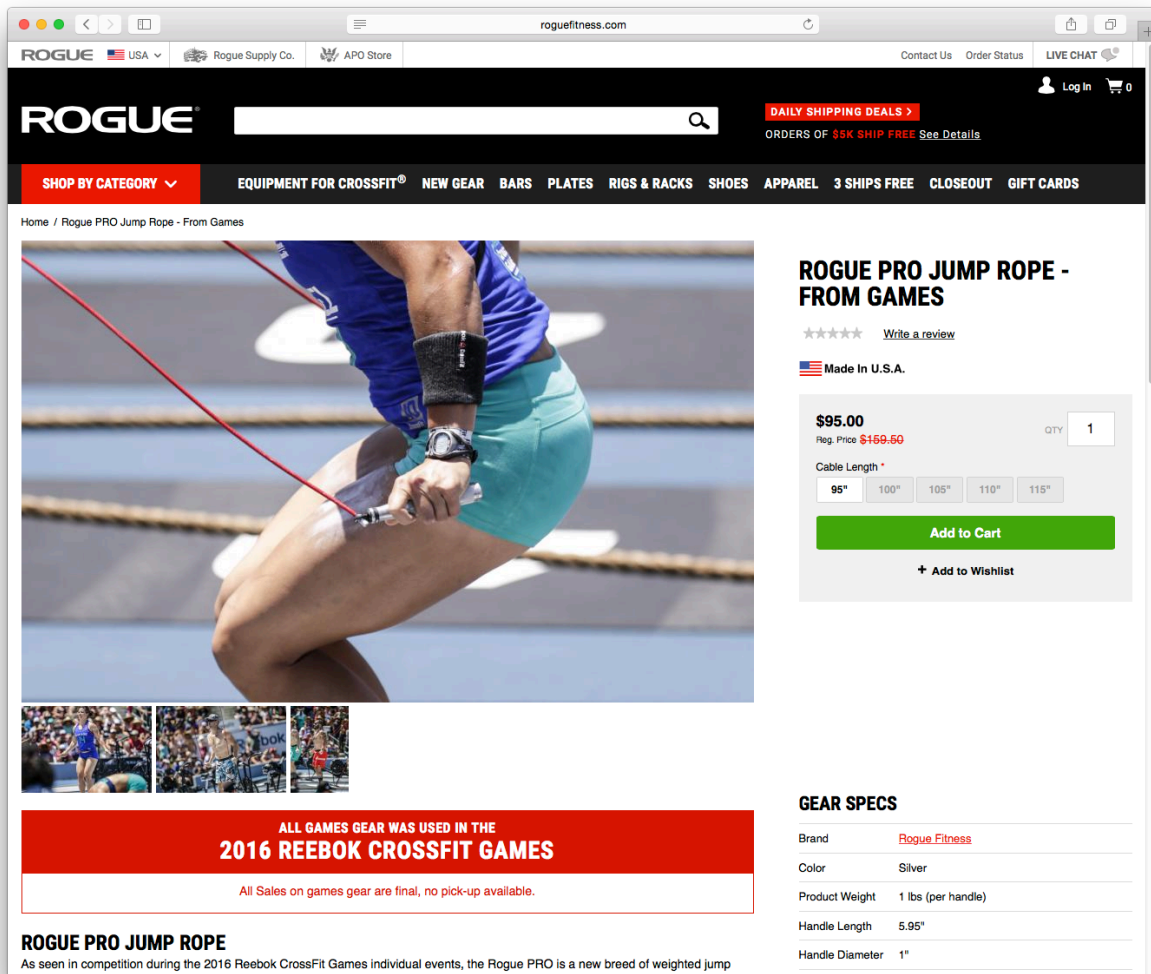
This is the official bearing speed rope of Rogue athlete and "Fittest Woman on Earth," Tia-Clair Toomey. Like the [standard SR-1S short-handle jump rope](#), the Toomey Edition comes with (4) hi-precision cartridge ball bearings, custom adjustability, and 5.25" tapered handles with a TPE overmold for a firm, no-slip grip. Exclusive features include a flexible 10' polyurethane speed cable, an army green & dark grey color scheme, and the inclusion of Tia's signature arrow logo branded on to the handles.

Like the CrossFit Games champion herself, the Toomey SR-1S is capable of unbeatable speed. The bearing system allows for smooth, top-end revolutions while the coated grey 3/32" PU cable adds velocity and durability.

40. Below is a screen shot of Rogue's offer for sale of the "Rogue Aluminum PRO Jump Ropes – From Games" from May 9, 2017, on its www.roguefitness.com website.



41. Below is a screen shot of Rogue's offer for sale of the "Rogue PRO Jump Rope – From Games" from May 9, 2017, on its www.roguefitness.com website.



42. JRS is informed and believes that Rogue will continue to sell and offer for sale its speed jump ropes on the Internet until it is enjoined from infringement.

### COUNT 1: INFRINGEMENT OF THE '809 PATENT

43. The allegations of the preceding Paragraphs 1-42 are repeated, realleged, and incorporated herein by reference as if fully set forth herein.

44. Defendant Rogue, in violation of 35 U.S.C § 271(a), has been and is currently directly infringing, literally or under the doctrine of equivalents, at least Claim 1 of the '809



Patent by making, using, selling, offering to sell, or importing, without license or authority, the Accused Products within this Judicial District or elsewhere in the United States.

45. Claim 1 of the '809 Patent recites as follows:

1. A jump rope, comprising:
  - a) a pair of handles each comprising:
    - i) a shaft rotatably journaled in at least one bearing element;
    - ii) a handle adapted to retain said shaft rotatably journaled in said at least one bearing element;
    - iii) a blade element coupled to said shaft, said blade element extending axially from said shaft a distance outward from said handle;
    - iv) a ball element pivotally coupled within an aperture of said blade element a distance from said handle; and
  - b) a cable element having one of a pair opposed ends coupled to said ball element.

46. JRS is informed and believes that Rogue's Accused Products are jump ropes comprising a pair of handles each comprising a shaft rotatably journaled in at least one bearing element, a handle adapted to retain said shaft rotatably journaled in said at least one bearing element, a blade element coupled to said shaft, said blade element extending axially from said shaft a distance outward from said handle, with a ball element pivotally coupled within an aperture of said blade element a distance from said handle; and a cable element having one of a pair opposed ends coupled to said ball element.

47. Rogue's actions as alleged herein are without right, license, or permission under the '809 Patent from JRS.

48. JRS is informed and believes that Rogue has willfully, deliberately, and intentionally infringed the '809 Patent.

49. JRS is informed and believes that Rogue will continue to infringe the '809 Patent unless and until it is enjoined by this Court.



50. Rogue, by way of its infringing activities, has caused and continues to cause JRS to suffer damages in an amount to be determined, and has caused and is causing JRS irreparable harm. JRS has no adequate remedy at law against Rogue's acts of infringement and, unless Rogue is enjoined from its infringement of the '809 Patent, JRS will continue to suffer irreparable harm.

51. JRS is entitled to recover from Rogue the damages at least in an amount adequate to compensate for such infringement, which amount has yet to be determined, together with interest and costs fixed by the Court.

52. On information and belief, Rogue's infringement is willful, intentional, and deliberate. Accordingly, this case is exceptional under 35 U.S.C. § 285, and JRS is entitled to recover treble damages and its reasonable attorneys' fees, expenses, and costs incurred in this action.

## **COUNT 2: INFRINGEMENT OF THE '208 PATENT**

53. The allegations of the preceding Paragraphs 1-52 are repeated, realleged, and incorporated herein by reference as if fully set forth herein.

54. Defendant Rogue, in violation of 35 U.S.C § 271(a), has been and is currently directly infringing, literally or under the doctrine of equivalents, at least Claim 1 of the '208 Patent by making, using, selling, offering to sell, or importing, without license or authority, the Accused Products within this Judicial District or elsewhere in the United States.

55. Claim 1 of the '208 Patent recites as follows:

1. A handle, comprising:
  - a) a handle which retains within a shaft rotatably journaled in at least one bearing element;
  - b) a first shaft end extending axially outward of said handle, wherein said first shaft end comprises a blade element which bounds an aperture element at a distance from said handle; and

c) a ball element pivotally coupled within said aperture element, said ball element adapted to couple to a cable element.

56. JRS is informed and believes that Rogue's Accused Products contain a handle which retains within a shaft rotatably journaled in at least one bearing element, a first shaft end extending axially outward of said handle, wherein said first shaft end comprises a blade element which bounds an aperture element at a distance from said handle; and a ball element pivotally coupled within said aperture element, said ball element adapted to couple to a cable element.

57. Rogue's actions as alleged herein are without right, license, or permission under the '208 Patent from JRS.

58. JRS is informed and believes that Rogue has willfully, deliberately, and intentionally infringed the '208 Patent.

59. JRS is informed and believes that Rogue will continue to infringe the '208 Patent unless and until it is enjoined by this Court.

60. Rogue, by way of its infringing activities, has caused and continues to cause JRS to suffer damages in an amount to be determined, and has caused and is causing JRS irreparable harm. JRS has no adequate remedy at law against Rogue's acts of infringement and, unless Rogue is enjoined from its infringement of the '208 Patent, JRS will continue to suffer irreparable harm.

61. JRS is entitled to recover from Rogue the damages at least in an amount adequate to compensate for such infringement, which amount has yet to be determined, together with interest and costs fixed by the Court.

62. On information and belief, Rogue's infringement is willful, intentional, and deliberate. Accordingly, this case is exceptional under 35 U.S.C. § 285, and JRS is entitled to

recover treble damages and its reasonable attorneys' fees, expenses, and costs incurred in this action.

**PRAYER FOR RELIEF**

**WHEREFORE**, JRS respectfully requests the following relief:

A. A judgment that Defendant has directly infringed the '809 Patent and the '208 Patent;

B. A judgment in favor of Plaintiff and against Rogue for damages for patent infringement pursuant to 35 U.S.C § 284 in an amount to be determined at trial, but in no event less than a reasonable royalty for infringement of the '809 Patent and the '208 Patent;

C. A preliminary and permanent injunction restraining and enjoining Rogue and its officers, agents, employees, affiliates, and all others acting in concert or privity with any of it from infringing, inducing the infringement of, or contributing to the infringement of the '809 Patent and the '208 Patent;

D. An order directing that all items that infringe the '809 Patent and the '208 Patent be delivered up to Plaintiff or destroyed;

E. An order finding that Rogue's infringement of the '809 Patent and the '208 Patent has been willful, and an award of treble damages under 35 U.S.C § 284;

F. An order finding that this is an exceptional case and awarding JRS's attorney fees under 35 U.S.C § 285;

G. An order awarding JRS costs and expenses in this action;

H. An order awarding JRS pre- and post-judgment interest on its damages; and

I. Such other and further relief in law or in equity as this Court deems just and proper.

Respectfully submitted,

Dated: July 26, 2018

SEBALY SHILLITO + DYER

/s/Daniel J. Donnellon

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Counsel for Plaintiff

### **JURY DEMAND**

Pursuant to Rule Thirty-Eight of the Federal Rules of Civil Procedure, JRS requests a trial by jury of any and all issues so triable.

/s/Daniel J. Donnellon

Daniel J. Donnellon (0036726)