

**IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF COLORADO**

Civil Action No. 1:19-cv-2570

HANDSON EQUINE, LLC d/b/a HANDSON GLOVES,

Plaintiff,

v.

PAT YOUR PET,

Defendant.

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**COMPLAINT AND JURY DEMAND**

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Plaintiff Handson Equine, LLC d/b/a Handson Gloves (“Plaintiff” or “Handson Gloves”) by and through undersigned counsel, submits this Complaint and Jury Demand against Pat Your Pet (“Defendant”), and states as follows:

**I. PARTIES**

1. Handson Gloves is a limited liability company organized under the laws of the state of Texas, having a principle place of business at 10570 Signal Hill Road, Austin, Texas 78737.

2. Upon information and belief, Defendant Pat Your Pet is a foreign corporation having a principle place of business at 58 Goloseevskyi Avenue, Apt. 178, Kiev, Ukraine.

3. Upon information and belief, Defendant has committed acts of infringement in the state of Colorado through its offers for sale and actual sales of the Accused Products, as identified herein, including through direct sales made by Defendant and through one or more e-

commerce sites identified herein, which are directed towards potential and actual consumers residing in Colorado.

## **II. JURISDICTION AND VENUE**

4. This is a civil action to combat Defendant's infringement of Handson Gloves' exclusive rights under the patent laws of the United States, 35 U.S.C. § 101, *et seq.*

5. The Court has original subject matter jurisdiction of this action pursuant to 28 U.S.C. §§ 1331 and 1338(a).

6. This Court has personal jurisdiction over Defendant, as Defendant conducts substantial business in this district through direct sales to consumers and potential consumers in Colorado, under the Pat Your Pet brand name, including through retail stores and e-commerce sites, including [www.Chewy.com](http://www.Chewy.com), [www.Amazon.com](http://www.Amazon.com). Based upon the extensive commercial activities including sales of the products accused of infringement in this action, it is foreseeable that Defendant has availed itself to the laws of Colorado.

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

## **III. GENERAL ALLEGATIONS**

8. For over six years, Handson Gloves has been engaged in the business of designing and distributing high quality products for animal care and grooming. Through its continuous improvement and innovation, Handson Gloves provides products that are both novel and possessing high quality and craftsmanship. As a result of this history of improvement and innovation, Handson Gloves has become recognized as one of the finest designers and manufacturers of grooming products in the United States, and has been awarded multiple patents from the U.S. Patent & Trademark Office.

9. One of the patents Handson Gloves has been awarded is U.S. Patent No. D858,906 (“the ‘906 Patent”). *See* Exhibit 1. The ‘906 Patent is directed to a novel design for an animal bathing and grooming glove. The ‘906 Patent has been duly examined and is presumed valid and enforceable.

10. Handson Gloves owns all right, title and interest to the ‘906 Patent by assignment dated September 5, 2019. Handson Gloves has paid all applicable fees necessary to maintain the ‘906 Patent as valid and enforceable.

11. Handson Gloves maintains a website at [www.handsongloves.com](http://www.handsongloves.com) where its innovative bathing and grooming gloves embodied by the ‘906 Patent are offered for sale. Handson Gloves also sells its novel grooming gloves through a network of over 150 retail outlets across the United States. Handson Gloves’ products are also sold through [www.Amazon.com](http://www.Amazon.com) and other ecommerce sites, including several sites where Defendant’s products are sold.

12. Handson Gloves’ products have received multiple awards, including a “Best in Show Award” from the Global Pet Expo and a “Best Grooming Product: First Place” award at the SuperZoo exhibition. As a result, Handson Gloves’ products are widely recognized as being

#### **IV. DEFENDANT’S UNLAWFUL CONDUCT**

13. Defendant has offered for sale and sold grooming gloves in the United States that infringe upon Handson Gloves exclusive patent rights. *See* Exhibit 2. Defendant’s glove products, as depicted in Exhibit 3, incorporate the designs claimed in the ‘906 Patent.

14. Upon information and belief, Defendant intentionally copied the unique and innovative design of Handson Gloves’ patented product as a “knock off” to confuse consumers

into believing they were mistakenly purchasing one of Handson Gloves' products through an authorized reseller.

15. Defendant's infringing glove products have been sold under the Pat Your Pet brand name through various e-commerce sites, including [www.Chewy.com](http://www.Chewy.com) and [www.Amazon.com](http://www.Amazon.com). See Exhibit 3. These infringing gloves have been sold by Defendant to consumers in Colorado.

16. Using procedures available at [www.Amazon.com](http://www.Amazon.com), Handson Gloves has reported Defendant and its products as infringing upon the intellectual property rights of Handson Gloves, which have resulted in certain of Defendant's product listings being at least temporarily removed from [www.Amazon.com](http://www.Amazon.com). As a result of this reporting, Defendant's legal counsel contacted Handson Gloves in writing, acknowledging that Defendant was on notice of Handson Gloves' patent rights. In addition, Handson Gloves contacted Defendant by written correspondence dated October 24, 2017 providing further notice of Handson Gloves' exclusive rights to the design of its bathing and grooming glove. Despite these notices, Defendant's offers for sale of the infringing product have not abated.

17. Handson Gloves has not licensed or given authority to Defendant to make, have made, use, import, offer for sale or sell the products encompassed by the '906 Patent. Thus, Defendant's importation, making, having made, use, offer for sale and sell of the infringing gloves shown in Exhibit 2 ("the Accused Product") is unlawful and results in infringement of Handson Glove's valuable patent rights.

18. Upon information and belief, Defendant's infringement has been knowingly and intentional, resulting in Defendant's willful infringement.

**V. FIRST CLAIM FOR RELIEF**  
**Federal Patent Infringement of U.S. Patent No. D858,906**

19. Handson Gloves realleges and incorporates by reference all the allegations contained in Paragraphs 1-18 above.

20. Defendant's activities in making, using, selling and/or offering for sale in the United States and/or importing into the United States the Accused Product constitutes direct infringement of the '906 Patent in violation of 35 U.S.C. § 271(a).

21. Defendant's actions of making, having made, importing, using or selling products which infringe the '906 Patent have been, and are, willful, deliberate and/or in conscious disregard of Handson Gloves' rights, making this an exceptional case within the meaning of 35 U.S.C. § 285 and entitling Handson Gloves to an award of its attorney's fees and treble damages.

22. Defendant's infringement of the '906 Patent has caused and will continue to cause damage to Handson Gloves in an amount to be ascertained at trial.

23. Defendant's infringement of the '906 Patent has caused and will continue to cause irreparable injury to Handson Gloves, to which there exists no adequate remedy at law. Defendant's infringement of the '906 Patent will continue unless enjoined by this Court

**VI. PRAYER FOR RELIEF**

WHEREFORE, Handson Gloves requests that judgment be entered in its favor and against Defendant as follows:

1. Declaring that Defendant has infringed U.S. Patent No. D858,906.
2. Issuing temporary, preliminary, and permanent injunction enjoining Defendant, its officers, agents, subsidiaries, and employees, and those in privity with or that act in concert with any of the foregoing, from:

A. further infringing U.S. Patent No. D858,906, pursuant to 35 U.S.C. § 283, by importing, making, having made, offering for sale or selling the Accused Product;

B. engaging in any other act or thing likely to confuse, mislead or deceive other into believing that Defendant, or its products, connected with or sponsored, licensed or approved by Handson Gloves; and

C. engaging in any other activities constituting unfair competition with Handson Gloves, or constituting an infringement or misappropriation of Handson Gloves exclusive rights.

3. Ordering that all labels, signs, prints, packages, wrappers, receptacles, and advertisements in the possession of Defendant bearing or referring to the Accused Product, or any colorable imitation thereof, and all plates, molds, matrices, and other means of making the same, be delivered to Handson Gloves for destruction;

4. Ordering Defendant to file with the Court and serve on Handson Gloves' counsel within 30 days after service of the injunction, a written report, sworn under oath, setting forth in detail the manner and form in which Defendant has complied with the injunction;

5. For an accounting of all profits derived from Defendant's unlawful conduct, including infringement of U.S. Design Patent No. D858,906, at Defendant's expense, and trebling those damages;

6. Awarding Handson Gloves damages arising out of Defendant's infringement of U.S. Design Patent No. D858,906 in an amount no less than a reasonable royalty for each act of infringement, pursuant to 35 U.S.C. § 284, and trebling those damages;

7. Finding that this is an “exceptional case” within the meaning of 35 U.S.C. § 285 and awarding reasonable attorneys’ fees to Handson Gloves;
8. For exemplary and/or punitive damages;
9. For recovery of costs, pre-judgment and post-judgment interest to the extent applicable; and
10. For such other relief as the Court may deem just and proper.

**JURY DEMAND**

Pursuant to Rule 38 of the Federal Rules of Civil Procedure, Handson Gloves demands a trial by jury on all issues so triable.

Dated: September 10, 2019

Respectfully Submitted,

By: /s/ Ian R. Walsworth

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