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**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON**

ICON HEALTH & FITNESS, INC., a
Delaware Corporation

Plaintiff,

vs.

NAUTILUS, INC., a
Washington Corporation

Defendant.

Case No. 2:19-cv-05217-RBL

**FIRST AMENDED COMPLAINT FOR
PATENT INFRINGEMENT**

JURY TRIAL DEMANDED

Plaintiff ICON Health & Fitness, Inc. hereby claims against defendant Nautilus, Inc., for the claims for relief alleged as follows:

THE PARTIES

1. ICON is a corporation duly organized and existing under the laws of Delaware with its principal place of business located at 1500 South 1000 West, Logan, Utah, 84321.

2. Nautilus is a Washington corporation with its headquarters and principal place of business located at 17750 SE 6th Way, Vancouver, Washington 98683.

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(949)-202-1900

1 **JURISDICTION AND VENUE**

2 3. This is a civil action arising under the patent laws of the United States, including
3 but not limited to 35 U.S.C. § 271.

4 4. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C.
5 §§ 1331 and 1338.

6 5. This Court has personal jurisdiction over Nautilus because Nautilus has purposely
7 availed itself of the privileges and benefits of the laws of the State of Washington, is regularly
8 doing business in this judicial district, and has committed acts of patent infringement within this
9 judicial district.

10 6. ICON alleges that Nautilus has made, used, sold, and offered for sale of infringing
11 goods within the State of Washington and this judicial district, to ICON's injury, which relate to
12 the claims asserted by ICON, and out of which ICON's claims, in part, arise.

13 7. Venue is proper in this judicial district pursuant to 28 U.S.C. §§ 1391 and 1400.

14 **FACTUAL BACKGROUND**

15 **ICON's Patent Portfolio**

16 8. ICON is a technological leader in the field of exercise equipment, and markets
17 and sells a variety of exercise related products. This includes ICON's innovative magnetic-
18 resistance cable machines for cardio-strength training and exercise.

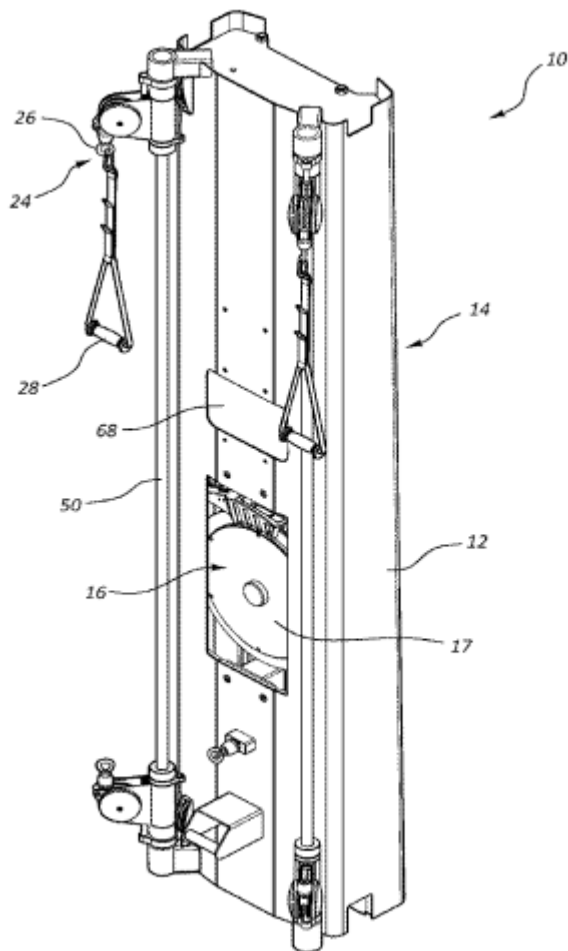
19 9. ICON maintains its position as one of the top innovators in the fitness industry by
20 making substantial investments in the research, development, and acquisition of cutting-edge
21 technologies. Many of ICON's technological innovations, including ICON's magnetic-resistance
22 cable machines for cardio-strength training and exercise, are protected by a valuable and diverse
23 intellectual property portfolio that includes patents, trademarks, trade dress, and copyrights.

24 10. ICON's magnetic-resistance cable machines for cardio-strength training and
25 exercise are protected by, *inter alia*, utility patents, including United States Patent No. 9,403,047,

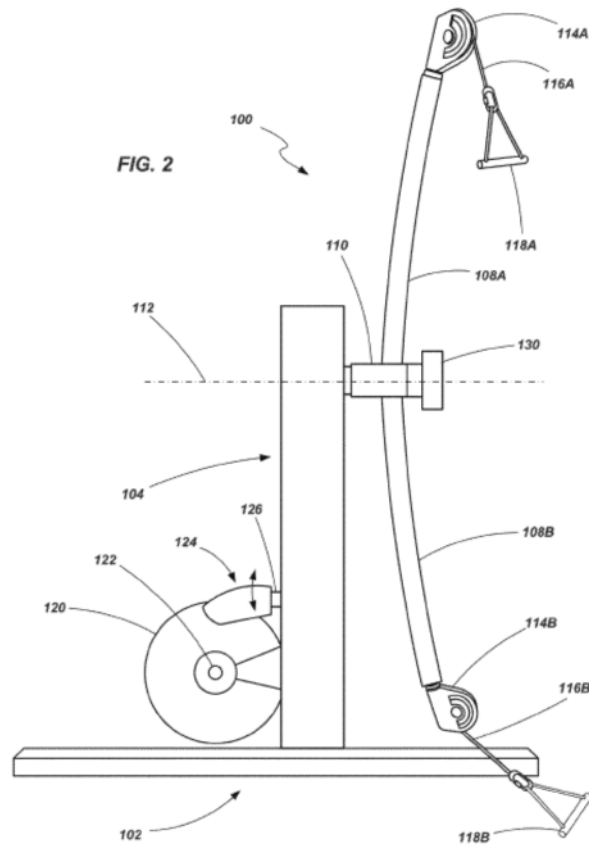
1 United States Patent No. 10,188,890, and United States Patent No. 10,279,212 (collectively
2 “Asserted Patents”). The ’047 Patent, the ’890 Patent, and the ’212 Patent are attached as
3 Exhibits 1, 2, and 3 to the First Amended Complaint, respectively.

4 11. ICON is the owner by assignment of all rights in and to the Asserted Patents.

5 12. An exemplary figure of the ’047 Patent and the ’890 Patent is depicted below:



1 13. An exemplary figure of the '212 Patent is depicted below:



17 14. The '047 Patent issued on August 2, 2016, from United States Application No.
18 14/582,493, filed on December 24, 2014, and claims priority to U.S. Provisional Patent
19 Application No. 61/920,834, filed on December 26, 2013.

20 15. The '890 Patent issued on January 29, 2019, from United States Application No.
21 15/976,496, filed on May 10, 2018, and claims priority to U.S. Provisional Patent Application
22 No. 61/920,834, filed on December 26, 2013. The '890 Patent is a continuation of the '047
23 Patent.

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1 16. The '212 Patent issued on May 7, 2019, from United States Application No.
2 15/472,954, filed on March 29, 2017, and claims priority to U.S. Provisional Patent Application
3 No. 61/786,007, filed on March 14, 2013.

4 17. ICON has not licensed Nautilus to practice the Asserted Patents and Nautilus has
5 no right or authority to license others to practice the Asserted Patents.

6 **Nautilus's Infringing Product**

7 18. Nautilus imports, manufactures, sells, and distributes cable exercise machines
8 under the names of Bowflex HVT and Bowflex HVT+. Nautilus also manufactures, sells and
9 distributes an application program, called the "Bowflex HVT," for use with the infringing
10 products. An example of Nautilus's infringing cable exercise machine is depicted below:



1 27. By reason of the foregoing, ICON is entitled to relief against Nautilus, pursuant to
2 at least 35 U.S.C. §§ 283–85.

3
4 **SECOND CLAIM FOR RELIEF**

5 **Infringement of the '890 Patent**

6 28. By reference, ICON realleges and incorporates the foregoing paragraphs as
7 though fully set forth herein.

8 29. Nautilus has infringed and continues to infringe one or more claims of the '890
9 Patent by making, using, selling, offering for sale, and importing into the United States products,
10 systems, or services, including but not limited to the Bowflex HVT and Bowflex HVT +, which
11 embody and incorporate structures corresponding to one or more claims of the '890 Patent.

12 30. On information and belief, the Bowflex HVT and Bowflex HVT+ infringe claims
13 1–20 of the '890 Patent.

14 31. The conduct of Nautilus as set forth hereinabove gives rise to a cause of action for
15 infringement of the '890 Patent, pursuant to at least 35 U.S.C. §§ 271 and 281, *et seq.*

16 32. Nautilus has sold infringing products, such as the Bowflex HVT and Bowflex
17 HVT+, despite an objectively high likelihood that its actions constitute infringement. Upon
18 information and belief, Nautilus has known of the '890 Patent since on or about the date it was
19 issued by the Patent and Trademark Office.

20 33. Nautilus's acts of infringement have caused damage to ICON, and ICON is
21 entitled to recover the damages sustained as a result of Nautilus's wrongful acts in an amount
22 subject to proof at trial.

23 34. Nautilus's infringement of the '890 Patent will continue to damage ICON's
24 business, causing irreparable harm, for which there is no adequate remedy at law, unless it is
25 enjoined by this Court.

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1 35. By reason of the foregoing, ICON is entitled to relief against Nautilus, pursuant to
2 at least 35 U.S.C. §§ 283–85.

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4 **THIRD CLAIM FOR RELIEF**

5 **Infringement of the '212 Patent**

6 36. By reference, ICON realleges and incorporates the foregoing paragraphs as
7 though fully set forth herein.

8 37. Nautilus has infringed and continues to infringe one or more claims of the '212
9 Patent by making, using, selling, offering for sale, and importing into the United States products,
10 systems, or services, including but not limited to the Bowflex HVT and Bowflex HVT +, which
11 embody and incorporate structures corresponding to one or more claims of the '212 Patent.

12 38. On information and belief, the Bowflex HVT and Bowflex HVT+, either alone or
13 in combination with the application program that Nautilus distributes to consumers of said
14 products, infringe claims 1, 3, 4, 6, 7, 9, 10, 13–19, and 21–34 of the '212 Patent.

15 39. The conduct of Nautilus as set forth hereinabove gives rise to a cause of action for
16 infringement of the '212 Patent, pursuant to at least 35 U.S.C. §§ 271 and 281, et seq.

17 40. Nautilus sells infringing products, such as the Bowflex HVT and Bowflex HVT+,
18 and the related Bowflex HVT application program, despite an objectively high likelihood that its
19 actions constitute infringement. Upon information and belief, Nautilus has known of the '212
20 Patent since on or about the date it was issued by the Patent and Trademark Office.

21 41. Nautilus's acts of infringement have caused damage to ICON, and ICON is
22 entitled to recover the damages sustained as a result of Nautilus's wrongful acts in an amount
23 subject to proof at trial.

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- J. Post-judgment interest, pursuant to at least 28 U.S.C. § 1961(a); and
- K. An award of any other and further relief as the Court deems just and equitable.

DEMAND FOR JURY TRIAL

ICON demands TRIAL BY JURY for all causes and issues so triable.

DATED: May 9, 2019

BY: /s/ Inge Larish

Inge Larish (WSBA No. 34954)
 MASCHOFF BRENNAN
 100 Spectrum Center Dr. Ste. 1200
 Irvine, CA 92618
 (949)-202-1900

Charles S. Barquist (*pro hac vice*)
 MASCHOFF BRENNAN
 300 South Grand Ave., Suite 1400
 Los Angeles, California 90071
 (949) 202-1900

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 100 SPECTRUM CENTER DR. STE. 1200
 IRVINE, CA 92618
 (949)-202-1900