

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

Civil Action No. 1:19-cv-2821

HANDSON EQUINE, LLC,

Plaintiff,

v.

BOSS PET PRODUCTS, INC., and
PETEDGE, INC.,

Defendants.

COMPLAINT AND JURY DEMAND

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 Boss Pet Products, Inc. and PetEdge, Inc. (collectively “Defendants”), 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 Boss Pet Products, Inc. (“Boss Pet”) is a Delaware corporation having a primary place of business 7730 1st Place, Suite E, Oakwood Village, Ohio 44146.

3. Upon information and belief, Defendant PetEdge, Inc. (“PetEdge”) is a Massachusetts corporation and a direct subsidiary of Boss Pet, and has a principle place of business 100 Cummings Center, Suite 307B, Beverly, Massachusetts 01915.

4. Upon information and belief, Defendants have committed acts of infringement in the state of Ohio through its offers for sale and actual sales of the Accused Products, as identified herein, including through direct sales made by Defendants and through one or more e-commerce sites identified herein, which are directed towards potential and actual consumers residing in Ohio.

II. JURISDICTION AND VENUE

5. 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.*

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

7. This Court has personal jurisdiction over Defendants, as: (1) Defendant Boss Pet has a principal place of business in this district; (2) Boss Pet is the corporate parent of PetEdge; (3) Boss Pet and PetEdge conduct substantial business in this district, including through direct sales to consumers and potential consumers through their websites www.bosspet.com and www.petedge.com; and (4) Boss Pet and PetEdge offer the products accused of infringement via retail stores and other e-commerce sites and have sold those products within this district. Based upon their extensive commercial activities, including sales of the products accused of infringement in this action, it is foreseeable that Defendants have availed themselves of the laws of Ohio.

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

III. GENERAL ALLEGATIONS

9. 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.

10. 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.

11. 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.

12. Handson Gloves maintains a website at 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 and other ecommerce sites in competition with the Defendants.

13. 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. DEFENDANTS' UNLAWFUL CONDUCT

14. Defendants have offered for sale and sold grooming gloves in the United States that infringe upon Handson Gloves exclusive patent rights. *See* Exhibits 2, 3 (the "Accused Products"). The Accused Products incorporate novel and non-functional designs claimed in the '906 Patent, as demonstrated below:



15. Upon information and belief, Defendants 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 or licensee of Handson Gloves. At least one distributor of Defendants' products referred to "knocking off" Handson Gloves' patent products after declining to become a distributor for Handson Gloves.

16. The Accused Products have been and are distributed and offered for sale nationwide, including through various e-commerce sites and retail outlets. *See* Exhibits 2, 3,

www.bosspet.com/about/territory-maps/. Upon information and belief, the Accused Products have been sold by Defendants to consumers in Ohio.

17. Handson Gloves contacted Defendants by written correspondence dated October 9, 2019, providing Defendants with notice of Handson Gloves' exclusive rights to the design of its bathing and grooming glove. Despite this notice, Defendants' offers for sale of the Accused Products have not stopped or abated.

18. Handson Gloves has not licensed or given authority to Defendants to make, have made, use, import, offer for sale or sell the products encompassed by the '906 Patent. Thus, Defendants' importation, making, using, offers for sale and sales of the Accused Products are unlawful and result in infringement of Handson Gloves' valuable patent rights.

19. Upon information and belief, Defendants' infringement has been knowingly and intentional, resulting in Defendants' willful infringement.

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

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

21. Defendants' 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).

22. Defendants' 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.

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

24. Defendants' 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. Defendants' 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 Defendants as follows:

1. Declaring that Defendants have infringed U.S. Patent No. D858,906.
2. Issuing temporary, preliminary, and permanent injunction enjoining Defendants, their 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 Defendants, or their products, are 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 Defendants 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 Defendants 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 Defendants' unlawful conduct, including infringement of U.S. Design Patent No. D858,906, at Defendants' expense, and trebling those damages;

6. Awarding Handson Gloves damages arising out of Defendants' 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: December 4, 2019

Respectfully Submitted,

By: /s/ Theresa S. Edwards
Theresa S. Edwards, Bar No. 0090971
LEWIS BRISBOIS BISGAARD & SMITH LLP
1375 East 9th Street, Suite 2250
Cleveland, OH 44114
Telephone: 216.586.8812
Fax: 216.344.9421
E-mail: Tera.Edwards@lewisbrisbois.com

Attorneys for Handson Equine, LLC

Plaintiff

Handson Gloves
10570 Signal Hill Road
Austin, TX 78737