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8
9 UNITED STATES DISTRICT COURT
10 CENTRAL DISTRICT OF CALIFORNIA

11 HOIST FITNESS SYSTEMS, INC.,
a California corporation,

12 Plaintiff,

13 v.

14 TUFFSTUFF FITNESS
15 INTERNATIONAL, INC.,

16 Defendant.

CASE NO.: 5:19-cv-00493

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

(DEMAND FOR JURY TRIAL)

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

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

24 Hoist alleges the following against Defendant:

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

27 2. As a direct and proximate result of Defendant’s unlawful
28 manufacture, use, offering for sale, sale, and/or importation of infringing products,

1 Hoist is irreparably harmed. Hoist seeks a permanent injunction, damages
2 adequate to compensate for the infringement and enhanced damages for
3 Defendant’s willful infringement, as well as Hoist’s costs, and attorneys’ fees as
4 authorized by the Patent Act.

5 **THE PARTIES**

6 3. Hoist is a corporation organized under, and existing by virtue of, the
7 laws of the state of California, with its principal place of business located at
8 11900 Community Road, Poway, California 92064.

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

12 **JURISDICTION AND VENUE**

13 5. This action arises under the Patent Laws of the United States,
14 35 U.S.C. §§ 1, *et seq.* This Court has original subject matter jurisdiction pursuant
15 to 28 U.S.C. §§ 1331 and 1338(a).

16 6. This Court has personal jurisdiction over Defendant because
17 Defendant has its principle place of business in this District and has in the past
18 transacted, and/or continues to transact and/or solicit business throughout the
19 United States, including in this District, and its infringing activities have occurred
20 and continue to occur throughout the United States and in this District. On
21 information and belief, Defendant maintains a sales force in California for the
22 purpose of serving customers in California and in this District. On information and
23 belief, Defendant has furnished and continues to furnish strength training
24 equipment within this District. On information and belief, by furnishing strength
25 training equipment within this District, Defendant has purposely availed itself of
26 the privilege of doing business in California and in this District.

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

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HOIST’S INTELLECTUAL PROPERTY RIGHTS

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

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

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

11. Since then, Hoist has developed and built a series of products suited for the training needs of diverse population groups, ranging from children, to active seniors, to the more athletic and well-conditioned.

12. One of Hoist’s premier commercial fitness product lines is the unique ROC-IT™ line. When using ROC-IT™ fitness machines, the user becomes an integral part of the exercise because the position of the user continuously adjusts with the movement of the exercise arm. As a result, the ROC-IT™ line embodies a unique training experience that achieves the unrestricted joint movement and core activating benefits of functional training coupled with the stabilizing benefits of machine-based equipment. The ROC-IT™ products have become prominent throughout the U.S. and around world in major fitness club chains. The ROC-IT™

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1 products are also used at major colleges and universities, and on US military
2 installations. In fact, ROC-IT™ products are on every aircraft carrier in the U.S.
3 Navy.

4 13. Hoist has expended significant resources at its California-based design
5 center developing its innovative products like ROC-IT™. As a result of these
6 innovations, Hoist has been awarded over 70 design and utility patents world-wide,
7 including United States Patent Nos. 7,976,440 (“the ’440 patent”); 7,766,802 (“the
8 ’802 patent”); and 9,861,850 (“the ’850 patent”) (collectively, “the asserted
9 patents”).

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

14 **HOIST’S ASSERTED PATENTS**

15 15. 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 1.

20 16. Hoist is the lawful assignee and owner of all right, title, and interest in
21 and to the ’802 patent, which is entitled “Rowing exercise machine with self-
22 aligning pivoting user support.” The PTO duly and legally issued the ’802 patent
23 on August 3, 2010. A true and correct copy of the ’802 patent is attached hereto as
24 Exhibit 2.

25 17. Hoist is the lawful assignee and owner of all right, title, and interest in
26 and to the ’850 patent, which is entitled “Exercise machine with lifting arm.” The
27 PTO duly and legally issued the ’850 patent on January 9, 2018. A true and
28 correct copy of the ’850 patent is attached hereto as Exhibit 3.

DEFENDANT’S ACCUSED PRODUCTS

18. Defendant’s infringing products include the Plate-Loaded Bio-Arc Mid Row (“the accused products”).

19. On information and belief, Defendant is infringing the Hoist asserted patents by using, manufacturing, offering for sale, selling, and/or importing he accused products without authorization from Hoist.

20. On information and belief, Defendant has not ceased its infringement of Hoist’s foregoing patents and continues to develop new infringing products.

FIRST CLAIM FOR RELIEF

(Infringement – the ’440 patent)

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

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

23. Defendant has infringed the ’440 patent, and continues to infringe the ’440 patent, in violation of 35 U.S.C. § 271 by using, manufacturing, offering for sale, selling, and/or importing he accused products which practice at least claims 5, 12, 13 and 20 of the ’440 patent. A claim chart comparing the Plate-Loaded Mid Row to claims 5, 12, 13 and 20 of the ’440 patent is attached as Exhibit 4.

24. 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 ’440 patent.

25. As a consequence of Defendant’s infringement of the ’440 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.

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1 26. On information and belief, Defendant has willfully infringed the '440
2 patent. Hoist is entitled to increased damages of three times the damages assessed
3 pursuant to 35 U.S.C. § 284, as well as attorney's fees pursuant to 35 U.S.C. § 285.

4 **SECOND CLAIM FOR RELIEF**

5 **(Infringement – the '802 patent)**

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

8 28. Hoist is the owner of all right, title, and interest in the '802 patent.

9 29. Defendant has infringed the '802 patent, and continues to infringe the
10 '802 patent, in violation of 35 U.S.C. § 271 by using, manufacturing, offering for
11 sale, selling, and/or importing he accused products which practice at least claim 1
12 of the '802 patent. A claim chart comparing he accused products to claim 1 of the
13 '802 patent is attached as Exhibit 5.

14 30. Hoist has been and will continue to be irreparably injured by
15 Defendant's ongoing patent infringement in a manner that may be impossible to
16 quantify, unless enjoined by this Court. Hoist has no adequate remedy at law for
17 the ongoing injury. Accordingly, Hoist seeks a preliminary and permanent
18 injunction, pursuant to 35 U.S.C. § 283, to prohibit Defendant from any further
19 infringement of the '802 patent.

20 31. As a consequence of Defendant's infringement of the '802 patent and
21 in addition to injunctive relief, Hoist is entitled to damages, pursuant to 35 U.S.C.
22 § 284, in an amount no less than a reasonable royalty for the use made of the
23 invention by Defendant, plus interest and costs.

24 32. On information and belief, Defendant has willfully infringed the '802
25 patent. Hoist is entitled to increased damages of three times the damages assessed
26 pursuant to 35 U.S.C. § 284, as well as attorney's fees pursuant to 35 U.S.C. § 285.

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THIRD CLAIM FOR RELIEF

(Infringement – the '850 patent)

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

34. Hoist is the owner of all right, title, and interest in the '850 patent.

35. Defendant has infringed the '850 patent, and continues to infringe the '850 patent, in violation of 35 U.S.C. § 271 by using, manufacturing, offering for sale, selling, and/or importing the accused products which practice at least claims 4 and 11 of the '850 patent. A claim chart comparing the accused products to claims 4 and 11 of the '850 patent is attached as Exhibit 6.

36. 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 '850 patent.

37. As a consequence of Defendant's infringement of the '850 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.

38. On information and belief, Defendant has willfully infringed the '850 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.

PRAYER FOR RELIEF

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

- 1. A judgment that Defendant has infringed one or more claims of the asserted patents;

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- 2. Permanently enjoining Defendant, its successors, officers, agents, and employees, and anyone acting in concert or participation with or at the behest or direction of any of them, from further infringing the asserted patents by manufacturing, using, offering for sale, selling, or importing any products that infringe the asserted patents;
- 3. Awarding Hoist compensation for any and all damages, injury or harm pursuant to 35 U.S.C. § 284;
- 4. Awarding Hoist treble damages resulting from Defendant’s willful and intentional conduct pursuant to 35 U.S.C. § 284;
- 5. Assessing Hoist’s costs of this action and Hoist’s attorneys’ fees against Defendant pursuant to 35 U.S.C. §§ 284-285; and
- 6. Ordering or awarding any other such relief that the Court deems just and proper.

DEMAND FOR JURY TRIAL

Hoist hereby makes a demand pursuant to Federal Rule of Civil Procedure 38(b) for a trial by jury on all issues triable to a jury.

Dated: March 19, 2019

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By: /s/ Susan B. Meyer
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