

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

CASE NO.: 2:24-cv-02591

G&E INNOVATIONS, INC.,

Plaintiff,

v.

EZ ROLL NY LLC,

Defendant,

**COMPLAINT FOR PATENT INFRINGEMENT, TRADEMARK INFRINGEMENT AND
UNFAIR COMPETITION**

(INJUNCTIVE RELIEF DEMANDED)

Plaintiff G&E INNOVATIONS, INC. by and through its undersigned counsel, brings this Complaint against Defendant EZ ROLL NY LLC for patent infringement, trademark infringement and unfair competition, and in support thereof states as follows:

NATURE OF THE LAWSUIT

2. This action is for patent infringement arising under the patent laws of the United States, 35 U.S.C. §§ 271, *et seq.*, to enjoin and obtain damages resulting from Defendant's unauthorized manufacture, use, sale, offer to sell, or importation into the United States for subsequent use or sale of products, methods, processes, services or systems that infringe one or more claims of United States Patent Numbers 11,744,404 and D918,971 (the "Patents").

3. This is also an action for trademark infringement and unfair competition arising under the Federal Trademark Act of 1946 ("Lanham Act"), 15 U.S.C. § 1125(a) and under New York Gen. Bus. Law § 133 *et. seq.* to enjoin and obtain damages resulting from the Defendant's unauthorized marketing, advertising, promotion, sale, and importation of electric grinders that

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infringe Plaintiff's United States Registered Trademark Nos. 7,263,219 and 5,842,576 for WAKIT GRINDERS.

JURISDICTION AND VENUE

4. This is an action arising under the Patent Act and Lanham Act.
5. This Court has original and exclusive subject matter jurisdiction pursuant to 28 U.S.C. § 1331; 28 U.S.C. § 1338; and 35 U.S.C. § 271.
6. This Court has personal jurisdiction over Defendant because Defendant resides in this District.
7. Venue is proper in this district pursuant to 28 U.S.C. § 1400(b) because Defendant has a regular and established place of business in this District and has committed acts of infringement in this District.

THE PARTIES

8. Plaintiff, G&E Innovations, Inc. ("**G&E Innovations**") is a California company with its principal place of business in Las Vegas, Nevada.
9. Defendant EZ ROLL NY LLC ("**EZ ROLL**") is a New York limited liability company with its principal place of business at 1605 Broadway, Hewlett, NY 11577, and can be served by serving its appointed registered agent, New York's Secretary of State.

BACKGROUND

A. Plaintiff and its Patents

10. G&E Innovations is well-known and regarded in the industry for manufacturing a variety of grinders and other related products under its WAKIT GRINDERS trademarks. G&E Innovations have been in this industry for over 10 years. The WAKIT GRINDERS journey began with a passionate and a visionary chef, Gustavo Reyes. Fueled by his deep love for culinary arts, Gustavo noticed a glaring gap in the industry – the lack of efficient tools for

handling and processing condiments, spices, and dry herbs while preserving their essential nutrients and properties.

11. Upon closer examination, it became evident that these methods often led to inconsistency and nutrient degradation. Electric blenders and coffee grinders pulverized the ingredients, destroying their goodness and introducing unwanted stems into the final product. The use of fingers, though familiar, carried risks of cross-contamination, wastage, and challenges for those with dexterity issues.

12. In November 2016, inventors Gustavo Reyes and Esther Delgado-Lago decided it was time for a change. Driven by their personal experiences, they embarked on a mission to create a device that could effectively mill ingredients without waste, save time, and ensure impeccable consistency and texture.

13. Years of dedication, struggle, and meticulous field research led to a breakthrough in 2018. G&E Innovations proudly introduced the world to the first product of its kind – Wakit Grinders. This innovative creation redefines the art of milling, revolutionizing how condiments, spices, and dry herbs are prepared and enjoyed.

14. G&E Innovations owns all rights, title and interests in, and has standing to sue for infringement of U.S. Patent Number 11,744,404 (the “‘404 Patent”), entitled “Grinder.” A copy of the ‘404 Patent is attached hereto as **Exhibit 1**.

15. Generally, the ‘404 Patent discloses a grinder assembly including a body having a first end, a second end defining an opening, and an interior surface defining an inner chamber extending from the opening at least partially towards the first end. Moreover, the grinder assembly also includes a chain positioned within the inner chamber, including a plurality of balls. The grinder assembly further includes a motor coupled to the chain, configured to cause

rotational or reciprocal motion of the chain within the inner chamber. As such, the ‘404 Patent teaches a novel, unique and non-obvious grinder assembly that is highly distinguished from the prior art.

16. G&E Innovations owns all rights, title and interests in, and has standing to sue for infringement of U.S. Design Patent Number D918,971 (the “‘971 Patent”), entitled “Grinder.” A copy of the ‘971 Patent is attached hereto as **Exhibit 2**.

17. An example of Plaintiff’s electric grinders sold under the WAKIT GRINDERS mark is shown below:



B. Plaintiff’s Trademarks

18. As early as 2019, G&E Innovations first used the WAKIT GRINDERS Mark in commerce in relation with electric grinders.

19. G&E Innovations owns all rights, title, and interests in U.S. Registration Number 7,263,219 for the trademark WAKIT GRINDERS in International Class 7 for use in connection with hand-held, power-operated mills for household and kitchen use, namely, power-operated herb and spice mills, power-operated coffee mills, power operated spice mills, power-operated salt mills, power-operated pepper mills; electric kitchen mills for household use, namely, electric

grain mills, electric herb mills, electric coffee mills, and electric spice mills; attachments specifically for use with electric and power operated mills for kitchen purposes, namely, electric and battery operated coffee, herb, spice, grain, salt, and pepper mills; grain mills and spice mills other than hand operated. A copy of the trademark registration is attached hereto as **Exhibit 3**.

20. G&E Innovations owns all rights, title, and interests in U.S. Registration Number 7,263,219 for the trademark WAKIT GRINDERS in International Class 7 for use in connection tobacco grinders. A copy of the trademark registration is attached hereto as **Exhibit 4**.

DEFENDANT'S INFRINGEMENT

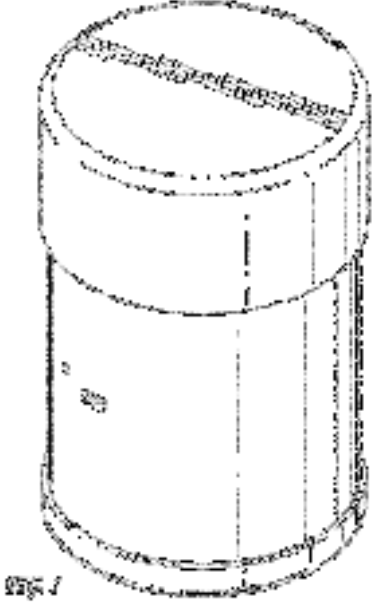

A. Defendant's Patent Infringement

21. Defendant imports, offers for sale, distributes, and sells one or more electric grinder products that practice all the steps of at least one claim of the '404 Patent. An example of the electric grinder product distributed by defendant is shown below:



22. Defendant's electric grinders operate identically to Plaintiff's product which is protected by the Patents. Defendant's electric grinder is a grinder assembly that uses a motor coupled to a chain, configured to cause rotational or reciprocal motion of the chain within the inner chamber, to grind materials.

23. Defendant's electric grinders feature plaintiff's patented design, the '971 Patent. An example of which is shown below:

Plaintiff's Patented Design	Defendant's Infringing Design
	

24. On February 6, 2024, Plaintiff sent a demand letter to Defendant were put on notice of the infringement in the patents. A copy of the claim chart attached to that letter is attached hereto as **Exhibit 5**.

25. At all times during which Defendant imported, used, offered to sell, and electric grinder products that infringe one or more claims of the patents, Defendant had knowledge of the patents.

26. Plaintiff has been irreparably harmed by Defendant's infringement of Plaintiff's valuable patent rights.

27. Defendant's unauthorized infringing use of Plaintiff's patented grinder has threatened the value of Plaintiff's intellectual property because Defendant's conduct results in Plaintiff's loss of its lawful patent rights to exclude others from importing, making, using, selling offering to sell and/or importing the patented inventions.

28. Defendant's disregard for Plaintiff's patent rights similarly threatens Plaintiff's relationship with potential licensees of these patents.

29. Defendant will derive a competitive advantage from using Plaintiff's patented technology without paying compensation for such use.

30. Unless and until Defendant's continued acts of infringement are enjoined, Plaintiff will suffer further irreparable harm for which there is no adequate remedy at law.

B. Defendant's Trademark Infringement

31. Defendant imports, offers for sale, distributes, and sells one or more electric grinders on its website that Plaintiff's registered trademark WAKIT GRINDERS as shown below.



32. Defendant, without a license, permission, or authority offers electric grinder devices utilizing the mark WAKIT GRINDERS for sale on its publicly available website <https://ezrollofficial.com/products/best-electric-grinder>.

33. The devices that Defendant uses, imports, offers for sale, distributes, and sells, including but not limited to the EZ ROLL Electric Grinder, infringe Plaintiff's WAKIT GRINDERS trademarks.

34. At all times during which Defendant imported, used, offered to sell, and sold electric grinder products that infringe WAKIT GRINDERS trademarks, Defendant had knowledge of the trademarks.

35. Plaintiff has been irreparably harmed by Defendant's trademark infringement.

36. Unless and until Defendant's continued acts of infringement are enjoined, Plaintiff will suffer further irreparable harm for which there is no adequate remedy at law.

COUNT I

DIRECT INFRINGEMENT OF U.S. PATENT NO. 11,744,404

37. Plaintiff realleges paragraphs 1 through 36 of this Complaint, as fully and completely as if set forth herein.

38. Within the six years preceding the filing of this Complaint, Defendant directly infringed at least one claim of U.S. Patent No. 11,744,404 by the activities referred to in this Complaint in violation of 35 U.S.C. § 271(a).

39. Without limiting the foregoing, Defendant has infringed at least claim one of the Patents as described in the Claim Chart attached hereto as **Exhibit 5**.

40. Defendant's activities alleged in this Count have been without license, permission, or authorization from Plaintiff.

41. The activities of Defendant as set forth in this Count have been to the injury, detriment and irreparable harm to Plaintiff.

COUNT II

DIRECT INFRINGEMENT OF U.S. PATENT NO. D918,971

42. Plaintiff realleges paragraphs 1 through 36 of this Complaint, as fully and completely as if set forth herein.

43. Within the six years preceding the filing of this Complaint, Defendant directly infringed the ornamental design claimed in U.S. Patent No. D918,971 by the activities referred to in this Complaint in violation of 35 U.S.C. § 271(a).

44. Defendant's activities alleged in this Count have been without license, permission, or authorization from Plaintiff.

45. The activities of Defendant as set forth in this Count have been to the injury, detriment and irreparable harm to Plaintiff.

COUNT III

TRADEMARK INFRINGEMENT UNDER LANHAM ACT PURSUANT TO 15 U.S.C. § 1114

46. Plaintiff realleges paragraphs 1 through 36 of this Complaint, as fully and completely as if set forth herein.

47. Defendant impermissibly uses the registered trademarks WAKIT GRINDERS in interstate commerce in connection with the advertising, marketing, and sale of EZ ROLL Electric Grinder device as shown above.

48. Defendant's activities alleged in this Count have been without license, permission, or authorization from Plaintiff.

49. Defendant's unlawful use of the WAKIT GRINDERS trademarks is likely to cause and has caused confusion, mistake and deception as to the affiliation, connection and association between Defendant's products and Plaintiff's WAKIT GRINDERS products, in violation of section 32 of the Lanham Act, 15 U.S.C § 1114(1).

50. As a direct and proximate result of Defendants' wrongful conduct, Defendant has caused G&E Innovations to suffer monetary loss and irreparable harm and injury to its business reputation and goodwill.

51. Defendant's acts of infringement and unfair competition are knowing and willful because Defendant committed such acts with knowledge that Plaintiff is the rightful owner of all rights, title and interest in the WAKIT GRINDERS marks and the Patents above.

52. Defendant's willful use of the WAKIT GRINDERS marks with the intent to cause confusion, or to cause mistake or to deceive consumers as to the origin of the product irreparably harm G&E Innovations.

53. Unless Defendant is enjoined from its wrongful conduct, G&E Innovations will suffer further irreparable injury and harm, for which it has no adequate remedy at law.

COUNT IV

FEDERAL UNFAIR COMPETITION PURSUANT TO 15 U.S.C. § 1125

54. Plaintiff realleges paragraphs 1 through 36 of this Complaint, as fully and completely as if set forth herein.

55. Defendant's conduct as described herein constitutes trademark infringement and unfair competition because such use is likely to cause and has caused confusion, mistake and deception as to the affiliation, connection, and association between Defendant's products and Plaintiff's products.

56. Defendant's conduct constitutes federal unfair competition because such uses falsely designate the origin as to the affiliation, connection and association between Defendant's products and Plaintiff's products, in violation of Section 43(a) of the Lanham Act, 15 U.S.C. § 1125(a).

57. As a direct and proximate result of Defendant's wrongful conduct, Defendant has caused Plaintiff to suffer monetary loss and irreparable harm and injury to its business reputation and goodwill.

58. Defendant's acts of infringement and unfair competition are knowing and willful because Defendant committed such acts with knowledge that Plaintiff is the rightful owner of all rights, title and interest to the WAKIT GRINDERS trademarks and with the intent to cause confusion, or to cause mistake or to deceive.

59. Unless Defendant is enjoined from its wrongful conduct, Plaintiff will suffer further irreparable injury and harm, for which it has no adequate remedy at law.

COUNT V

**UNFAIR COMPETITION UNDER STATE LAW PURSUANT TO NEW YORK
GENERAL BUSINESS LAW § 133**

60. Plaintiff realleges paragraphs 1 through 36 of this Complaint as fully and completely as if set forth herein.

61. Defendant's foregoing unlawful actions constitute the assumption, adoption or use, with the intent to deceive members of the public and media, for advertising and other purposes, of the WAKIT GRINDERS marks in which may deceive or mislead the aforementioned as to the identity of Defendant or their infringing goods as to an unfounded connection to Plaintiff registered WAKIT GRINDERS marks in violation of New York Gen. Bus. Law §133, and similar statutory or common laws of other states.

62. Defendants' continuing unlawful acts are likely to cause substantial and irreparable injury to G&E Innovations, and are likely to continue to damage G&E Innovations s goodwill, and reputation unless restrained by this Court

63. Defendant's activities alleged in this Count have been without license permission or authorization from Plaintiff.

64. The activities of Defendant as set forth in this Count have been to the injury, detriment and irreparable harm to Plaintiff.

COUNT VI

**UNFAIR COMPETITION UNDER STATE LAW PURSUANT TO NEW YORK
GENERAL BUSINESS LAW § 349**

65. Plaintiff realleges paragraphs 1 through 36 of this Complaint as fully and completely as if set forth herein.

66. Defendant's conduct, as described herein, including its unlawful use of the WAKIT GRINDERS marks constitutes state unfair competition because it comprises at least one deceptive business practice as defined by and in contravention of New York General Business Law § 349 as to the affiliation, connection and association between Defendant's products and G&E Innovations' products.

67. Defendants' continuing unlawful acts are directly and indirectly causing substantial and irreparable injury to G&E Innovations, and are going to continue to damage G&E Innovations' goodwill, and reputation unless restrained by this Court.

68. Defendant is willfully violating New York State's unfair competition laws.

69. Defendant's activities alleged in this Count have been without license permission or authorization from Plaintiff.

70. The activities of Defendant as set forth in this Count have been to the injury, detriment and irreparable harm to Plaintiff.

71. Unless Defendant is enjoined from its wrongful conduct, G&E Innovations will suffer further irreparable injury and harm, for which it has no adequate remedy at law.

COUNT VII

UNFAIR COMPETITION UNDER STATE LAW PURSUANT TO NEW YORK GENERAL BUSINESS LAW § 360-K (Infringement)

72. Plaintiff realleges paragraphs 1 through 36 of this Complaint as fully and completely as if set forth herein.

73. N.Y. Gen. Bus. Law § 360 defines "trademark" as "any word, name, symbol, or device or any combination thereof used by a person to identify and distinguish the goods of such person, including a unique product, from those manufactured and sold by others, and to indicate the source of the goods, even if that source is unknown."

74. Defendant's use of the trademark, without the consent of the registrant of the WAKIT GRINDERS marks, Plaintiff violates New York General Business Law § 360-K.

75. Defendant reproduced, counterfeited, copied, or imitated the WAKIT GRINDERS marks in connection with the sale, distribution, offering for sale, or advertising its RIG IN ONE device with which such use is likely to cause confusion or mistake or to deceive as to the source of origin of such goods in violation of New York General Business Law § 360-K as to the affiliation, connection and association between Defendant's products and G&E Innovations' products.

76. Defendants' continuing unlawful acts are directly and indirectly causing substantial and irreparable injury to Plaintiff, and are going to continue to damage G&E Innovations' goodwill and reputation unless restrained by this Court.

77. Defendant is willfully violating New York State's unfair competition laws.

78. Defendant's activities alleged in this Count have been without license permission or authorization from Plaintiff.

79. The activities of Defendant as set forth in this Count have been to the injury, detriment and irreparable harm to Plaintiff.

80. Unless Defendant is enjoined from its wrongful conduct, G&E Innovations will suffer further irreparable injury and harm, for which it has no adequate remedy at law.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff G&E INNOVATIONS, INC. demands judgment and relief against Defendant EZ ROLL NY LLC and respectfully requests that the Court:

A. Defendant and its officers, agents, servants, employees, affiliated entities, and all of those in active concert with them, be preliminarily and permanently

enjoined from committing the acts alleged herein in violation of 15 U.S.C. § 1114 and § 1125;

- B. Defendant be required to pay Plaintiff his damages including lost sales and Defendants' profits as provided in 15 U.S.C. § 1125;
- C. Enter a finding of willful patent infringement against Defendant under the patents asserted in this Complaint;
- D. Permanently enjoin Defendant from committing patent infringement;
- E. Award in favor of Plaintiff and against Defendant such damages as Plaintiff may have suffered but in no event less than a reasonable royalty pursuant to 35 U.S.C. § 284;
- F. Award in favor of Plaintiff and against Defendant an enhancement of damages;
- G. Award in favor of Plaintiff for treble damages pursuant to 15 U.S.C. § 1117(a);
- H. Permanently enjoin Defendant from committing trademark infringement;
- I. Find that this is an exceptional case;
- J. Award Plaintiff his attorneys' fees against Defendant under 35 U.S.C. § 285 and 15 U.S.C. § 1117(a);
- K. Award Plaintiff his costs against Defendant;
- L. Plaintiff be awarded pre- and post-judgment interest; and
- M. Award in favor of Plaintiff and against Defendant such other and further relief as to the Court appears just and proper.

JURY DEMAND

Plaintiff hereby demands a trial by jury of all issues so triable.

DATED: April 5, 2024

Respectfully submitted,

/s/ Joseph A. Dunne

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