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MAD DOGG ATHLETICS, INC.

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

CV11 0599 JFW (CWx)

MAD DOGG ATHLETICS, INC.,

Plaintiff,

v.

KEVIN LAMAR, LAMAR HEALTH & FITNESS CONSULTING LLC, ALAN COCKRILL, WORLD TRIATHALON CORPORATION d/b/a IRONMAN FITNESS, CIXI E-TE FITNESS EQUIPMENT CO., LTD. and COSTCO WHOLESALE CORPORATION, and DOES 1-10,

Defendants.

Case No.

Assigned for all purposes to

COMPLAINT FOR:

1. **PATENT INFRINGEMENT**
2. **COPYRIGHT INFRINGEMENT**
3. **FALSE DESIGNATION OF ORIGIN**
4. **FEDERAL UNFAIR COMPETITION**
5. **TRADE DRESS INFRINGEMENT**
6. **BREACH OF CONTRACT**
7. **MISAPPROPRIATION OF TRADE SECRETS**
8. **BREACH OF EMPLOYEE DUTY OF LOYALTY**
9. **BREACH OF IMPLIED COVENANT OF GOOD FAITH AND FAIR DEALING**
10. **INTERFERENCE WITH PROSPECTIVE ECONOMIC ADVANTAGE**
11. **BREACH OF FIDUCIARY DUTY**
12. **CONVERSION**
13. **UNJUST ENRICHMENT**
14. **CALIFORNIA COMMON LAW UNFAIR COMPETITION**
15. **CALIFORNIA STATUTORY UNFAIR COMPETITION**

DEMAND FOR JURY TRIAL

Plaintiff, Mad Dogg Athletics, Inc. files this Complaint against defendants Kevin Lamar, Lamar Health & Fitness LLC, Alan Cockrill, World Triathalon Corporation d/b/a Ironman Fitness, Cixi E-TE Fitness Equipment Co., Ltd. and Costco Wholesale Corporation, and demanding a trial by jury, alleges as follows:

THE PARTIES

1. Plaintiff Mad Dogg Athletics, Inc. ("Mad Dogg") is a California corporation having a principal place of business at 2111 Narcissus Court, Venice, California 90291. Mad Dogg is also the assignee of certain claims alleged herein, which claims have been assigned to Mad Dogg by Core Industries, Inc. d/b/a Star Trac.

2. On information and belief, defendant Kevin Lamar ("Lamar") is an individual residing at 7276 Island Green Drive, Boulder, Colorado 80301.

3. On information and belief, defendant Lamar Health & Fitness Consulting LLC ("LHF") is a Colorado limited liability company having a principal place of business at 2063 Pintail Drive, Longmont, CO 80504.

4. On information and belief, defendant Alan Cockrill is an individual residing at 6 Londonderry Circle, Apt. 6A, Wynne, Arkansas 72396.

5. On information and belief, defendant World Triathalon Corporation d/b/a Ironman Fitness ("Ironman") is a Florida corporation having a principal place of business at 2701 North Rocky Point Drive, Suite 1250, Tampa, Florida 33607.

6. On information and belief, defendant Cixi E-TE Fitness Equipment Co., Ltd. ("E-Te Fitness") is a China corporation having a principal place of business at No. 79 Yixinting road, Wanshousi Village, Zhouxiang Town, Cixi Ningbo, Republic of China.

7. On information and belief, defendant Costco Wholesale Corporation ("Costco") is a Washington corporation having a principal place of business at 999 Lake Drive, Issaquah, Washington 98027.

8. Due to the nature of the defendants and their business practices, Mad

Dogg is not fully informed regarding the involvement of the defendants sued herein under the fictitious names DOES 1-10, inclusive (the "Doe Defendants"). On information and belief, the Doe Defendants are involved with one or more of the defendants named herein and/or the activities alleged herein. Mad Dogg has thus sued the Doe Defendants by their fictitious names. Mad Dogg will seek leave to amend this Complaint to allege the true names, capacities and residences of the Doe Defendants when their involvement is ascertained.

9. Mad Dogg is informed and believes, and thereupon alleges, that the Doe Defendants, and each of them, are responsible in some manner, by their acts and/or omissions, for the matters alleged herein. Mad Dogg is further informed and believes, and thereupon alleges, that the Doe Defendants, and each of them, at all material times alleged herein, were the agents, servants and/or employees of one or more of the other defendants, or otherwise participated in the improper conduct alleged herein.

JURISDICTION AND VENUE

10. This is an action for patent infringement arising under the patent laws of the United States, Title 35 of the United States Code. This Court has original jurisdiction over this action pursuant to the provisions of 28 U.S.C. §§ 1331 and 1338(a).

11. This is also an action for copyright infringement arising under the copyright laws of the United States, Title 17 of the United States Code. This Court has original jurisdiction pursuant to 28 U.S.C.§§ 1331, and 1338(a) and (b).

12. This is also an action for false designation of origin, unfair competition and trade dress infringement arising under the trademark laws of the United States, Title 15 of the United States Code. This Court has original jurisdiction over the subject matter of this action pursuant to 28 U.S.C. §§ 1331 and 1338(a) and (b) and 15 U.S.C. § 1121(a).

13. This is also an action for misappropriation of trade secrets, breach of

employee duty of loyalty, breach of contract, breach of implied covenant of good faith and fair dealing, interference with prospective economic advantage, breach of fiduciary duty, conversion, unjust enrichment, California common law unfair competition and California statutory unfair competition under Cal. Bus. & Prof. Code § 17200. This Court has supplemental jurisdiction pursuant to 28 U.S.C. §§ 1338(b) and 1367(a). These causes of action are so related to the other causes of action in this lawsuit over which this Court has original jurisdiction that they form a part of the same case or controversy under Article III of the United States Constitution.

14. Defendants have caused bikes and accompanying manuals and DVDs which infringe Mad Dogg's intellectual property rights to be imported into and distributed in this judicial district. Furthermore, defendants Lamar and Cockrill were for several years employed by a company based within this judicial district, and also acted as an independent contractor and/or consultant therefor. Certain of their conduct described herein was tied to that employment. Defendant Ironman has continuously distributed products within this judicial district, and has distributed infringing bikes and DVDs into this judicial district. On information and belief, defendant E-Te Fitness has caused infringing bikes and/or owner's manuals and DVDs to be imported into this judicial district. Defendant Costco has locations throughout this judicial district and has distributed infringing bikes and/or owner's manuals and DVDs in this judicial district.

15. On information and belief, venue is proper under 28 U.S.C. §§ 1391(b) and 1391(c), as well as 28 U.S.C. § 1400(b).

BACKGROUND FACTS

16. Mad Dogg is the creator of the world famous SPINNING® brand of exercise for indoor cycling, which involves authentic SPINNER® brand stationary bikes. In a SPINNING® exercise class, an authorized instructor typically leads a number of participants through a group ride in which different riding positions,

hand positions and resistances are used to simulate outdoor cycling conditions.

17. Mad Dogg owns a number of patents covering its SPINNER® bikes and use thereof. Since the 1990s, Mad Dogg and its licensees have distributed hundreds of thousands of authentic SPINNING® bikes to the commercial market including institutional users such as health clubs, gyms and other commercial fitness centers, as well as to the retail or consumer market, including the home user market. Authentic SPINNING® exercise classes using authentic SPINNER® bikes are offered throughout this judicial district, as well as throughout the United States and in over 80 countries around the world.

18. By virtue of its patented SPINNER® bike, and its authentic SPINNING® exercise program, Mad Dogg created an entirely new and revolutionary form of exercise that has achieved incredible commercial success. Around the world, there are over 150,000 authorized SPINNING® instructors and over 35,000 authorized facilities which offer the SPINNING® program. Millions of people worldwide participate in the SPINNING® program.

19. Given the commercial success of Mad Dogg's authentic SPINNING® program, many competitors have since entered the market in attempts to capitalize on this success. For convenience, this market is referenced herein as indoor cycling, but this market is also known as group cycling and stationary biking.

20. Defendant Lamar has been involved with indoor cycling for many years. Starting in or about 1994, on behalf of his then-employer, Lamar pursued a business relationship with Mad Dogg whereby Mad Dogg's intellectual property rights would be licensed and authentic SPINNER® bikes would be manufactured and distributed. A business relationship was entered into during which defendant Lamar became familiar with Mad Dogg's authentic SPINNER® bikes and the manner in which they are used in the SPINNING® program. Defendant Lamar also became very familiar with Mad Dogg's intellectual property, including its patents, associated with the SPINNER® bikes. Mad Dogg terminated this business

relationship in 2001.

21. In 2002, Mad Dogg began a new business relationship with Unisen, Inc. d/b/a Star Trac ("Star Trac"). Mad Dogg and Star Trac entered into an agreement whereby, among other terms, Star Trac was granted a license under Mad Dogg's intellectual property rights, including its patent rights, to manufacture and distribute authentic SPINNER® bikes. Generally, Star Trac's license extended to the commercial market which included institutional end users such as health clubs, gyms and other commercial fitness locations. However, Mad Dogg reserved the retail consumer market, e.g., indoor bikes for home use by individual end users, for itself. In 2005, Mad Dogg and Star Trac entered into a new agreement and extended their relationship.

22. Thereafter, Mad Dogg solely developed a new SPINNER® bike named the SPINNER® Velo. This bike was generally directed to the consumer market and to light-institutional end users. In 2007, Mad Dogg and Star Trac agreed that Star Trac would have the right to make certain sales of the SPINNER® Velo bike to the consumer market. Thereafter, Star Trac made consumer sales of authentic SPINNER® Velo bikes to Costco and others.

23. Defendant Alan Cockrill, a longstanding colleague of defendant Lamar, became employed by Star Trac in 2007 as Star Trac's Director of Consumer Sales. Defendant Lamar also became employed by Star Trac in 2007 as the President of Star Trac's wholly-owned subsidiary named Star Trac Health & Fitness LLC ("STHF"). STHF was essentially the consumer arm of Star Trac which marketed Star Trac fitness products such as treadmills, recumbent bikes and other equipment to individual end users, e.g., home users, in the consumer market.

24. Upon becoming President of STHF, defendant Lamar signed an Employee Confidential Information Trade Secret and Invention Agreement ("Proprietary Information Agreement" or "PIA") with Star Trac. Among other things, the PIA required that defendant Lamar maintain the confidentiality of Star

Trac's proprietary information which included Mad Dogg's proprietary information that Mad Dogg conveyed to Star Trac. Mad Dogg conveyed significant proprietary information to Star Trac, which defendant Lamar had access to, including information relating to the business terms and circumstances surrounding the sales of SPINNER® Velo bikes to Costco. Under the PIA, defendant Lamar was obligated to maintain this Mad Dogg information as confidential.

25. Per the PIA, defendant Lamar was also prohibited from using Star Trac's proprietary information except as necessary in the course of performing his duties as a Star Trac employee. This prohibition extended to Mad Dogg's proprietary information that Mad Dogg conveyed to Star Trac. Mad Dogg conveyed significant proprietary information to Star Trac, which defendant Lamar was obligated not to use except as necessary in the course of his Star Trac employment.

26. Also per the PIA, defendant Lamar agreed to assign to Star Trac, any rights he may have or acquire in Star Trac's proprietary information. Also per the PIA, defendant Lamar was required to return any company materials to Star Trac upon termination of his employment. The company materials included materials provided by Mad Dogg to Star Trac.

27. In 2008, Mad Dogg and Star Trac agreed that Star Trac could distribute certain authentic SPINNER® bikes to the consumer market until May 31, 2010. The 2008 agreement contemplated that consumer sales of a modified SPINNER® Velo bike would be made by Star Trac to Costco. The modified bike would be called the SPINNER® Ascent and would be sold to Costco seasonally, i.e., from December through February. These seasonal sales were sometimes referred to as the SPINNER® Ascent program.

28. A number of SPINNER® Ascent bikes were sold by Star Trac to Costco and into the consumer market during the December 2008-February 2009 seasonal period. On information and belief, defendants Lamar and Cockrill were

involved with these sales and they had access to proprietary information pertaining to the SPINNER® Ascent bike, manuals and programs, and the terms under which this bike was sold to the consumer market through defendant Costco. These bikes were sold in distinctive packaging that prominently displayed the SPINNER® Ascent bike.

29. In addition to the SPINNER® bikes manufactured by Star Trac under its license from Mad Dogg, Mad Dogg produces a line of proprietary SPINNER® bikes designed for the consumer market, such as for in-home use. These consumer bikes are produced for Mad Dogg by manufacturers different than Star Trac's manufacturers. As part of its ongoing proprietary product development, Mad Dogg took steps to develop a new line of SPINNER® bikes for the in-home market. As part of this development, Mad Dogg also took steps to develop a new version of the SPINNER® Ascent bike for sale by Star Trac to defendant Costco (sometimes referenced herein as the new SPINNER® Ascent bike or new SPINNER® bike).

30. To facilitate the production of its new line of bikes, Mad Dogg contacted Elton Chen, a long time Mad Dogg supplier and representative of factories in China for purposes of exploring and potentially establishing a source for its new consumer SPINNER® bikes. Elton Chen had been a manufacturer and factory representative to Star Trac on a number of its products (excluding the SPINNER® bikes) that were sold by defendants Lamar and Cockrill in the course of their employment by Star Trac. The factory with which Mad Dogg and Elton Chen communicated turned out to be defendant E-Te Fitness.

31. Mad Dogg's agreements with Star Trac contained confidentiality provisions requiring that the proprietary information that Mad Dogg provided to Star Trac, and thus to defendants Lamar and Cockrill, remain confidential. This proprietary information included Mad Dogg's designs, drawings, prototypes, manuals and business information such as the identity of a new factory to build the new SPINNER® Ascent and other new SPINNER® consumer bikes. Based on

these confidentiality obligations, Mad Dogg fully expected that its proprietary information would remain confidential and would not be used by defendants Lamar and Cockrill outside their scope of employment by Star Trac.

32. At around this time, the December 2009-February 2010 seasonal period for Star Trac's sales of SPINNER® Ascent bikes to Costco into the consumer market occurred. On information and belief, defendants Lamar and Cockrill were involved with these sales. These bikes were sold in distinctive packaging that prominently displayed the SPINNER® Ascent bike.

33. By the Spring of 2010, Mad Dogg confidentially provided Chen with developmental electronic drawings and specifications for the new SPINNER® Ascent bike, as well as other new SPINNER® bikes. Significant proprietary information was generated in connection with these efforts and provided to Chen, such as information describing the materials, manufacturing processes, dimensions and appearance of the new SPINNER® Ascent and other new SPINNER® bikes, and revisions thereto. In turn, Chen provided Mad Dogg's proprietary information about the new SPINNER® Ascent and other new SPINNER® bike designs to E-Te Fitness for purposes of prospective manufacturing.

34. Mad Dogg kept Star Trac confidentially apprised of the efforts to develop its new line of SPINNER® bikes, including the new SPINNER® Ascent bike that Star Trac was to eventually sell to defendant Costco. By providing such information to Star Trac, Mad Dogg's proprietary information thus became "proprietary information" under the PIA that defendant Lamar had signed upon becoming employed by Star Trac.

35. On information and belief, defendants Lamar and Cockrill were aware of Mad Dogg's foregoing efforts, including Mad Dogg's communications with Chen and E-Te Fitness, and including the design and development work on the new SPINNER® consumer bikes. Pursuant to his obligations under the PIA, defendant Lamar was obligated to keep this information confidential and to not use it for

purposes other than in the course of his employment for Star Trac. As a Star Trac employee, Cockrill was also obligated to keep this information confidential and to not use it for purposes other than in the course of his employment with Star Trac.

36. As the months in 2010 passed, Star Trac had increasing financial difficulties and considered exiting the consumer market. Star Trac's right to sell the SPINNER® Ascent bike to Costco into the consumer market was to expire on May 31, 2010, but prior to that, Star Trac had been in discussions with Costco, and Mad Dogg had been in discussions with Star Trac, to pursue the Costco SPINNER® Ascent program for the 2010-2011 seasonal period. However, as the May 31, 2010 date approached, it became clear that Star Trac would not pursue the SPINNER® Ascent program with Costco for the 2010-2011 seasonal period.

37. As Star Trac employees, defendants Lamar and Cockrill were aware of Mad Dogg's desire to pursue the Costco SPINNER® Ascent program for 2010-2011, and at approximately the same time, Star Trac's decision to exit the consumer market. Defendants Lamar and/or Cockrill were also aware of the details of the new SPINNER® bike that Mad Dogg had been developing for sale to Costco.

38. After Star Trac's rights to sell SPINNER® Ascent bikes to Costco expired, Star Trac and STHF were obligated, and agreed, to transition the Costco SPINNER® Ascent program for 2010 back to Mad Dogg. Star Trac was to return certain items and information to Mad Dogg related to consumer sales such as manuals, marketing materials and artwork.

39. As President of STHF, Lamar was to have presided over the transition of this consumer business from Star Trac to Mad Dogg. However, the transition did not readily occur, despite repeated requests by Mad Dogg directly to defendants Lamar and Cockrill. As a result, Mad Dogg's continued efforts to finalize the new SPINNER® bike and to consummate sales to Costco were stymied by defendants Lamar and Cockrill.

40. On information and belief, defendant Lamar purposefully stalled this

transfer because by this time, defendant Lamar knew he would be leaving Star Trac and had been planning and/or had already taken steps to sell infringing bikes based on the new SPINNER® to Costco for his own benefit. For example, on June 4, 2010, only a few days after the May 31, 2010 expiration date of Star Trac's rights to sell the SPINNER® Ascent bike to Costco, and while defendant Lamar was still STHF's President, defendant Lamar formed defendant Lamar Health & Fitness LLC ("LHF"). On information and belief, defendant Lamar formed defendant LHF for purposes including the sale of an infringing bike to Costco that was based on the new SPINNER® bike design that Mad Dogg had been developing.

41. On that same day, June 4, 2010, Cockrill's employment with Star Trac was terminated. On information and belief, Cockrill assisted defendants Lamar and LHF in their efforts to sell infringing bikes to Costco based on the new SPINNER® bike. Cockrill signed an independent contractor agreement with Star Trac that was effective from June 7, 2010 through July 31, 2010. Though the independent contractor agreement was ostensibly with Star Trac, on information and belief, it had been prepared by defendant Lamar, who signed it on behalf of Star Trac. On information and belief, during the term of the independent contractor agreement, Cockrill assisted Lamar in the scheme to sell infringing bikes to Costco based on the new SPINNER® bike that was being developed by Mad Dogg.

42. On information and belief, defendant Cockrill, on behalf of defendants Lamar and/or LHF, contacted Elton Chen about manufacturing infringing bikes based on the new SPINNER® Ascent bike, and Chen served as an intermediary with the manufacturer, defendant E-Te Fitness. On information and belief, defendant Lamar on behalf of himself and/or defendant LHF also contacted Chen for the same purpose and used proprietary design details, drawings, prototypes, manuals, artwork and other materials that had been developed by Mad Dogg for the new SPINNER® bikes, as well as other proprietary information belonging to Star Trac.

43. Defendant Lamar's position as President of STHF was terminated on

or about July 31, 2010, the same date as when Cockrill's independent contractor agreement expired. Thereafter, defendant Lamar acted as an independent contractor to Star Trac to assist with the sale of the remaining inventory of STHF.

44. On information and belief, after July 31, 2010, defendants Lamar, Cockrill and/or LHF continued to use the proprietary information of both Mad Dogg and Star Trac that defendants Lamar and Cockrill had obtained during their employment with Star Trac, and during the time they acted as independent contractors to Star Trac. On information and belief, defendants Lamar, Cockrill and/or LHF have used this proprietary information in order to sell infringing bikes to defendant Costco based on the new SPINNER® bike.

45. For example, defendants Lamar and Cockrill had proprietary information and access to files (contact information, pricing, terms, quantities sold, warranty claims, returns, product requirements, product specifications, product costs, manufacturing information, box designs, artwork and manuals) relating to the SPINNER® Ascent program. Having run the SPINNER® Ascent program for Mad Dogg and Star Trac since 2008, and knowing that Costco was interested in continuing the SPINNER® Ascent program, defendants Lamar and Cockrill used this proprietary information to highjack the Costco deal for themselves.

46. In the meantime, and unaware of the conduct of defendants Lamar, Cockrill and/or LHF, Mad Dogg continued to ready the new SPINNER® bike for sale to defendant Costco. To this end, Mad Dogg displayed this bike at the Interbike Trade Show in Las Vegas in September 2010 and met with Costco and other retailers who attended the show and saw Mad Dogg's new SPINNER® bike. Defendant Lamar attended this show, and on information and belief, saw this new SPINNER® bike at Mad Dogg's booth.

47. In December 2010, Mad Dogg became aware that defendants Lamar, Cockrill, LHF, Ironman and/or E-Te Fitness were supplying a copy of Mad Dogg's new SPINNER® bike, which infringed Mad Dogg's intellectual property rights and

which was based on Mad Dogg's proprietary information, to defendant Costco. This infringing bike was branded as the Ironman IC Summit bike and was being sold by defendant Costco within this judicial district.

48. At that time, Mad Dogg also became aware that defendants were distributing infringing copies of the owner's manual for the SPINNER® Ascent bike ("Manual") along with the infringing Ironman IC Summit bike. Mad Dogg has filed an application for federal copyright registration on the Manual.

49. The Ironman IC Summit bike is similar to Mad Dogg's new SPINNER® bike and/or Mad Dogg's proprietary designs in many respects so as to constitute a copy thereof. Furthermore, the Ironman IC Summit bike is manufactured by defendant E-Te Fitness, i.e., the same manufacturer with which Mad Dogg had been communicating for the development of the new SPINNER® bike. The design of the Ironman IC Summit includes several revisions to the new SPINNER® bike that had been conveyed by Mad Dogg to Elton Chen and defendant E-Te Fitness during development of the new SPINNER® bike, further showing that the design of the Ironman IC Summit is based on the new SPINNER® bike and/or Mad Dogg's proprietary designs. The basic design of the new SPINNER® bike, along with these revisions, constituted the proprietary information of Mad Dogg, which was conveyed to Star Trac, and thus to defendants Lamar and Cockrill in connection with their Star Trac employment, and was improperly incorporated into the Ironman IC Summit bike. On information and belief, defendants Lamar, Cockrill and/or LHF communicated with Elton Chen and defendant E-Te Fitness about this proprietary information and used it for the Ironman IC Summit bike.

50. The owner's manual accompanying the Ironman IC Summit bike is a substantially similar copy of the owner's manual accompanying the SPINNER® Ascent bike, i.e., the Manual for which Mad Dogg has filed an application for copyright registration. For example, the Table of Contents of the Ironman IC

Summit owner's manual lists the same topics in the same order as the Manual almost verbatim. Furthermore, the owner's manual accompanying the Ironman IC Summit bike also copied the Program and Bike Safety, Welcome, Bike Setup, Hand Positions, Riding Positions, Stretching, Heart Rate Guidelines, Achieving Your Goals, Caring for Your Bike, Bike Assembly, Testing the Bike, Troubleshooting, Lubricating the Chain and Chain Tension Adjustment sections of the Manual almost verbatim. The owner's manual accompanying the Ironman IC Summit bike also copied the Warnings appearing throughout the Manual and placed them in the same locations. The same types of pictures and illustrations are also used throughout the owner's manual accompanying the Ironman IC Summit bike.

51. Defendants Lamar and Cockrill had access to the Manual through their employment. Per the PIA that defendant Lamar had signed for his employment with Star Trac, defendant Lamar was obligated to return any materials he had obtained through his employment, such as the SPINNER® Ascent owner's manual and other electronic files. Because the owner's manual for the Ironman IC Summit bike is substantially similar to the SPINNER® Ascent owner's manual, it is clear that defendant Lamar remained in possession of the SPINNER® Ascent owner's manual, and electronic files, after his employment with Star Trac was terminated on July 31, 2010, and that defendants Lamar and/or LHF used the SPINNER® Ascent owner's manual to create the substantially similar and infringing Ironman IC Summit owner's manual.

52. In addition to the Manual, the Ironman IC Summit bike sold through defendant Costco includes DVDs that are substantially similar to Mad Dogg's video ("Video") for which an application for federal copyright registration has been filed. Defendants Lamar and Cockrill had access to Mad Dogg's videos, as well as electronic files associated therewith, in connection with their employment by Star Trac. On information and belief, defendants Lamar and/or Cockrill used these materials to create infringing DVDs for sale with the infringing Ironman IC Summit

bike.

53. In addition to the Manual and DVDs, the packaging of the Ironman IC Summit bike sold through defendant Costco is highly similar to the packaging that had been used for Star Trac's prior sales of authentic SPINNER® Ascent bikes to Costco. Defendants Lamar and Cockrill had access to this packaging, as well as electronic files associated therewith, in connection with their employment by Star Trac. On information and belief, defendants Lamar and/or Cockrill used these materials to create packaging for the infringing Ironman IC Summit bike that was confusingly similar to the authentic packaging that had been used for the sale of authentic SPINNER® Ascent bikes.

54. The owner's manual accompanying the Ironman IC Summit bike states that this bike is manufactured by Ironman. On information and belief, Ironman does significant and ongoing business within this judicial district, including the sale of the Ironman IC Summit bike at issue in this lawsuit to defendant Costco.

55. Significant time and effort is required to develop a new indoor cycling bike, such as the new SPINNER® bike, in advance of distribution and sales. To this end, Mad Dogg had been developing new SPINNER® bikes for a number of months in anticipation of their being sold by Star Trac to Costco and other retailers.

56. The development of a new indoor cycling bike typically requires at least the following activities: (i) developing the industrial and mechanical designs for the bike, (ii) locating a manufacturer for the bike, (iii) communicating with the manufacturer and revising the materials, components and overall design to meet the industrial and mechanical design goals as well as price point goals, (iv) preparing ancillary materials such as an owner's manual, packaging and other related documentation, (v) finalizing the design, materials, tooling and authorizing the manufacturer to build inventory, (vi) planning for the lead times necessary for raw materials and components to be supplied to the manufacturer, (vii) building inventory, (viii) shipping inventory from Asia to the United States by container ship

and (ix) clearing United States Customs and delivering inventory to the seller such as defendant Costco. Additional time and effort is also typically required to negotiate the supply terms to the seller such as defendant Costco.

57. In sharp contrast, however, the Ironman IC Summit bike did not require the same typical development efforts because, on information and belief, one or more of the defendants improperly used the proprietary information of Mad Dogg and Star Trac to avoid legitimate development. As a result, these defendants avoided the customary lead times, engineering resources and costs associated with developing a bike from scratch and sidestepped many of the required steps identified above.

58. On information and belief, it would not have been possible for defendants Lamar, Cockrill, LHF, Ironman and/or E-Te Fitness to design the Ironman IC Summit bike, to have bikes manufactured and shipped from Asia, and then to deliver the bikes to defendant Costco in a time period as short as between July 31, 2010 (the date on which defendant Lamar's employment by STHF was terminated and Cockrill's independent contractor agreement ended) and December 2010 (when Mad Dogg became aware that defendant Costco was selling the Ironman IC Summit bike), without one or more of these defendants improperly using the proprietary information of Mad Dogg and/or Star Trac.

59. Furthermore, on information and belief, defendants Lamar, Cockrill, LHF, Ironman and/or E-Te Fitness improperly used the proprietary information of Mad Dogg and Star Trac starting at a time when defendant Lamar was still employed as President of STHF, and when Cockrill was a Star Trac employee, and subsequently, when both of them were Star Trac independent contractors. This was in breach of the PIA that defendant Lamar had entered into with Star Trac, and also constituted a breach of the covenant of good faith and fair dealing that defendants Lamar and Cockrill owed to their employer Star Trac.

60. That one or more of defendants Lamar, Cockrill, LHF, Ironman and/or

E-Te Fitness improperly used the proprietary information of Mad Dogg and Star Trac is shown at least by the facts that (i) the Ironman IC Summit bike is nearly identical to Mad Dogg's new SPINNER® bike and/or proprietary designs, (ii) the owner's manual and DVDs accompanying the Ironman IC Summit bike are substantially similar copies of the Manual and Video for the SPINNER® Ascent bike, (iii) the Ironman IC Summit bike is manufactured by defendant E-Te Fitness to which Mad Dogg had confidentially provided detailed electronic drawings and with which Mad Dogg had been developing the new SPINNER® bike, (iv) the packaging used for the Ironman IC Summit bike is highly similar to the packaging that had been used for the SPINNER® Ascent bike and (v) the speed at which defendants were able to provide the infringing bike to defendant Costco.

61. In addition to the Ironman IC Summit bike, defendant Ironman has made, used, offered for sale, sold and/or imported other bikes which infringe Mad Dogg's intellectual property rights including its patent rights and trademark rights. These bikes include the "Ironman Spinning" bike which has also been called the "112m" bike, as well as the "Ironman Exploit Indoor Spin-Style Cycling Bike." These bikes infringe Mad Dogg's patents as discussed below.

FIRST CAUSE OF ACTION

Against Ironman

(Patent Infringement -- 35 U.S.C. § 271, et seq.)

(United States Patent No. 6,155,958)

62. Mad Dogg repeats, realleges and incorporates by reference, as though fully set forth herein, the allegations contained in the foregoing and following paragraphs.

63. On December 5, 2000, United States Patent No. 6,155,958 ("the '958 patent"), for an invention entitled "Stationary Exercise Bicycle Having A Rigid Frame," was duly and legally issued in the name of Johnny Goldberg, the co-founder of Mad Dogg. By virtue of proper assignment, Mad Dogg has acquired

and duly owns all right, title, and interest in this patent, including the right to sue and recover for infringement thereof. A copy of the '958 patent is attached hereto as **Exhibit 1**.

64. On information and belief, defendant Ironman has notice of Mad Dogg's rights in the '958 patent.

65. Defendant Ironman has infringed the '958 patent by manufacturing, using, offering to sell, selling and/or importing 112m bikes, otherwise referred to as Ironman Spinning bikes, and Exploit bikes, embodying one or more of the inventions claimed therein within the United States. On information and belief, this infringement has included defendant Ironman's use of 112m and Exploit bikes at trade shows and its sales of 112m and Exploit bikes to dealers, gyms, health clubs and/or home users.

66. Defendant Ironman has also infringed the '958 patent by supplying infringing 112m and Exploit bikes to others to use, thereby inducing and/or contributing to the infringement of the '958 patent. On information and belief, this infringement has included defendant Ironman's distribution of infringing 112m and/or Exploit bikes to third party dealers and/or home users, and the promotion of exercising with these infringing bikes to third party home users, with the intention that such third parties use defendant Ironman's 112m and/or Exploit bikes to infringe the '958 patent. On information and belief, this infringement has also occurred by defendant Ironman's sale of components, such as spare or replacement parts, that defendant Ironman knows are especially made for use with defendant Ironman's infringing 112m and/or Exploit bikes, and that are not staple articles or commodities of commerce suitable for substantial noninfringing use. Defendant Ironman will continue to do so unless enjoined by this Court.

67. By reason of defendant Ironman's acts of infringement, Mad Dogg has suffered and is suffering damages, including impairment of the value of the '958 patent, in an amount yet to be determined.

68. Defendant Ironman's acts of infringement are causing irreparable harm to Mad Dogg and will continue to cause irreparable harm unless enjoined by this Court.

69. On information and belief, defendant Ironman's acts have been committed willfully and with knowledge of Mad Dogg's patent rights and have resulted, and are currently resulting, in substantial unjust profits and unjust enrichment on the part of defendant Ironman in an amount yet to be determined.

SECOND CAUSE OF ACTION

Against Lamar, LHF, Ironman, E-Te Fitness and Costco

(Patent Infringement -- 35 U.S.C. § 271, et seq.)

(United States Patent No. 6,881,178)

70. Mad Dogg repeats, realleges and incorporates by reference, as though fully set forth herein, the allegations contained in the foregoing and following paragraphs.

71. On April 19, 2005, United States Patent No. 6,881,178 ("the '178 patent"), for an invention entitled "Method of Exercising on a Stationary Bicycle," was duly and legally issued in the name of Johnny Goldberg, the co-founder of Mad Dogg. By virtue of proper assignment, Mad Dogg has acquired and duly owns all right, title, and interest in this patent, including the right to sue and recover for infringement thereof. A copy of the '178 patent is attached hereto as **Exhibit 2**.

72. On information and belief, defendants have notice of Mad Dogg's rights in the '178 patent.

73. Defendants Lamar, LHF, Ironman, E-Te Fitness and Costco have infringed the '178 patent by manufacturing, using, offering to sell, selling, and/or importing Ironman IC Summit bikes, embodying one or more of the inventions claimed therein within the United States.

74. Defendant Ironman has also infringed the '178 patent by manufacturing, using, offering to sell, selling and/or importing 112m and Exploit

bikes, embodying one or more of the inventions claimed therein within the United States. On information and belief, this infringement has included defendant Ironman's use of the above-referenced bikes at trade shows and/or sale of such bikes to dealers, gyms, health clubs and/or home users.

75. Defendants have also infringed the '178 patent by supplying the above-referenced infringing bikes to others to use, thereby inducing and/or contributing to the infringement of the '178 patent. On information and belief, this infringement has included defendants' distribution of infringing bikes to third party dealers and/or home users, and the promotion of exercising with these infringing bikes to third party home users, with the intention that such third parties use defendants' above-mentioned bikes to infringe the '178 patent. On information and belief, this infringement has also occurred by defendants' sale of components, such as spare or replacement parts, that defendants know are especially made for use with defendants' infringing bikes, and that are not staple articles or commodities of commerce suitable for substantial noninfringing use. Defendants will continue to do so unless enjoined by this Court.

76. By reason of defendants' acts of infringement, Mad Dogg has suffered and is suffering damages, including impairment of the value of the '178 patent, in an amount yet to be determined.

77. Defendants' acts of infringement are causing irreparable harm to Mad Dogg and will continue to cause irreparable harm unless enjoined by this Court.

78. On information and belief, defendants' acts have been committed willfully and with knowledge of Mad Dogg's patent rights and have resulted, and are currently resulting, in substantial unjust profits and unjust enrichment on the part of defendant in an amount yet to be determined.

THIRD CAUSE OF ACTION

Against Lamar, LHF, Ironman, E-Te Fitness and Costco

(Patent Infringement -- 35 U.S.C. § 271, et seq.)

(United States Patent No. 7,455,627)

79. Mad Dogg repeats, realleges and incorporates by reference, as though fully set forth herein, the allegations contained in the foregoing and following paragraphs.

80. On November 25, 2008, United States Patent No. 7,455,627 ("the '627 patent"), for an invention entitled "Stationary Exercise Bicycle," was duly and legally issued in the name of Johnny Goldberg, the co-founder of Mad Dogg. By virtue of proper assignment, Mad Dogg has acquired and duly owns all right, title, and interest in this patent, including the right to sue and recover for infringement thereof. A copy of the '627 patent is attached hereto as **Exhibit 3**.

81. On information and belief, defendants have notice of Mad Dogg's rights in the '627 patent.

82. Defendants Lamar, Cockrill, LHF, Ironman, E-Te Fitness and Costco have infringed the '627 patent by manufacturing, using, offering to sell, selling, and/or importing Ironman IC Summit bikes, embodying one or more of the inventions claimed therein within the United States.

83. Defendant Ironman has also infringed the '627 patent by manufacturing, using, offering to sell, selling and/or importing 112m and Exploit bikes, embodying one or more of the inventions claimed therein within the United States. On information and belief, this infringement has included defendant Ironman's use of the above-referenced bikes at trade shows and/or sale of such bikes to dealers, gyms, health clubs and/or home users.

84. Defendants have also infringed the '627 patent by supplying the above-referenced infringing bikes to others to use, thereby inducing and/or contributing to the infringement of the '627 patent. On information and belief, this

infringement has included defendants' distribution of infringing bikes to third party dealers and/or home users, and the promotion of exercising with these infringing bikes to third party home users, with the intention that such third parties use defendants' above-mentioned bikes to infringe the '627 patent. On information and belief, this infringement has also occurred by defendants' sale of components, such as spare or replacement parts, that defendants know are especially made for use with defendants' infringing bikes, and that are not staple articles or commodities of commerce suitable for substantial noninfringing use. Defendants will continue to do so unless enjoined by this Court.

85. By reason of defendants' acts of infringement, Mad Dogg has suffered and is suffering damages, including impairment of the value of the '627 patent, in an amount yet to be determined.

86. Defendants' acts of infringement are causing irreparable harm to Mad Dogg and will continue to cause irreparable harm unless enjoined by this Court.

87. On information and belief, defendants' acts have been committed willfully and with knowledge of Mad Dogg's patent rights and have resulted, and are currently resulting, in substantial unjust profits and unjust enrichment on the part of defendant in an amount yet to be determined.

FOURTH CAUSE OF ACTION

Against Ironman

(Patent Infringement -- 35 U.S.C. § 271, et seq.)

(United States Design Patent No. D473,602)

88. Mad Dogg repeats, realleges and incorporates by reference, as though fully set forth herein, the allegations contained in the foregoing and following paragraphs.

89. On April 22, 2003, United States Design Patent No. D473,602 ("the D602 patent"), for an invention entitled "Stationary Exercise Bicycle," was duly and legally issued, in the names of John Baudhuin and Johnny Goldberg, co-

founders of Mad Dogg. By virtue of proper assignment, Mad Dogg has acquired and duly owns all right, title, and interest in this patent, including the right to sue and recover for infringement thereof. A copy of the D602 patent is attached hereto as **Exhibit 4**.

90. On information and belief, defendant Ironman has notice of Mad Dogg's rights in the D602 patent.

91. Defendant Ironman has infringed the D602 patent by manufacturing, using, offering to sell, selling and/or importing the 112m bike, embodying the design claimed therein within the United States. On information and belief, this infringement has included the sale of 112m bikes over the Internet.

92. Defendant Ironman has also infringed the D602 patent by supplying infringing 112m bikes to others to use, thereby inducing and/or contributing to the infringement of the D602 patent. On information and belief, this infringement has included defendant Ironman's distribution of infringing 112m bikes to third party dealers and/or home users, and the promotion of exercising with this infringing bike program to third party home users, with the intention that such third parties use the 112m bike to infringe the D602 patent. On information and belief, this infringement has also occurred by defendant Ironman's sale of components, such as spare or replacement parts, that defendant Ironman knows are especially made for use with defendant Ironman's infringing 112m bikes, and that are not staple articles or commodities of commerce suitable for substantial noninfringing use. Defendant Ironman will continue to do so unless enjoined by this Court.

93. By reason of defendant Ironman's acts of infringement, Mad Dogg has suffered and is suffering damages, including impairment of the value of the D602 patent, in an amount yet to be determined.

94. Defendant Ironman's acts of infringement are causing irreparable harm to Mad Dogg and will continue to cause irreparable harm unless enjoined by this Court.

95. On information and belief, defendant Ironman's acts have been committed willfully and with knowledge of Mad Dogg's patent rights and have resulted, and are currently resulting, in substantial unjust profits and unjust enrichment on the part of defendant in an amount yet to be determined.

FIFTH CAUSE OF ACTION

Against Lamar, LHF, Ironman and Costco

(Copyright Infringement – 17 U.S.C. § 501(a) et seq.)

96. Mad Dogg repeats, realleges and incorporates by reference, as though fully set forth herein, the allegations contained in the foregoing and following paragraphs.

97. Mad Dogg is the owner of an original work entitled SPINNER ASCENT OWNER'S MANUAL ("Manual"). The Manual constitutes copyrightable subject matter under the laws of the United States.

98. On December 10, 2010, Mad Dogg filed an application for copyright registration for the Manual. Mad Dogg's application constitutes a completed application which suffices as a "registration" for bringing a claim for copyright infringement. A copy of the pending application along with the Manual are attached hereto as **Exhibit 5**.

99. Mad Dogg is the owner of an original work entitled SPINNER BIKE SETUP AND SAFETY ("Video"). The Video constitutes copyrightable subject matter under the laws of the United States.

100. On December 21, 2010, Mad Dogg filed an application for copyright registration for the Video. Mad Dogg's application constitutes a completed application which suffices as a "registration" for bringing a claim for copyright infringement. A copy of the filing information for the pending application along with a photocopy of the Video specimen is attached hereto as **Exhibit 6**.

101. On information and belief, defendants Lamar and Cockrill had access to the Manual and Video and provided access to LHF, Ironman and Costco. After

Mad Dogg first published the Manual and Video, defendants published, used and/or distributed the Ironman IC Summit owner's manual and DVDs accompanying the Ironman IC Summit bike that were substantially copied from the Manual and Video that are the subject of pending applications for federal copyright registration.

102. Defendants' activities constitute copyright infringement in violation of 17 U.S.C. § 501 to the substantial and irreparable injury of Mad Dogg.

103. On information and belief, as a result of the acts of defendants, defendants have been and will continue to be unjustly enriched by profits which defendants have made in connection with the marketing and sale of its products.

104. On information and belief, as a result of the acts of defendants, Mad Dogg has suffered and will continue to suffer monetary damages. Additionally, Mad Dogg has incurred and will incur costs and attorneys' fees.

105. On information and belief, defendants' acts were in willful and conscious disregard for Mad Dogg's rights.

106. Mad Dogg lacks an adequate remedy at law. Unless defendants are restrained and enjoined by the Court, defendants' actions will continue to cause irreparable harm and injury to Mad Dogg.

SIXTH CAUSE OF ACTION

Against Lamar, LHF and Ironman

(False Designation of Origin under 15 U.S.C.§ 1125(a))

107. Mad Dogg repeats, realleges and incorporates by reference, as though fully set forth herein, the allegations contained in the foregoing and following paragraphs.

108. Mad Dogg spent significant time and effort, and incurred significant cost, in developing the new SPINNER® bike for distribution to defendant Costco and other retailers. To this end, Mad Dogg developed the industrial and mechanical designs for the bike, located a manufacturer, communicated with the manufacturer and revised associated materials, components and overall design, prepared ancillary

materials such as the owners manual, DVDs, packaging and other related documentation, finalized the design, materials and tooling, and communicated with Costco regarding the terms of potential sales of the new SPINNER® bike. These efforts resulted in an indoor bike that has a distinctive appearance and trade dress that reflect a superior design.

109. Mad Dogg also displayed the new SPINNER® bike at the September 2010 Interbike trade show and received significant positive feedback from defendant Costco, from other retailers and from other third parties, regarding the distinctive appearance and trade dress of the new SPINNER® bike. The distinctive appearance and trade dress of the new SPINNER® bike indicates that it is an authentic SPINNER® bike and that its source of origin is Mad Dogg. By its being displayed at the Interbike trade show, the distinctive appearance and trade dress of the new SPINNER® bike became known to numerous individuals in the market.

110. Defendants Lamar and Cockrill had access to Mad Dogg's proprietary information and improperly used that information to avoid the development steps for the Ironman IC Summit bike that would have otherwise been required for legitimate development. Defendants Lamar and Cockrill also had access to Mad Dogg's proprietary sales and marketing information and used that information to consummate sales to defendant Costco, thereby avoiding the time and expense of legitimately developing that sales and marketing information.

111. Defendants Lamar, LHF and Ironman copied the distinctive appearance and trade dress of the new SPINNER® bike itself, and also copied the Manual and Video, as well as the distinctive packaging associated with the SPINNER® Ascent bike. The packaging had been used by Mad Dogg and Star Trac in connection with the distribution of authentic SPINNER® Ascent bikes and thus came to indicate that its source of origin was Mad Dogg.

112. The foregoing acts constitute false designation of origin in violation of Section 43(a) of the Lanham Act, 15 U.S.C. § 1125(a), as such acts are likely to

cause consumer confusion, mistake or deception by causing consumers falsely to believe that defendants and/or defendants' infringing bikes, manuals and DVDs are affiliated, connected or associated with Mad Dogg, or that defendants and/or defendants' infringing bikes, manuals and DVDs originate from, or are sponsored or approved by Mad Dogg, when they are not.

113. Defendants' continuing conduct has caused, and unless restrained by this Court, will continue to cause Mad Dogg great and irreparable harm. Mad Dogg has no adequate remedy at law. Mad Dogg is entitled to preliminary and permanent injunctions enjoining defendants from engaging in further acts of false designation of origin.

114. If not enjoined by this Court, defendants will continue to offer for sale, sell and/or distribute the Ironman IC Summit bikes in commerce, and such products will be attributed to Mad Dogg. Mad Dogg, however, has no control over the nature or quality of the Ironman IC Summit bikes so rendered, and any fault or objection with said products will adversely affect Mad Dogg's reputation and sales by Mad Dogg of its superior quality and authentic SPINNER® bikes.

115. As a direct and proximate result of the foregoing acts of defendants, Mad Dogg has suffered and is entitled to monetary damages in an amount not yet determined. Mad Dogg is also entitled to its attorneys' fees and costs of suit herein.

116. On information and belief, defendants' acts were in conscious and willful disregard for Mad Dogg's rights, and the resulting damage to Mad Dogg is such as to warrant the trebling of damages in order to provide just compensation.

SEVENTH CAUSE OF ACTION

Against Lamar, LHF and Ironman

(Federal Unfair Competition under 15 U.S.C.§ 1125(a))

117. Mad Dogg repeats, realleges and incorporates by reference, as though fully set forth herein, the allegations contained in the foregoing and following paragraphs.

118. The conduct of defendants Lamar, LHF and Ironman constitutes unfair competition in violation of Section 43(a) of the Lanham Act, 15 U.S.C. § 1125(a).

119. The improper acts of these defendants as alleged herein have caused, and unless restrained by this Court will continue to cause, Mad Dogg great and irreparable harm for which Mad Dogg has no adequate remedy at law. Mad Dogg is entitled to preliminary and permanent injunctive relief enjoining these defendants from engaging in such conduct.

120. As a direct and proximate result of the foregoing acts by these defendants, Mad Dogg has suffered and is entitled to monetary damages in an amount to be determined at trial. Mad Dogg is also entitled to its attorneys' fees and the costs of suit it has incurred and will incur with respect to this litigation.

121. On information and belief, the acts of these defendants were in conscious and willful disregard for Mad Dogg's rights, and the resulting damage to Mad Dogg is such as to warrant the trebling of damages in order to provide just compensation.

EIGHTH CAUSE OF ACTION

Against Lamar, LHF, Ironman and Costco

(Trade Dress Infringement – 15 U.S.C. § 1125(a))

122. Mad Dogg repeats, realleges and incorporates by reference, as though fully set forth herein, the allegations contained in the foregoing and following paragraphs.

123. The packaging of the infringing Ironman IC Summit bike is confusingly similar to the inherently distinctive packaging used by Mad Dogg and Star Trac in connection with the distribution of authentic SPINNER® Ascent bikes. Defendants' promotion, distribution, offering for sale, and sale of the Ironman IC Summit bikes is therefore likely to cause confusion, and/or to cause mistake, and/or to deceive as to affiliation, connection, or association between defendants and Mad Dogg, and is likely to cause members of the public to believe, incorrectly, that the

Ironman IC Summit bikes are provided by, or under the sponsorship or approval of, Mad Dogg; whereas, in fact, Mad Dogg does not approve of defendants' appropriation of Mad Dogg's trade dress in its packaging for the Ironman IC Summit bikes.

124. By misappropriating, using, and copying Mad Dogg's trade dress, defendants are misrepresenting and falsely describing to the general public and others the origin and source of the Ironman IC Summit bikes, and creating a likelihood of confusion by purchasers as to the source and sponsorship of the Ironman IC Summit bikes, in violation of Section 43(a) of the Lanham Act, 15 U.S.C. § 1125(a).

125. Defendants' continuing infringement has inflicted, and unless restrained by this Court will continue to inflict, great and irreparable harm upon Mad Dogg. Mad Dogg has no adequate remedy at law. Mad Dogg is entitled to preliminary and permanent injunctions enjoining defendants from engaging in further acts of infringement.

126. As a direct and proximate result of the foregoing acts of defendants, Mad Dogg has suffered and is entitled to monetary damages in an amount not yet determined. Mad Dogg is also entitled to its attorneys' fees and costs of suit herein.

127. Upon information and belief, defendants' acts were in conscious and willful disregard for Mad Dogg's rights, and the resulting damage to Mad Dogg is such as to warrant the trebling of damages in order to provide just compensation.

NINTH CAUSE OF ACTION

Against Lamar, Cockrill, LHF and E-Te Fitness

(Misappropriation of Trade Secrets – Cal. Civil Code §§ 3426, *et seq.*)

128. Mad Dogg repeats, realleges and incorporates by reference, as though fully set forth herein, the allegations contained in the foregoing and following paragraphs.

129. As alleged above, Mad Dogg has developed and maintained valuable

proprietary and trade secret information. Mad Dogg has made reasonable efforts under the circumstances to preserve the confidentiality of its trade secrets. Such information derives independent economic value from not being generally known to the public or to other persons who can obtain economic value from its disclosure or use. Accordingly, the above-described information constitutes "trade secrets," under California's Uniform Trade Secrets Act, codified as California Civil Code §§ 3426 *et seq.*

130. Lamar, Cockrill and E-Te Fitness knew or should have known that they acquired Mad Dogg's proprietary and confidential information under circumstances giving rise to a duty to maintain its secrecy and limit its use. Nevertheless, Lamar, Cockrill and E-Te Fitness disclosed and used Mad Dogg's trade secrets without the express or implied consent of Mad Dogg.

131. LHF also used Mad Dogg's trade secrets without the consent of Mad Dogg and knew or had reason to know that knowledge of the trade secret information was derived from Lamar and Cockrill, who owed a duty to Mad Dogg to maintain its secrecy and limit its use.

132. Despite having no valid interest or right to possess or use Mad Dogg's proprietary and trade secret information, Mad Dogg is informed and believes that Lamar, Cockrill, LHF and E-Te Fitness have misappropriated, retained, disclosed and used Mad Dogg's trade secrets without Mad Dogg's express or implied consent and/or used improper means to acquire knowledge of the trade secrets.

133. Lamar, Cockrill, LHF and E-Te Fitness obtained Mad Dogg's proprietary and confidential information described above directly or indirectly from Mad Dogg and not from generally available information or through their own independent research and efforts.

134. These actions constitute misappropriation of Mad Dogg's trade secrets under California Civil Code §§ 3426 *et seq.*

135. Lamar, Cockrill, LHF and E-Te Fitness' wrongful conduct in

misappropriating Mad Dogg's trade secret information, unless and until enjoined and restrained by order of this Court, will cause great and irreparable harm to Mad Dogg, justifying an injunction pursuant to California Civil Code § 3426(a).

136. In addition, pursuant to California Civil Code § 3426.3, as a result of the acts of defendants Lamar, Cockrill, LHF and E-Te Fitness, Mad Dogg has sustained, and will continue to sustain, actual damages in an amount to be proven at trial, and Lamar, Cockrill, LHF and E-Te Fitness have been unjustly enriched in an amount to be ascertained at trial. Mad Dogg has also suffered irreparable harm as a result of these actions.

137. The misappropriation of Mad Dogg's trade secrets was done willfully and maliciously by Lamar, Cockrill, LHF and E-Te Fitness, thereby entitling Mad Dogg to exemplary damages and attorneys' fees pursuant to California Civil Code §§ 3246.3(c) and 3426.4.

TENTH CAUSE OF ACTION

Against Lamar and Cockrill

(Breach of Employee Duty of Loyalty)

138. Mad Dogg repeats, realleges and incorporates by reference, as though fully set forth herein, the allegations contained in the foregoing and following paragraphs.

139. It was the understanding of Star Trac and its former employees, Lamar and Cockrill, that as employees and independent contractors of Star Trac, Lamar and Cockrill owed Star Trac a duty of loyalty. This understanding resulted from the employment agreements and/or independent contractor agreements and the law of the State of California.

140. Lamar and Cockrill breached the duty of loyalty that they owed Star Trac as alleged herein.

141. Star Trac has assigned its rights in this claim to Mad Dogg.

142. Star Trac and Mad Dogg have suffered and are suffering proximate

damages as a result of defendants Lamar's and Cockrill's conduct.

143. Defendants Lamar and Cockrill acted with willful and conscious disregard for Star Trac's rights and/or with the intention of depriving Star Trac of its rights, thereby warranting the assessment of exemplary and punitive damages pursuant to California Civil Code § 3294.

ELEVENTH CAUSE OF ACTION

Against Lamar

(Breach of Contract)

144. Mad Dogg repeats, realleges and incorporates by reference, as though fully set forth herein, the allegations contained in the foregoing and following paragraphs.

145. Defendant Lamar entered into the Employee Confidential Information Trade Secret and Invention Agreement ("Proprietary Information Agreement" or "PIA") with Star Trac upon Lamar's becoming employed as STHF's President.

146. Star Trac duly performed all conditions, covenants, and provisions required on its part, if any, in accordance with the terms of the PIA.

147. Defendant Lamar breached the PIA by (1) improperly disclosing Star Trac's and Mad Dogg's proprietary information to third parties, (2) improperly using Star Trac's and Mad Dogg's proprietary information outside the course of his duties as President of STHF and/or (3) failed to return company materials, including but not limited to the Manual, to Star Trac upon the termination of his employment.

148. Star Trac has assigned its rights in this claim to Mad Dogg. By executing the PIA, defendant Lamar agreed that the terms of the PIA are binding upon him and inured to the benefit of Star Trac's assigns.

149. Separate and apart from Star Trac's rights under the PIA, Mad Dogg had the reasonable expectation that the proprietary information it provided to Star Trac, and thus to defendant Lamar, would be kept confidential, that it would be

properly safeguarded, and that it would only be used as permitted by the PIA.

150. Star Trac and Mad Dogg have suffered and are suffering proximate damages as a result of defendant Lamar's actions yet to be fully ascertained.

151. Star Trac and Mad Dogg have no adequate remedy at law to compensate them for their continuing injuries. Absent injunctive relief to compel Lamar to comply with his contractual obligations, Star Trac and Mad Dogg have no adequate remedy at law.

TWELFTH CAUSE OF ACTION

Against Lamar

(Breach of Implied Covenant of Good Faith and Fair Dealing)

152. Mad Dogg repeats, realleges and incorporates by reference, as though fully set forth herein, the foregoing and following allegations.

153. Inherent in the PIA, was an implied covenant of good faith and fair dealing. By entering into the PIA with Star Trac, Lamar was obligated to do whatever was reasonable to accomplish the purposes of the PIA and was obligated not to do anything knowingly to frustrate the accomplishment of the purposes of the PIA or to engage in any conduct to deprive Star Trac of the benefits of the PIA.

154. Star Trac duly performed all conditions, covenants, and provisions required on its part, if any, in accordance with the terms of the Proprietary Information Agreement.

155. On information and belief, Lamar breached the implied covenants of good faith and fair dealing by, among other things, acting on his own behalf, and against the interests of Star Trac and Mad Dogg regarding the sale of bikes to Costco.

156. Star Trac has assigned its rights in this claim to Mad Dogg.

157. Separate and apart from Star Trac's rights in this claim, Mad Dogg had the reasonable expectation that proprietary information it provided to Star Trac, and thus to defendant Lamar, would be properly safeguarded and used, and would not

be used in a manner inconsistent with the purposes of the PIA.

158. Star Trac and Mad Dogg have suffered and are suffering proximate damages as a result of Lamar's actions yet to be fully ascertained, and in an amount to be determined at trial.

159. Star Trac and Mad Dogg have no adequate remedy at law to compensate them for their continuing injuries. Absent injunctive relief to compel Lamar to comply with his obligations, Star Trac and Mad Dogg have no adequate remedy at law.

160. Defendant Lamar's conduct in this cause of action is willful, wanton, malicious, oppressive, and in conscious disregard of the rights of Mad Dogg and Star Trac, justifying the imposition of punitive damages and exemplary damages under California Civil Code § 3294.

THIRTEENTH CAUSE OF ACTION

Against Lamar, Cockrill and LHF

(Interference With Prospective Economic Advantage)

161. Mad Dogg repeats, realleges and incorporates by reference, as though fully set forth herein, the foregoing and following allegations.

162. An economic relationship existed between Mad Dogg and Star Trac, on the one hand, and Costco, on the other hand, with the probability that such relationship would result in a future economic benefit to Mad Dogg and Star Trac.

163. Defendants Lamar, Cockrill and LHF knew of this relationship between Mad Dogg and Star Trac, on the one hand, and Costco, on the other hand, and intentionally and/or negligently acted to, and did in fact, disrupt the relationship between these parties by thwarting the sale of new SPINNER® bikes to defendant Costco, so that defendants could instead sell Ironman IC Summit bikes to Costco in their place.

164. Star Trac has assigned its rights in this claim to Mad Dogg.

165. Star Trac and Mad Dogg have suffered and are suffering proximate

damages as a result of Lamar's, Cockrill's and LHF's actions yet to be fully ascertained, and in an amount to be determined at trial.

166. Star Trac and Mad Dogg have no adequate remedy at law to compensate it for its continuing injuries. Absent injunctive relief to prevent Lamar, Cockrill and LHF from interfering with the economic relationships of Mad Dogg and Star Trac, Mad Dogg and Star Trac have no adequate remedy at law.

167. Defendants Lamar's, Cockrill's and LHF's conduct in this cause of action is willful, wanton, malicious, oppressive, and in conscious disregard of the rights of Mad Dogg and Star Trac, justifying the imposition of punitive damages and exemplary damages under California Civil Code § 3294.

FOURTEENTH CAUSE OF ACTION

Against Lamar and Cockrill

(Breach of Fiduciary Duty)

168. Mad Dogg repeats, realleges and incorporates by reference, as though fully set forth herein, the foregoing and following allegations.

169. Defendant Lamar was employed by Star Trac as President of Star Trac Health & Fitness, LLC and signed the Proprietary Information Agreement, under which he agreed to not disclose proprietary information outside of Star Trac. Defendant Cockrill was also an employee of Star Trac.

170. In their positions at Star Trac, defendants Lamar and Cockrill gained access to Mad Dogg's and Star Trac's proprietary information. As employees of Star Trac, and as the recipients of Mad Dogg's and Star Trac's proprietary information, defendants Lamar and Cockrill were agents of Star Trac with respect to the work that they performed on behalf of Star Trac.

171. As agents of Star Trac, and Lamar as signatory to the Proprietary Information Agreement, defendants Lamar and Cockrill were in a position of trust and confidence with respect to their work for Star Trac and stood in a fiduciary relationship to Star Trac. That fiduciary relationship included safeguarding

proprietary information received by Star Trac from Mad Dogg, and to not engage in conduct that would interfere with the business of Star Trac and Mad Dogg for personal gain.

172. As agents and fiduciaries of Star Trac, defendants Lamar and Cockrill had a duty to refrain from disclosing or using the proprietary information of Mad Dogg and Star Trac in violation of that duty as fiduciaries of Star Trac, in competition with or to the injury of Star Trac or Mad Dogg.

173. On information and belief, defendants Lamar and Cockrill were Star Trac employees while taking steps to consummate sales of infringing bikes to Costco, and they continued to have access and use of proprietary information of Star Trac and Mad Dogg, while they, at the same time, were using this information to consummate sales of infringing bikes to Costco.

174. On information and belief, defendants Lamar and Cockrill used or disclosed the confidential information of Mad Dogg and Star Trac in competition with or to the injury of Mad Dogg and Star Trac, thus breaching the fiduciary duty they owed Star Trac.

175. Star Trac has assigned its rights in this claim to Mad Dogg.

176. Star Trac and Mad Dogg have suffered and are suffering proximate damages as a result of defendants Lamar's and Cockrill's actions yet to be fully ascertained.

177. Star Trac and Mad Dogg have no adequate remedy at law to compensate them for their continuing injuries. Absent injunctive relief to prevent these defendants from continuing to breach their fiduciary duty, Star Trac and Mad Dogg have no adequate remedy at law.

178. Defendants Lamar's and Cockrill's conduct in this cause of action is willful, wanton, malicious, oppressive, and in conscious disregard of the rights of Star Trac and Mad Dogg, justifying the imposition of punitive damages and exemplary damages under California Civil Code § 3294.

FIFTEENTH CAUSE OF ACTION

Against Lamar, Cockrill and LHF

(Conversion)

179. Mad Dogg repeats, realleges and incorporates by reference, as though fully set forth herein, the allegations contained in the foregoing and following paragraphs.

180. Mad Dogg is, and at all times, has been, the owner of and had the right to possess certain property, including but not limited to, drawings, specifications, manuals, packaging, artwork, cost analyses and marketing materials for the SPINNER® Ascent bike and the new SPINNER® bike, which property had been developed by Mad Dogg in anticipation of sales of those bikes to defendant Costco and other retailers into the consumer market.

181. On information and belief, without Mad Dogg's consent or authorization, defendants Lamar and Cockrill, wrongfully obtained and used Mad Dogg's drawings, specifications, manuals, packaging, artwork, cost analyses and marketing materials for the SPINNER® Ascent bike and new SPINNER® bike, to develop and sell a bike which came to be called the Ironman IC Summit bike and which bike was a copy of the new SPINNER® bike.

182. On information and belief, defendants Lamar and Cockrill improperly used Mad Dogg's drawings, specifications and/or cost analyses to manufacture infringing Ironman IC Summit bikes for sale to defendant Costco. On information and belief, defendants Lamar and Cockrill improperly used Mad Dogg's manuals, packaging and artwork to produce the manuals, packaging and associated materials used in the sale of the infringing Ironman IC Summit bikes to defendant Costco. On information and belief, defendants improperly used Mad Dogg's cost analyses and other marketing materials to consummate sales of the infringing Ironman IC Summit bike to defendant Costco.

183. As a result of these defendants' acts, these defendants have interfered

with Mad Dogg's ownership of the foregoing property, for example, by foreclosing Mad Dogg's ability to use its property to provide the new SPINNER® bike to defendant Costco and/or other retailers.

184. As a result of these defendants' acts, Mad Dogg has been damaged in an amount to be proven at trial.

SIXTEENTH CAUSE OF ACTION

Against Lamar, LHF and Cockrill

(Unjust Enrichment)

185. Mad Dogg repeats, realleges and incorporates by reference, as though fully set forth herein, the allegations contained in the foregoing and following paragraphs.

186. By its conduct as alleged above, defendants Lamar, Cockrill and LHF have unjustly retained a benefit to the detriment of Mad Dogg, and such benefit violates the fundamental principles of justice, equity and good conscience.

187. Mad Dogg is entitled to an order requiring these defendants to disgorge any and all such ill-gotten gains to Mad Dogg.

SEVENTEENTH CAUSE OF ACTION

Against Lamar, LHF and Cockrill

(Common Law Unfair Competition)

188. Mad Dogg repeats, realleges and incorporates by reference, as though fully set forth herein, the foregoing and following allegations.

189. Mad Dogg invested substantial time and money in the development of the SPINNER® Ascent bike and in the relationship with Costco.

190. During the course of this development, Mad Dogg conveyed significant proprietary information to Star Trac, thus providing access to this proprietary information to defendants Lamar and Cockrill for the limited purpose of assisting in the distribution and sale of authentic SPINNER® Ascent bikes to Costco.

191. Defendants Lamar and Cockrill voluntarily received this proprietary information with the understanding that it was not to be disclosed to others and was not to be used for purposes beyond their work for Star Trac.

192. On information and belief, in breach of confidence, defendants Lamar and Cockrill used and disclosed this proprietary information in connection with their work on behalf of themselves and/or defendant LHF in providing the infringing and competing Ironman IC Summit bike to Costco for consumer sales.

193. On information and belief, defendant LHF received and used this proprietary information from defendants Lamar and Cockrill with actual knowledge of their duty not to disclose it or use it outside of their work for Star Trac or having reason to know of their duty not to disclose or use it or under circumstances giving rise to a duty to inquire further regarding their obligations to Star Trac.

194. Defendants Lamar, Cockrill and LHF received, appropriated and used the proprietary information of Mad Dogg and Star Trac at little or no cost to them.

195. Star Trac has assigned its rights in this claim to Mad Dogg.

196. As a direct and proximate result of defendants' acts, Mad Dogg and Star Trac have has suffered and continue to suffer damages, and defendants have been unjustly enriched.

197. On information and belief, by reason of defendants' acts alleged herein, Mad Dogg and Star Trac have suffered, and will continue to suffer, irreparable harm, for which Mad Dogg and Star Trac have no adequate remedy at law, unless and until defendants' conduct is enjoined.

198. Defendants' conduct in this cause of action is willful, wanton, malicious, oppressive, and in conscious disregard of the rights of Mad Dogg and Star Trac, justifying the imposition of punitive damages and exemplary damages under California Civil Code § 3294.

EIGHTEENTH CAUSE OF ACTION

Against Lamar, LHF and Cockrill

(California Unfair Competition; Business and Professions Code §17200)

199. Mad Dogg repeats, realleges and incorporates by reference, as though fully set forth herein, the foregoing allegations.

200. Defendants Lamar's, LHF's and Cockrill's actions alleged above constitute unfair competition and unlawful, unfair or fraudulent business practices in violation of California Business and Professions Code §17200.

201. Star Trac has assigned its rights in this claim to Mad Dogg.

202. On information and belief, unless restrained by this Court, defendants Lamar, LHF and Cockrill will continue to use the proprietary information of Mad Dogg and Star Trac, and will continue to sell infringing bikes to and through Costco, and pecuniary compensation will not afford Mad Dogg adequate relief for the damage caused by such actions.

203. As a result of defendants' acts alleged above, Mad Dogg and Star Trac have suffered and will continue to suffer damage, and defendants have been and will continue to be unjustly enriched.

PRAYER FOR RELIEF

WHEREFORE, Mad Dogg respectfully demands judgment:

1. That defendants, their officers, directors, agents, servants, employees, attorneys, confederates, and all persons and/or entities acting for, with, by, through, or in concert with them or any of them be enjoined preliminarily and permanently:

(a) from infringing the '958 patent, either directly or contributorily and from inducing others to infringe the '958 patent;

(b) from infringing the '178 patent, either directly or contributorily; and from inducing others to infringe the '178 patent.

(c) from infringing the '627 patent, either directly or contributorily and from inducing others to infringe the '627 patent;

(d) from infringing the D602 patent, either directly or contributorily and from inducing others to infringe the D602 patent;

(e) from directly or indirectly infringing Mad Dogg's copyrights in and to the Manual and Video by using any reproduction, copy or colorable imitation or designation substantially similar thereto, and from inducing others to infringe the copyrights in the Manual or Video;

(f) from using or disclosing any confidential information of Mad Dogg or Star Trac;

(g) from engaging in any acts that are likely to cause consumer confusion, mistake and deception and that are likely to cause consumers falsely to believe that defendants and/or defendants' infringing bikes, manuals and videos are affiliated, connected, or associated with Mad Dogg, or that defendants and/or defendants' infringing bikes, manuals and videos originate from, or are sponsored or approved by Mad Dogg, when they are not, and from offering such goods into commerce;

(h) from engaging in any course of conduct likely to injure Mad Dogg's name and business reputation or that is likely to dilute the distinctive look and quality of Mad Dogg's SPINNER® brand indoor cycles and the distinctive, non-functional look and packaging thereof;

(i) from further infringing Mad Dogg's intellectual property rights including its patents, copyrights and trade dress by manufacturing, producing, distributing, circulating, selling, licensing, marketing, offering for sale, advertising, promoting, displaying or otherwise disposing of any products not authorized by Mad Dogg bearing any simulation, reproduction, infringement, copy, colorable imitation, or substantially similar designation of Mad Dogg's patents, copyrights or trade dress;

(j) from making any statement or representation whatsoever, or using any false designation of origin or false description, or performing any act,

which can or is likely to lead the trade or public; or individual members thereof, to believe that any products manufactured, distributed, sold or licensed by defendants is in any manner associated or connected with Mad Dogg, or is sold, manufactured, licensed, sponsored, approved or authorized by Mad Dogg;

(k) from unfairly competing with Mad Dogg and Star Trac;

(l) from interfering with the prospective economic advantage of Mad Dogg and Star Trac;

(m) from secreting, destroying, altering, removing, or otherwise dealing with the unauthorized products or any books or records which contain any information relating to the importing, manufacturing, producing, distributing, circulating, selling, marketing, offering for sale, advertising, promoting, licensing or displaying of all unauthorized products that infringe Mad Dogg's patents, copyrights and trade dress; and

(n) from effecting assignments or transfers, forming new entities or associations or utilizing any other device for the purpose of circumventing or otherwise avoiding the prohibitions set forth in subparagraphs (a) through (m) above.

2. That the Court issue an order requiring defendants to show cause why, pending trial on the merits, it should not issue a Preliminary Injunction Order in accordance with Paragraph 1, above.

3. That the Court issue a Preliminary Injunction in accordance with the order requested in Paragraph 1, above.

4. That the Court issue a Permanent Injunction making permanent the orders requested in Paragraph 1, above.

5. That defendants be required to deliver up to the Court or Mad Dogg any and all stationary bicycles in their possession, custody, and/or control that infringe the '958, '178, '627 and/or D602 patents.

6. That defendants be required to deliver up to the Court or Mad Dogg

any and all copies of the Ironman IC Summit owner's manual and video or any other publications that infringe Mad Dogg's rights in the Manual or Video pursuant to 17 U.S.C. § 503.

7. That defendants be required to prepare and deliver to the Court and Mad Dogg a complete list of entities from whom they purchased, and to whom they distributed and/or sold, stationary bicycles that infringe the '958, '178, '627 and/or D602 patents, and/or materials that infringe the copyrights in the Manual or Video, and to serve a copy of such list on Mad Dogg's attorneys.

8. That defendants be required to deliver to the Court any and all documents reflecting or relating to the purchase, sale, and/or distribution of any stationary bicycles that infringe the '958, '178, '627 and/or D602 patents, and any materials that infringe Mad Dogg's copyrights in the Manual and Video.

9. That defendants be required to return to Mad Dogg, any materials of Mad Dogg or Star Trac that were converted or that had not been returned as required in connection with Lamar's and Cockrill's employment or independent contracting with Star Trac, including all copies, notes, extracts, excerpts, indices, abstracts, summaries, memoranda, analyses, compilations, or electronic versions of such information regardless of the media or form in which such information resides.

10. That each defendant, within thirty (30) days after service of judgment with notice of entry thereof upon it, be required to file with the Court and serve upon Mad Dogg's attorneys a written report, under oath, setting forth in detail the manner in which each defendant has complied with paragraphs 1-9, above.

11. That defendants be required to account for and pay over to Mad Dogg cumulative damages sustained by Mad Dogg by reason of defendant's unlawful acts of patent infringement herein alleged, that the amount of recovery be increased as provided by law, up to three times, and that interest and costs be awarded to Mad Dogg under 35 U.S.C. § 284.

12. That Mad Dogg be awarded damages for defendants' copyright

infringement either as: (i) actual damages in an amount to be determined at trial, together with defendants' profits derived from their unlawful infringement of Mad Dogg's copyrighted works; or (ii) statutory damages for each act of infringement in an amount provided by law, as set forth in 17 U.S.C. § 504, at Mad Dogg's election before the entry of a final judgment, together with prejudgment and post-judgment interest.

13. That Mad Dogg be awarded damages for defendants' acts of unfair competition pursuant to 15 U.S.C. § 1117 and the common law and that Mad Dogg be awarded for any unjust enrichment of defendants.

14. That the present case be found exceptional and that attorneys' fees and costs be awarded to Mad Dogg under 35 U.S.C. § 285, 15 U.S.C. § 1117 and 17 U.S.C. § 505.

15. That Mad Dogg be awarded prejudgment and post-judgment interest in an amount according to proof at trial.

16. That Mad Dogg be awarded punitive and exemplary damages in an amount to be determined at trial.

17. That defendants are holding, as constructive trustees for the benefit of Mad Dogg any and all personal and/or real properties and assets consisting of and/or obtained by profits derived from defendants' infringing activities, and that Mad Dogg be granted possession of these properties.

18. That this Court retain jurisdiction of this action for the purpose of enabling Mad Dogg to apply to the Court at any time for such further orders and interpretation or execution of any order entered in this action, for the modification of any such order, for the enforcement or compliance therewith and for the punishment of any violations thereof.

19. That the Court grant Mad Dogg such other and further relief as it deems just and equitable to make Mad Dogg whole for the damage caused by defendants and to prevent the trade and public from deriving any erroneous

impression that any products manufactured, sold or otherwise circulated or promoted by defendants are authorized by Mag Dogg or related in any way to Mad Dogg's products.

Dated: January 20, 2011

JONES DAY

By: _____
Theodore S. Maceiko

Attorneys for Plaintiff
MAD DOGG ATHLETICS, INC.

DEMAND FOR JURY TRIAL

Pursuant to Fed.R.Civ.P. 38(b) and Local Rule 38-1, Plaintiff Mad Dogg Athletics, Inc. hereby demands a trial by jury on all issues triable in this action.

Dated: January 20, 2011

JONES DAY

By: _____
Theodore S. Maceiko

Attorneys for Plaintiff
MAD DOGG ATHLETICS, INC.

EXHIBIT 1

US006155958A

United States Patent [19]

Goldberg

[11] **Patent Number: 6,155,958**

[45] **Date of Patent: *Dec. 5, 2000**

[54] **STATIONARY EXERCISE BICYCLE HAVING A RIGID FRAME**

[75] Inventor: **Johnny Goldberg**, Los Angeles, Calif.

[73] Assignee: **Madd Dog Athletics, Inc.**, Santa Monica, Calif.

[*] Notice: This patent is subject to a terminal disclaimer.

[21] Appl. No.: **09/019,352**

[22] Filed: **Feb. 5, 1998**

Related U.S. Application Data

[63] Continuation of application No. 08/736,976, Oct. 25, 1996, Pat. No. 5,722,916, which is a continuation of application No. 08/391,438, Feb. 21, 1995, abandoned, which is a continuation of application No. 07/969,765, Oct. 30, 1992, Pat. No. 5,423,728.

[51] **Int. Cl.**[7] **A63B 22/06**

[52] **U.S. Cl.** **482/57**; 74/551.1

[58] **Field of Search** 482/51, 57, 62, 482/63, 58; D21/194; 280/261; 297/195; 74/551.1

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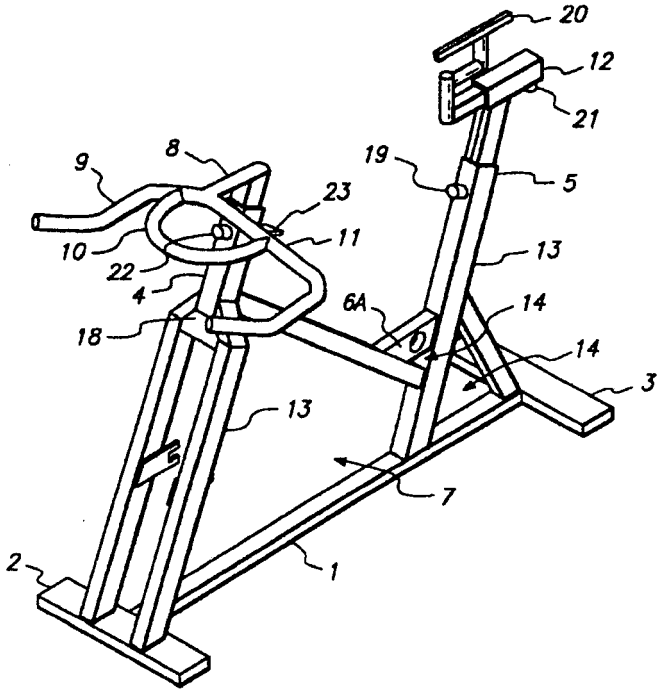
5,722,916	3/1998	Goldberg	482/57

Primary Examiner—Stephen R. Crow
Attorney, Agent, or Firm—Lyon & Lyon LLP

[57] **ABSTRACT**

A stationary exercise bicycle comprises a frame having front and rear ground support elements, a front socket and a rear socket, and a seat socket; a pedal mechanism on said frame and a seat mounted on a seat socket at a level above the pedal mechanism, the seat being mounted for movement fore and aft relative to the seat socket, and upwardly and downwardly relative to the pedal mechanism.

9 Claims, 5 Drawing Sheets



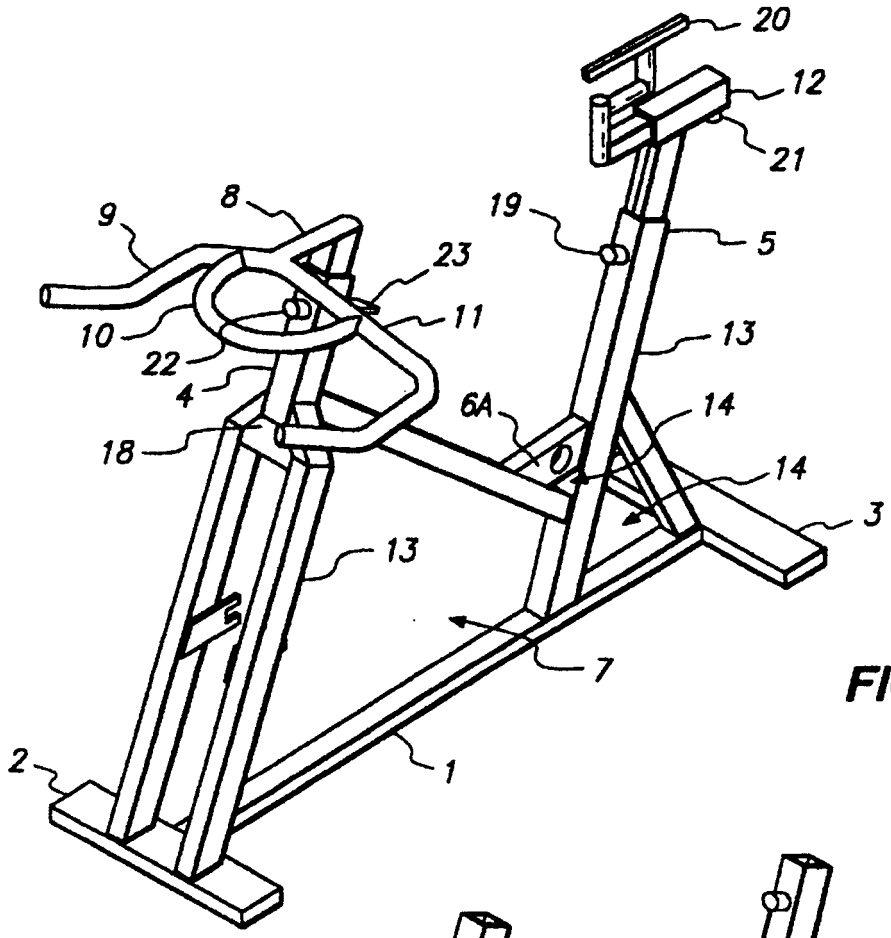


FIG. 1

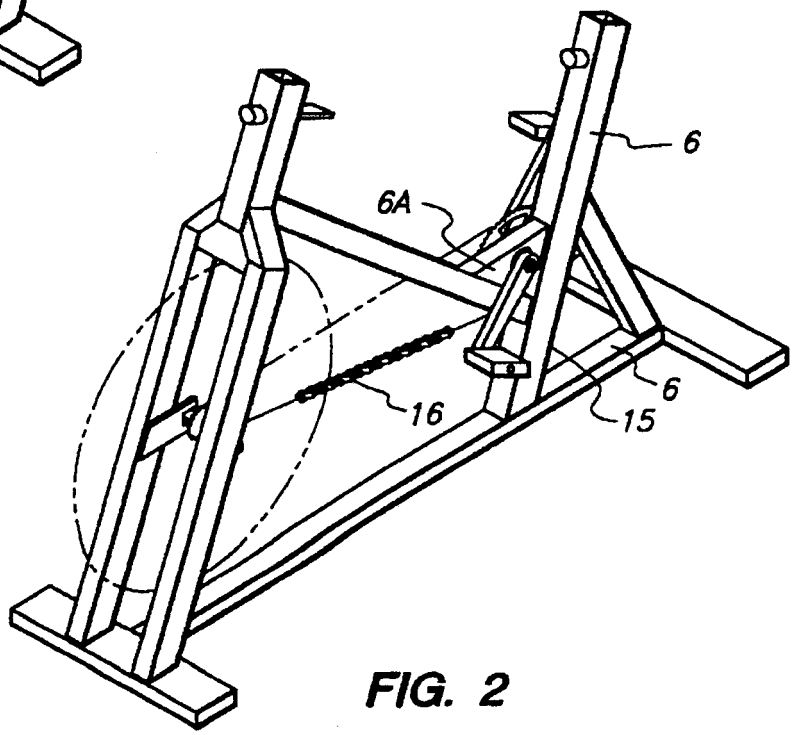


FIG. 2

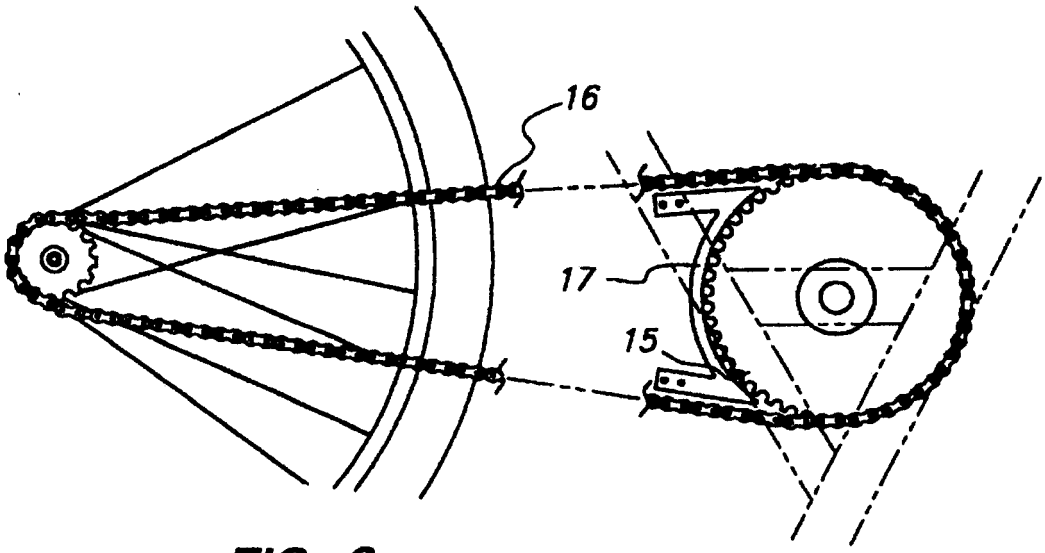


FIG. 3

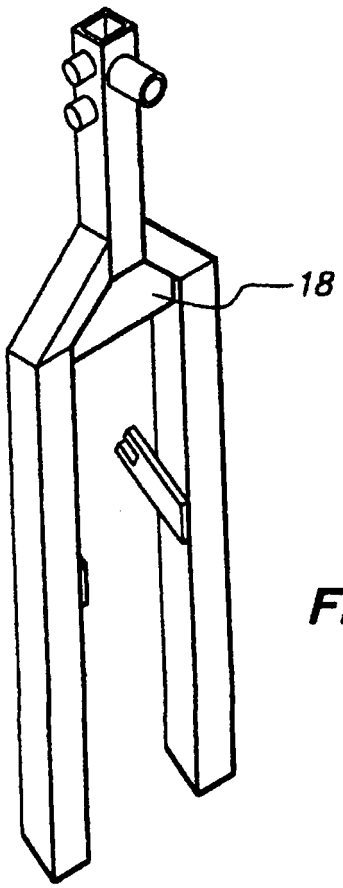


FIG. 4

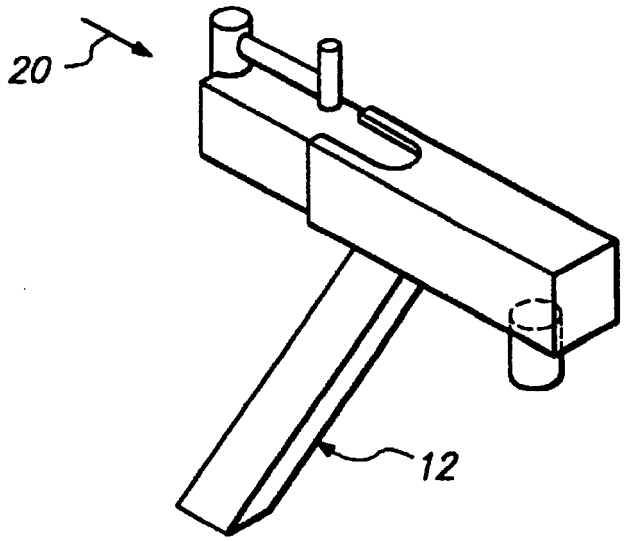


FIG. 5

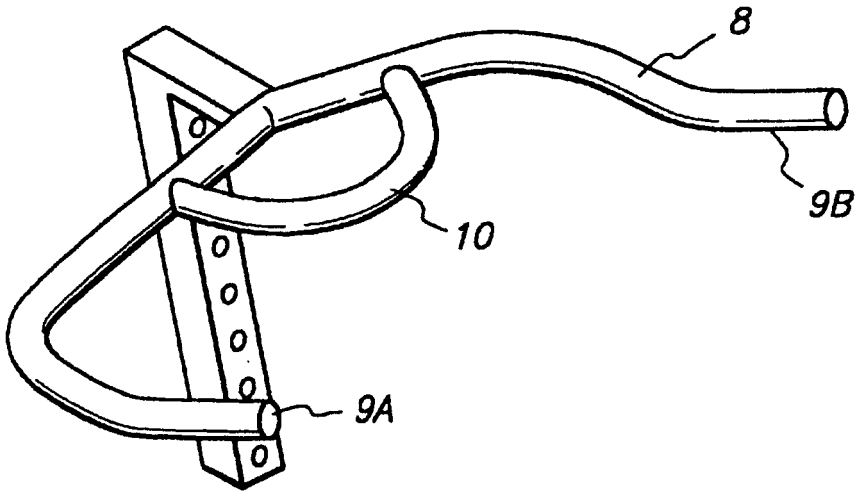


FIG. 6A

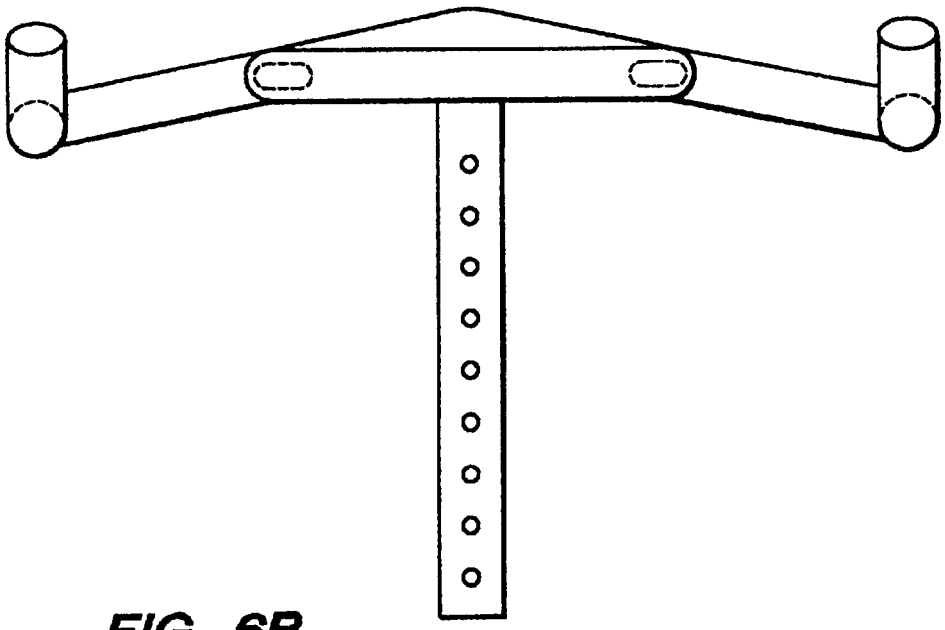


FIG. 6B

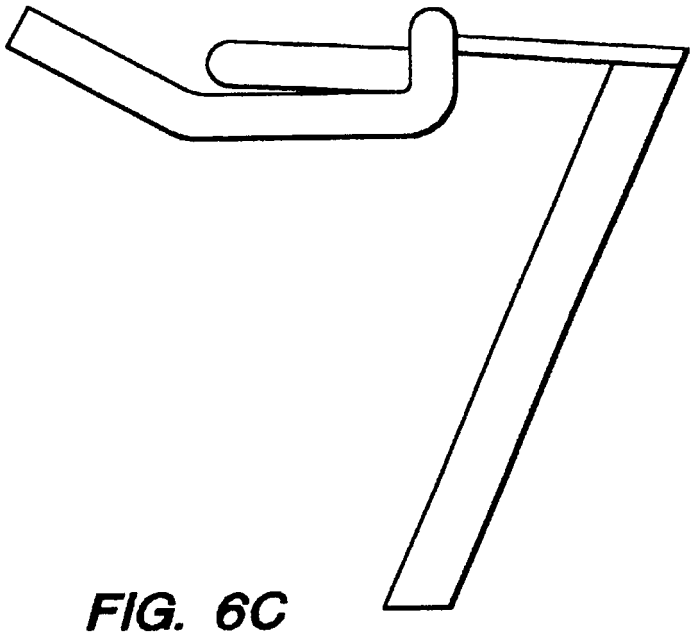


FIG. 6C

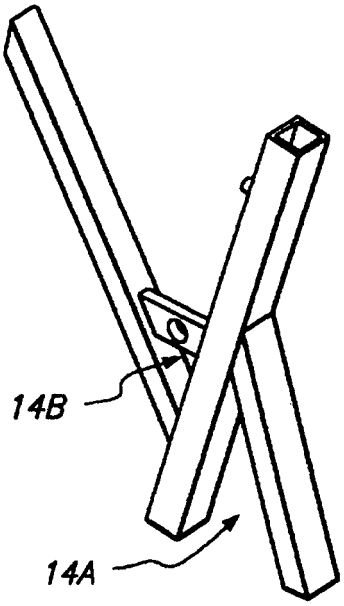


FIG. 7

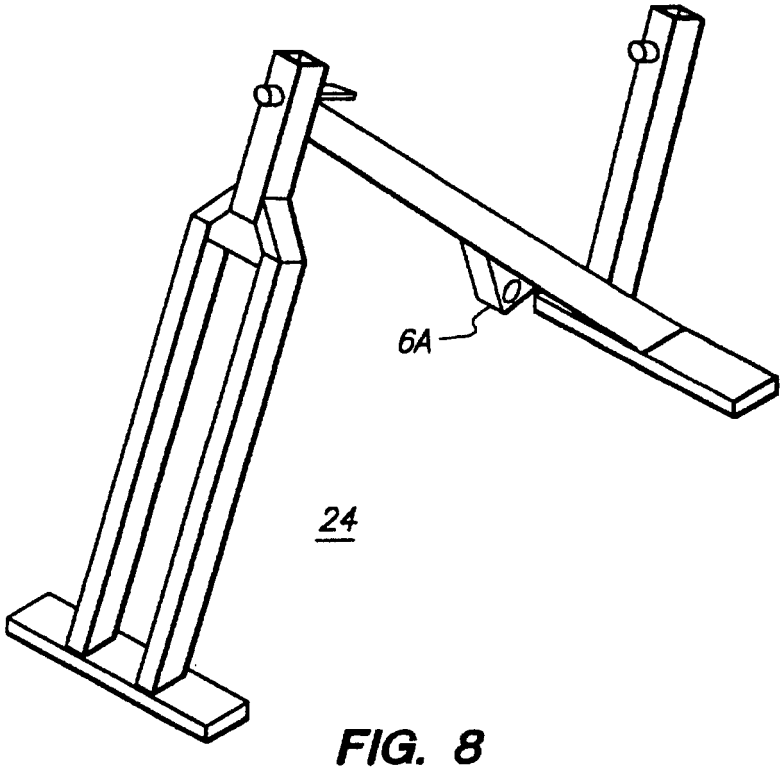


FIG. 8

STATIONARY EXERCISE BICYCLE HAVING A RIGID FRAME

This is a continuation application of application Ser. No. 08/736,976, filed on Oct. 25, 1996, now U.S. Pat. No. 5,722,916 to Johnny Goldberg which is a continuation of application Ser. No. 08/391,438, filed on Feb. 21, 1995, now abandoned, which is a continuation of Ser. No. 07/969,765, filed on Oct. 30, 1992, now U.S. Pat. No. 5.423,728 to Johnny Goldberg.

BACKGROUND

Having a stationary exercise bicycle capable of simulating mountain bike riding is valuable.

This invention relates to a stationary exercise bicycle which is sturdy and comfortable for use during extended periods of pedaling while standing or sitting or a combination thereof and thus capable of meeting the needs of the more demanding rider.

In recent years, the popularity of the stationary exercise bicycle has increased dramatically together with the fitness craze. Stationary exercise bicycles are conventionally made with straight, brazed round tubing. A problem associated with using the round tubing in these bicycles is their propensity for fragility. They easily snap under increased stress, for example, during periods when the rider is pedaling in a standing position or in an alternating standing and sitting pedaling position. Also, the bicycle structure does not provide for the best flexibility according to the preferences of the rider.

There is a need to provide stationary exercise bicycle which is more durable and overcomes the problems of the prior art.

SUMMARY

The invented stationary exercise bicycle seeks to avoid the disadvantages associated with conventional stationary exercise bicycles.

According to the invention, the stationary exercise bicycle comprises a stable frame. Additionally, the frame comprises a front socket and a rear socket, and front and rear ground support elements. Also provided is a pedal mechanism on said frame.

Also, the bicycle comprises a detachable seat socket. A seat is mounted on a seat socket at a level above the pedal mechanism. The seat is mounted for movement fore and aft relative to the seat socket and upwardly and downwardly relative to the pedal mechanism.

Additionally, the stationary exercise bicycle comprises a handlebar mounted in the front socket. The handlebar includes at least two different handle means. One handle means includes spaced apart and outwardly directed elements. The second handle means includes an element inwardly located relative to the first handle means.

Further, in one preferred form, the frame comprises at least multiple upstanding posts. The posts are inter-engaging to form at least one triangulated structure between the ground support elements and one of the sockets.

Additionally, at least part of the front socket, rear socket, or seat socket are formed with a hollow member having a cross section which is non-cylindrical.

The pedal mechanism may include a cog operative with an endless chain having slots for engagement with the cog. A ring guard is provided and protective of at least the interaction of the teeth of the cog with the endless chain. The ring guard is located internally of the perimeter defined by the endless chain.

The invented stationary exercise bicycle is strong and comfortable for the rider. Moreover, it is stress-resistant so that it can be used by the rider in a standing position or in an alternating standing and sitting pedaling position for extended periods. Riders of this bicycle can simulate the aerobic effect of mountain bike racing.

Additionally, the invented stationary exercise bicycle is mobile and the parts easily replaceable. Unlike conventional stationary exercise bicycles, the present invention utilizes regular bicycle components. The user can replace certain parts from conventional bicycle shops and thus service the present invention with conventional bicycle componentry. Further, unlike prior art stationary exercise bicycles, the present invention has four basic parts which are detachable and can be placed in a portable transport carrier for mobility.

The invention is now further described with reference to the accompanying drawings.

DRAWINGS

FIG. **1** is an isometric view of a frame for a stationary exercise bicycle.

FIG. **2** is an isometric view of the pedal mechanism and a flywheel, both shown in phantom, including the ring guard, cog, and endless chain.

FIG. **3** is a detailed view of the ring guard in relation to the cog and frame.

FIG. **4** is an isometric view of the front fork triangle and an upstanding post.

FIG. **5** is an isometric view of the seat socket and the connective member.

FIGS. 6A, 6B, and 6C are isometric, front and side views, respectively, of the adjustable and detachable handlebar including the forwardly extending prongs, the lateral bar, and the element inwardly located relative to the forwardly extending prongs.

FIG. **7** is an isometric view of the triangulated structure portion of the frame.

FIG. **8** is an isometric view of an alternative frame.

DESCRIPTION

A stationary exercise bicycle comprises a frame **1** or **24**. The frame has front **2** and rear **3** ground support elements, a front socket **4** and a rear socket **5** and a pedal mechanism **6**. The rear socket **5** is capable of receiving a seat socket **12**. Further, a seat **20** may be mounted on the seat socket **12** at a level above the pedal mechanism **6**. The seat **20** is mounted for movement fore and aft relative to the seat socket **12** and upwardly and downwardly relative to the pedal mechanism **6**.

This stationary exercise bicycle further comprises a handlebar **8** mounted in the front socket **4**. The handlebar **8** includes at least two different handle means **9** and **10**. One handle means includes spaced apart and outwardly directed elements **9**. The second handle means includes an element inwardly located **10** relative to the first handle means.

The outwardly directed handle means **9** have forwardly extending prongs **9A** and **9B** which are directed axially away from the seat socket **12**. The axially directed prongs **9A** and **9B** are connected with a lateral bar **11** of the handlebar **8** at one end and are free at an opposite end.

The inner handle means **10** is at least part of a closed ring. The ring is located between the outer handle prongs. Further, the ring is connected to a lateral bar **11** of the handlebar **8**.

The closed ring may be a semi-circle. The axis for the semi-circle is located substantially about midway through the lateral bar **11** of the handlebar **8**.

The handlebars have been designed with the user's handlebar position needs in mind. Because of the need for the different hand positions during the ride, the ring allows for different hand positions, movements, quick transition from sitting to standing, and standing back to sitting. It also allows, without the use of an attached arm pad, the ability to lie the forearm on the ring portion of the handlebar and simulate a real training cycling position.

The handlebar **8** may be connected to the frame **1** by the front socket **4**. A handlebar pop pin **22** permits adjustment of the handlebar **8** according to the requirements of the rider. FIGS. **6**A, **6**B, and **6**C shows the holes which permit the connecting member to be arrestable by a pop pin for adjustment.

Applicant contemplates that alternative handlebars may be connected to the frame **1** or **24** in accordance with the rider's needs.

The frame **1** or **24** further comprises at least multiple upstanding posts **13**. In a preferred form, the posts inter-engage to form at least one triangulated structure **14** between the ground support elements **2** or **3** and one of the sockets.

The frame **1** includes at least two triangulated structures **7** and **14** between the sockets **4**, **5**, and **12**. The two triangulated structures **7** and **14** have at least one common upstanding post **13** forming at least one wall of the triangulated structure **7** and **14**. One of the triangulated structures **7** and **14** includes an arm or cross element **6**A intended to mount the pedal mechanism **6**.

The upstanding posts **13** form part of the triangulated structure **7** and **14**. Moreover, the upstanding posts **13** are all located at a non-horizontal, non-vertical axis.

The triangulated structures **7** and **14** include the rear triangle **14**A which includes an inverted V-shaped section and which functions to stabilize the frame **1**; the bottom bracket triangle **14**B which includes an upstanding V-shaped section and which functions to stabilize the frame **1** so a rider can pedal standing; the front triangle-like structure **7** which includes an inverted V-shaped section which functions to permit total range of motion; and a front fork triangle **18**.

The rear triangle **14**A is important as a stabilizing block. Unlike conventional stationary exercise bicycles, the small base of this triangle gives the bike its total rigidity in the rear.

The bottom bracket triangle **14**B gives the central part of the stationary exercise bicycle its rigidity and form for standing. Further, **6**A allows for conventional pedal mechanisms (i.e. crankarm and crankset) to be used with a conventional clipless pedal or a regular bicycle pedal and toe clip.

The front triangle-like structure **7** is wide enough to house a flywheel. The front triangle-like structure **7** gives the stationary exercise bicycle its total range of motion moving the flywheel in an d out and giving the stationary exercise bicycle its base length or reel length from foot position to foot position.

The flywheel is connected to the frame **1** or **24** by the front fork triangle **18**.

Further, at least part of the front socket **4**, rear socket **5**, or seat socket **12** are formed with a hollow member having a cross section being non-cylindrical. The sockets described herein permits a matingly shaped connecting member (such as the handlebar **8**, the adjustable and detachable seat **20**), the connecting member being arrestable by a pop pin **19**, **21**, or **22**.

The hollow member may have a polygonal cross section (preferably quadratic). For example, in the illustrated example, the polygonal cross section is substantially square.

The seat is adjustable for height and connected to the seat socket **12**. The seat post pop pin **19** permits height adjustment of the seat. The fore and aft saddle pop pin **21** permits adjustment of the seat **20** by sliding fore and aft in the seat socket **12**.

Because of the adjustability of the seat and the handlebar a rider theoretically may have be as tall as 15 feet and weigh up to 900 pounds. The handlebar and seat adjustability provides for a versatile bicycle which can be used by persons of many different physiques, from small, light and short to large, tall and heavy.

The pedal mechanism **6** includes a cog **15** operative with an endless chain **16** having slots for engagement with the cog **15**. Additionally, the pedal mechanism **6** includes a ring is guard **17** protective of at least the interaction of the teeth of the cog **15** with the endless chain **16**. The ring guard **17** is located internally of the perimeter defined by the endless chain **16**.

It would be desirable to provide attachments to the present invention. For example, a water bottle may be attached directly to the present invention or indirectly by means of a velcro device or any carrier means for attaching the water bottle to the stationary exercise bicycle.

Additionally, an ergometer may be attached to the present invention. Also, a computer controlled energy measuring and indicating device may be attached to the present invention.

The stationary exercise bicycle may comprise a dual chain tension device which is adjustable while the rider is in motion. Moreover, the stationary exercise bicycle may comprise a cable resistance braking system which permits the rider to adjust the resistance of the flywheel. A resistance plate **23** may support a cable to the flywheel.

The length and width of the stationary exercise bicycle is appropriate for standing and sitting while pedaling. Additionally, the width is appropriate for pedaling while sitting and for stabilization when the rider pedals while standing and rocking the body from side to side.

In a preferred form, the triangulated structures **14**A, **14**B, **7** stabilizes the stationary exercise bicycle. These triangulated structures form the "integrity" structure of the stationary exercise bicycle.

The symmetry of this machine is very basic. The genius in the present invention is in its simplicity. The present invention simulates road conditions exactly as if the rider is pedaling a conventional, non-stationary bicycle.

Applicant contemplates many other examples of the present invention each differing by detail only. For example, there are many variations of the sockets described herein. The sockets described herein may not only permit a matingly shaped connecting member to fit inside (such as the handlebar **8**, the adjustable and detachable seat **20**), the connecting member being arrestable by a pop pin **19**, **21**, or **22**. In fact, the matingly shaped connecting member may be a hollow into which the socket fits, e.g. the rear, front, or seat socket.

Additionally, the handlebar **8** may include at least two different handle means. One handle means includes spaced apart and outwardly directed elements **9**. The second handle means may include an element (e.g. a closed ring) outwardly located relative to the first handle means.

Further, in one form, the frame may have a plurality of segments. Instead of a single unit, the frame may collapse

into several units which permits even greater mobility of the stationary exercise bicycle for transport. Each unit of the frame may be re-assembled using bolts or any other type of well known connecting means.

The above description and drawings are only illustrative. They are not intended to limit in any way the invention as set out in the claims which follow.

What is claimed is:

1. A stationary exercise bicycle that is adjustable to allow a rider to adopt different riding positions, the stationary exercise bicycle comprising:

(a) a frame having front and rear sockets;

(b) an adjustable seat mounted in the rear socket, the adjustable seat being extendable in fore and aft directions relative to the rear socket; and

(c) a handlebar mounted in the front socket, the handlebar comprising a an upright portion lateral bar directed outwardly from the upright portion and prongs connected to the lateral bar and having forwardly extending free ends, the free ends extending upwardly to form handle portions, and at least one second bar extending forwardly in a common plane from said lateral bar,

wherein the prongs comprise a length that is sufficiently long to allow a rider to reach and grasp the handle portions of the handlebar when the adjustable seat is in a fully extended fore position.

2. A stationary bicycle according to claim 1 wherein the adjustable seat comprises an adjustable seat support having a length that is sufficiently long to allow a rider to reach and grasp the lateral bar when the adjustable seat is set to a fully extended aft position.

3. A stationary bicycle according to claim 1 wherein said at least one second bar forms a ring in the space defined by the lateral bar and prongs to provide additional grasping positions for the rider.

4. The stationary bicycle according to claim 1 Wherein the lateral bar comprises two downwardly sloped elements each directed outwardly relative to the front socket.

5. An adjustable stationary bicycle comprising:

(a) a frame having ground supports, a seat holding mechanism, a handlebar holding mechanism, a frame structure connecting the seat holding mechanism to the handlebar holding mechanism, and a pedal assembly, wherein the frame structure comprises two V-shaped sections, one V-shaped section comprising two members and a substantially horizontal cross element connecting the two members intermediate the ends of the members, said pedal assembly mounted on said cross element, the other V-shaped section comprising members converging to a different point, wherein the two V-shaped sections overlap along a member, the member including one of the holding mechanisms;

(b) a handlebar assembly adjustably mounted on the handlebar holding mechanism, the handlebar holding mechanism capable of mounting the handlebar assembly at different positions relative to the frame, the handlebar assembly including a handlebar having multiple gripping positions; and

(c) a seat assembly adjustably mounted on the seat holding mechanism, the seat holding mechanism capable of mounting the seat assembly at different positions relative to the frame, the seat assembly including a seat and a fore and aft adjustment mechanism to allow fore and aft movement of the seat relative to the frame.

6. The bicycle of claim 5 wherein said one of the holding mechanisms is the seat holding mechanism.

7. The bicycle of claim 5 wherein the seat holding mechanism comprises a socket.

8. The bicycle of claim 5 wherein one of the V-shaped sections is an inverted V-shaped section.

9. An adjustable stationary bicycle comprising:

(a) a frame having ground supports, a pedal assembly and a seat holding mechanism, the seat holding mechanism including (i) a bar with a polygonally shaped bore, (ii) a side aperture extending into the bore, and (iii) a locking member receivable within the side aperture;

(b) a handlebar adjustably mounted on the frame and adjustable relative to the frame in two directions;

(c) a seat assembly comprising (i) an attachment member including a first polygonally shaped portion and a second polygonally shaped portion angularly offset from the first polygonally shaped portion and including a bore, the first polygonally shaped portion receivable in the polygonally shaped bore of the seat holding mechanism and lockable therein at a plurality of positions by the locking member, (ii) a seat including a member receivable within the bore in the second polygonally shaped portion, and (iii) a locking mechanism, wherein the seat is slidably adjustable along the second polygonally shaped portion and lockable at a plurality of positions to adjust the seat in the fore and aft directions.

* * * * *

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT NO. : 6,155,958
DATED : December 5, 2000
INVENTOR(S) : Johnny Goldberg

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

In the claims at column 5, line 17, claim 1 should read "comprising [a] an upright portion, a lateral bar directed".

In the claims at column 5, line 37, claim 4, the word "wherein" should begin with a lower case "w" rather than an upper case "W" as presently appears in the claim.

In the specification at column 3, line 56, the words "an d" should read as one word "and".

In the specification at column 4, line 18, the word "is" should be deleted.

Signed and Sealed this

First Day of May, 2001

Attest:

Nicholas P. Godici

NICHOLAS P. GODICI

Attesting Officer

Acting Director of the United States Patent and Trademark Office

EXHIBIT 2

US006881178B1

(12) **United States Patent**
Goldberg

(10) **Patent No.: US 6,881,178 B1**
(45) **Date of Patent: Apr. 19, 2005**

(54) **METHOD OF EXERCISING ON A STATIONARY BICYCLE**

(75) Inventor: **Johnny Goldberg**, Los Angeles, CA (US)

(73) Assignee: **Mad Dogg Athletics, Inc.**, Venice, CA (US)

(*) Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 U.S.C. 154(b) by 416 days.

(21) Appl. No.: **10/086,662**

(22) Filed: **Feb. 28, 2002**

Related U.S. Application Data

(63) Continuation of application No. 09/672,197, filed on Sep. 28, 2000, now Pat. No. 6,468,185, which is a continuation of application No. 09/019,352, filed on Feb. 5, 1998, now Pat. No. 6,155,958, which is a continuation of application No. 08/736,976, filed on Oct. 25, 1996, now Pat. No. 5,722,916, which is a continuation of application No. 08/391,438, filed on Feb. 21, 1995, now abandoned, which is a continuation of application No. 07/969,765, filed on Oct. 30, 1992, now Pat. No. 5,423,728.

(51) **Int. Cl.**[7] **A63B 21/00**
(52) **U.S. Cl.** **482/57**; 482/63
(58) **Field of Search** 482/31–65

(56) **References Cited**

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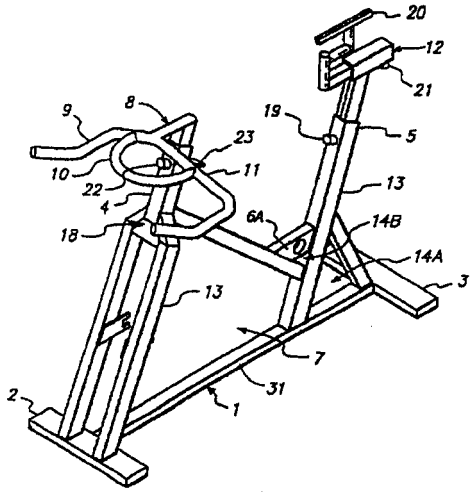
Primary Examiner—Stephen R. Crow
(74) *Attorney, Agent, or Firm*—Jones Day

(57) **ABSTRACT**

A novel stationary exercise bicycle and method for exercising on that bicycle is disclosed. The novel bicycle, comprising a frame having front and rear sockets, a seat mounted into the rear socket, and a handlebar mounted in the front socket, can advantageously be adjusted so that a rider can adopt different riding positions to simulate outdoor bicycle riding conditions.

19 Claims, 5 Drawing Sheets



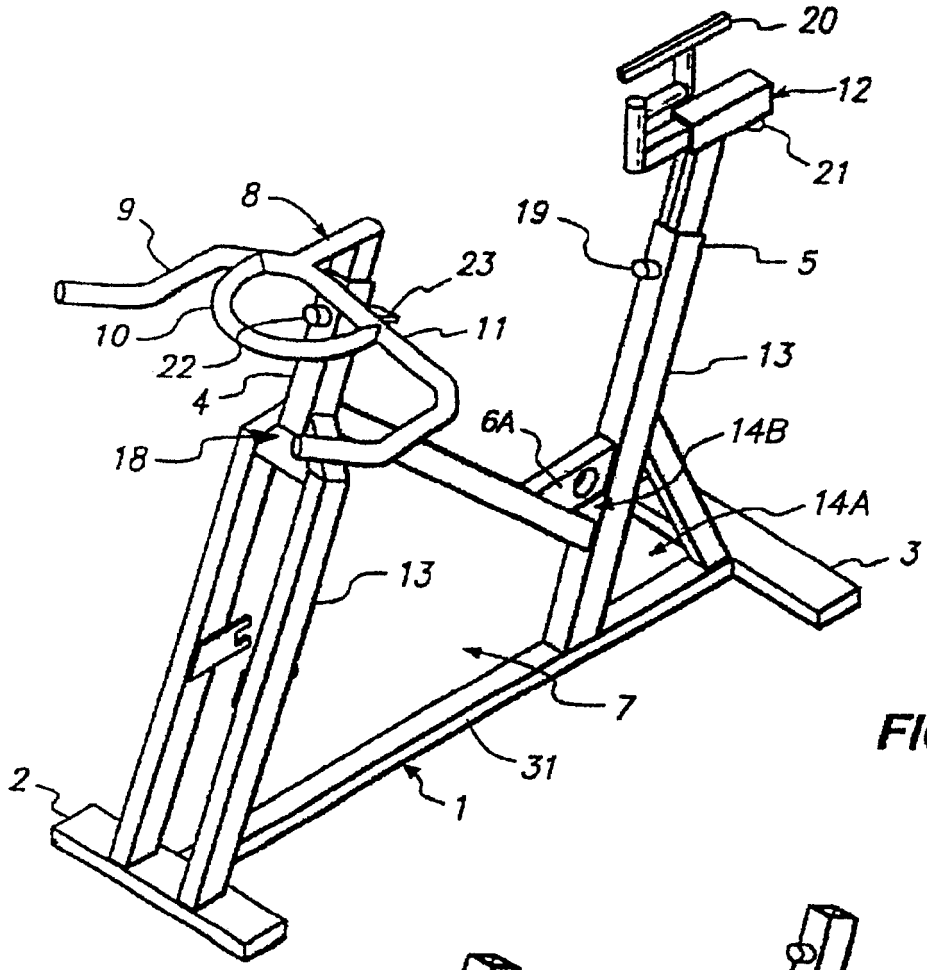

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FIG. 1

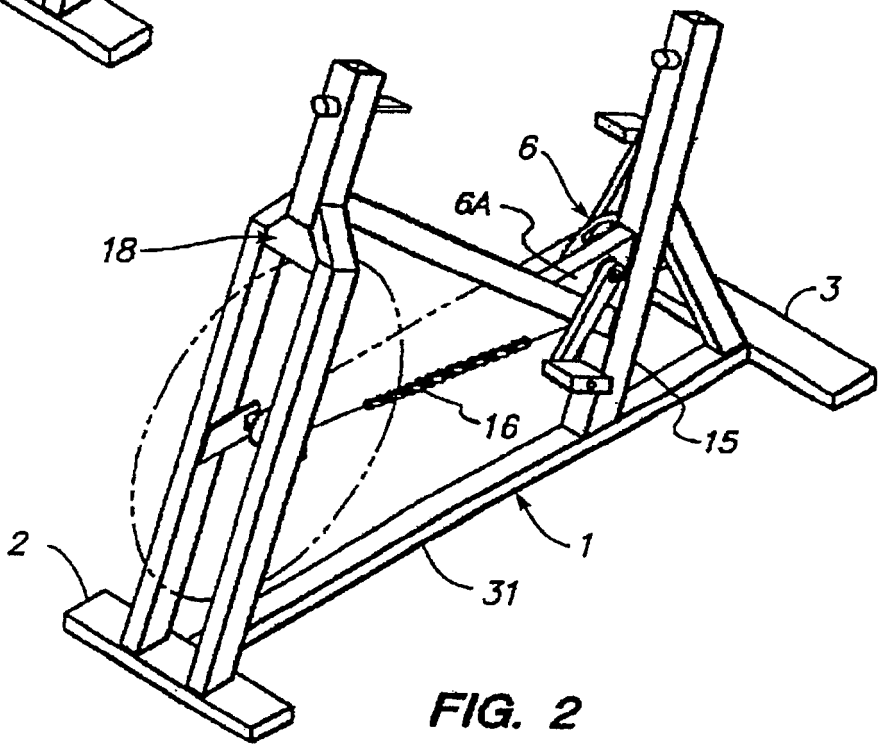
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FIG. 2

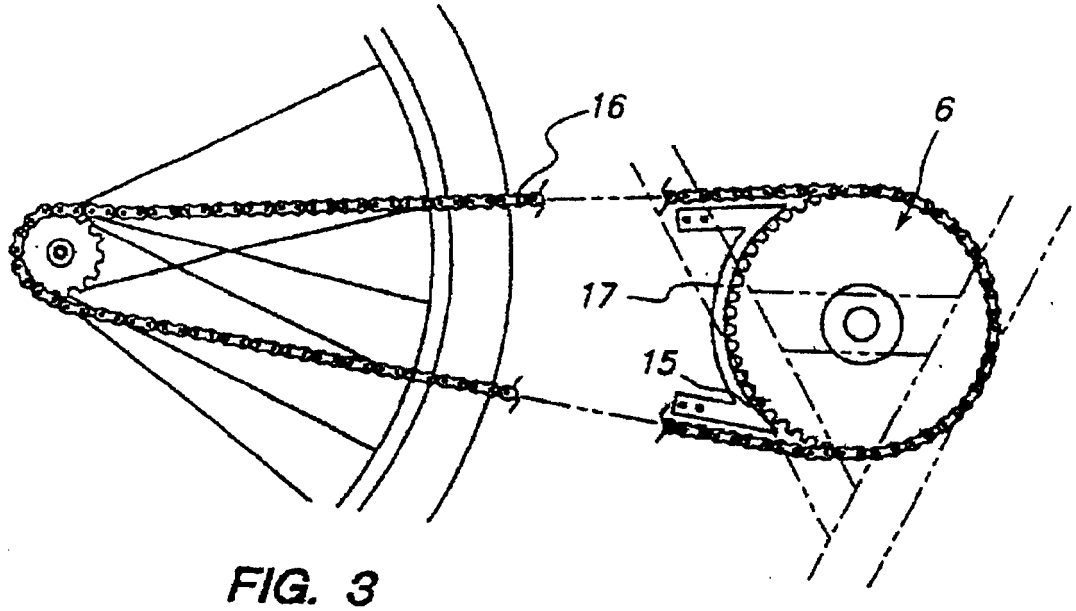

FIG. 3

18

FIG. 4

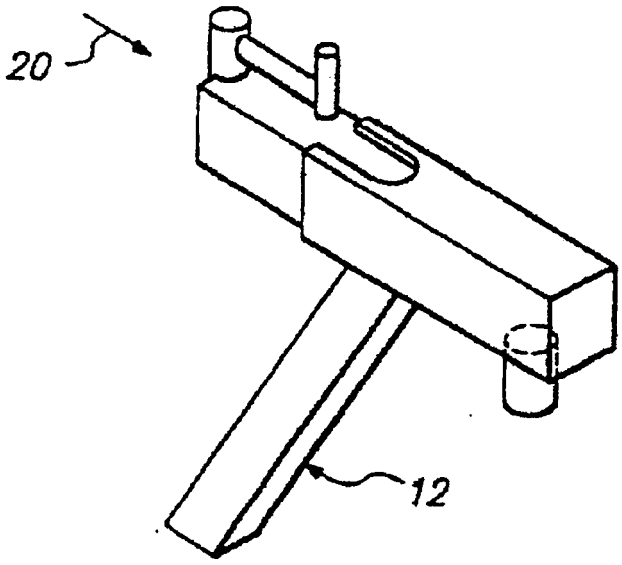

FIG. 5

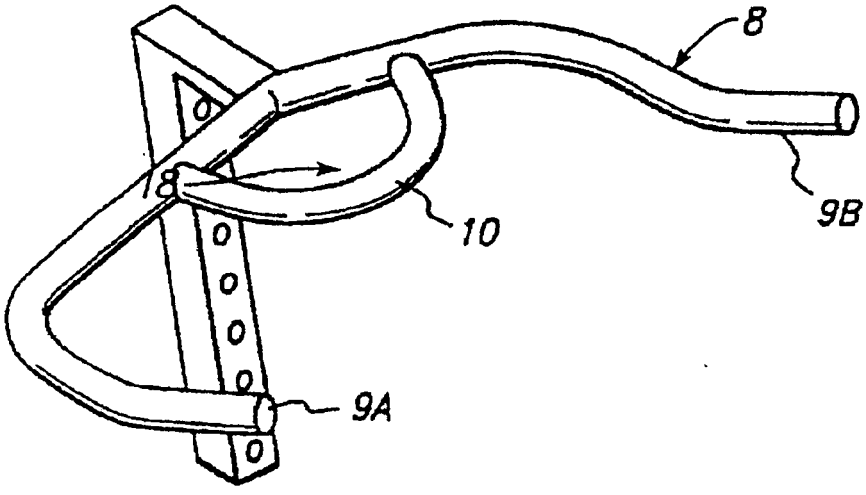

FIG. 6A

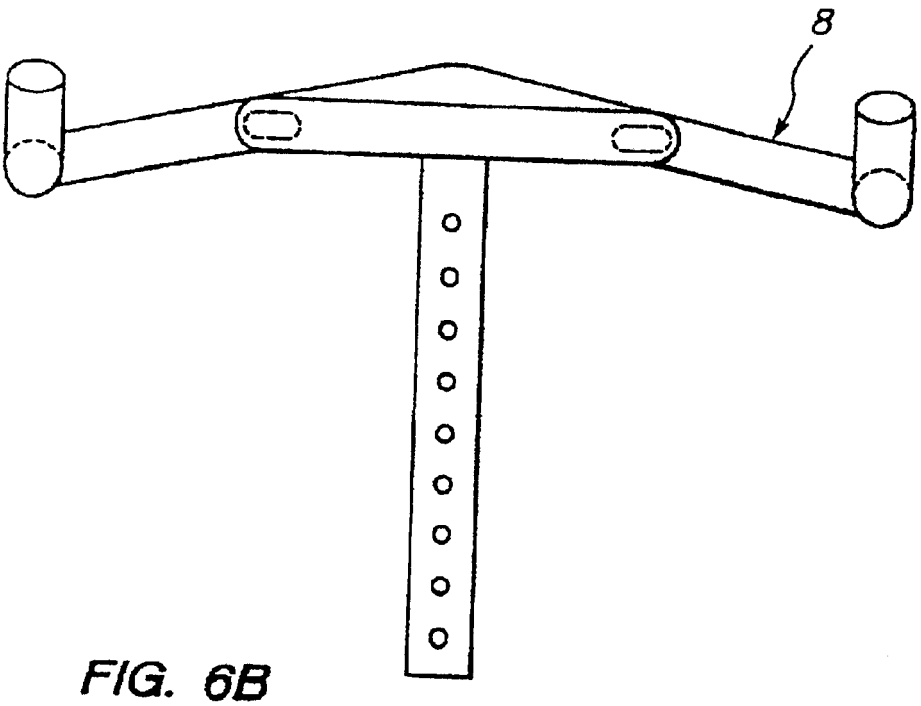

FIG. 6B

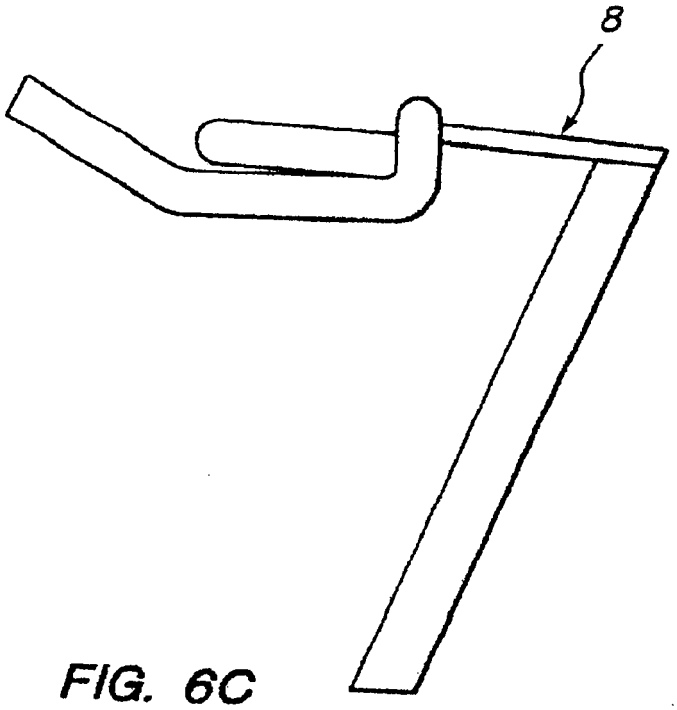

FIG. 6C

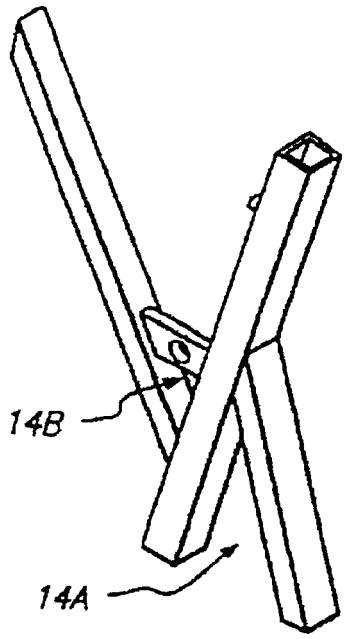

FIG. 7

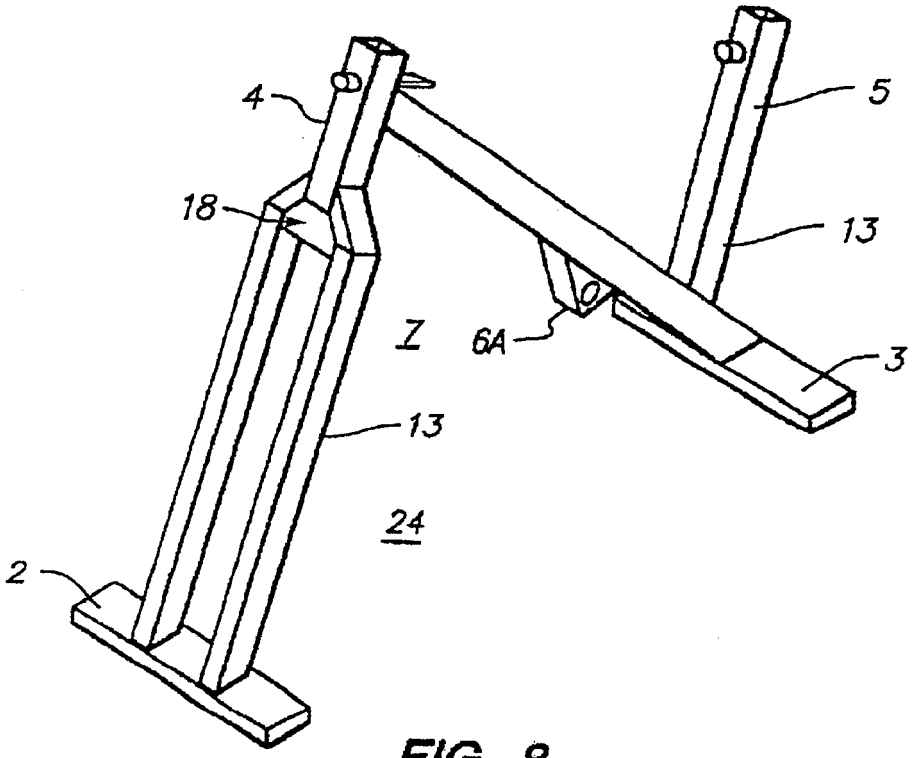

FIG. 8

METHOD OF EXERCISING ON A STATIONARY BICYCLE

CROSS REFERENCE TO RELATED APPLICATIONS

This is a continuation application of application Ser. No. 09/672,197, filed Sep. 28, 2000 now U.S. Pat. No. 6,468,185, which is a continuation of Ser. No. 09/019,352, filed on Feb. 5, 1998, now U.S. Pat. No. 6,155,958 to Johnny Goldberg, which is a continuation of Ser. No. 08/736,976, filed on Oct. 25, 1996, now U.S. Pat. No. 5,722,916 to Johnny Goldberg, which is a continuation of application Ser. No. 08/391,438, filed on Feb. 21, 1995, now abandoned, which is a continuation of Ser. No. 07/969,765, filed on Oct. 30, 1992, now U.S. Pat. No. 5,423,728 to Johnny Goldberg.

BACKGROUND

Having a stationary exercise bicycle capable of simulating mountain bike riding is valuable.

This invention relates to a stationary exercise bicycle which is sturdy and comfortable for use during extended periods of pedaling while standing or sitting or a combination thereof and thus capable of meeting the needs of the more demanding rider.

In recent years, the popularity of the stationary exercise bicycle has increased dramatically together with the fitness craze. Stationary exercise bicycles are conventionally made with straight, brazed round tubing. A problem associated with using the round tubing in these bicycles is their propensity for fragility. They easily snap under increased stress, for example, during periods when the rider is pedaling in a standing position or in an alternating standing and sitting pedaling position. Also, the bicycle structure does not provide for the best flexibility according to the preferences of the rider.

There is a need to provide a stationary exercise bicycle which is more durable and overcomes the problems of the prior art.

SUMMARY

The invented stationary exercise bicycle seeks to avoid the disadvantages associated with conventional stationary exercise bicycles.

According to the invention, the stationary exercise bicycle comprises a stable frame. Additionally, the frame comprises a front socket and a rear socket, and front and rear ground support elements. Also provided is a pedal mechanism on said frame.

Also, the bicycle comprises a detachable seat socket. A seat is mounted on a seat socket at a level above the pedal mechanism. The seat is mounted for movement fore and aft relative to the seat socket and upwardly and downwardly relative to the pedal mechanism.

Additionally, the stationary exercise bicycle comprises a handlebar mounted in the front socket. The handlebar includes at least two different handle means. One handle means includes spaced apart and outwardly directed elements. The second handle means includes an element inwardly located relative to the first handle means. The handlebar is adjustable in the front socket.

Further, in one preferred form, the frame comprises at least multiple upstanding posts. The posts are inter-engaging to form at least one triangulated or V-shaped structure between the ground support elements and one of the sockets.

Additionally, at least part of the front socket, rear socket, or seat socket are formed with a hollow member having a cross-section which is non-cylindrical.

The pedal mechanism may include a cog operative with an endless chain having slots for engagement with the cog. A ring guard is provided and protective of at least the interaction of the teeth of the cog with the endless chain. The ring guard is located internally of the perimeter defined by the endless chain.

The invented stationary exercise bicycle is strong and comfortable for the rider. The adjustability of the bicycle facilitates comfortable riding of the bicycle in multiple positions, for example, sitting, standing and different gripping positions. Moreover, it is stress-resistant so that it can be used by the rider in a standing position or in an alternating standing and sifting pedaling position for extended periods. Riders of this bicycle can simulate the aerobic effect of mountain bike racing.

According to another aspect of the invention, a method of exercising on the stationary exercise bicycle comprises adjusting the height and the fore and aft position of the seat and optionally also adjusting the height of the handlebars to facilitate riding the stationary exercise bicycle in multiple positions and then riding the bicycle in multiple positions to simulate different bicycle riding conditions.

Additionally, the invented stationary exercise bicycle is mobile and the parts, easily replaceable. Unlike conventional stationary exercise bicycles, the present invention utilizes regular bicycle components. The user can replace certain parts from conventional bicycle shops and thus service the present invention with conventional bicycle componentry. Further, unlike prior art stationary exercise bicycles, the present invention has four basic parts which are detachable and can be placed in a portable transport carrier for mobility.

The invention is now further described with reference to the accompanying drawings.

DRAWINGS

FIG. **1** is an isometric view of a frame for a stationary exercise bicycle;

FIG. **2** is an isometric view of the pedal mechanism and a flywheel, both shown in phantom, including the ring guard, cog, and endless chain;

FIG. **3** is a detailed view of the ring guard in relation to the cog and frame;

FIG. **4** is an isometric view of the front fork triangle and an upstanding post;

FIG. **5** is an isometric view of the seat socket and the connective member;

FIGS. **6**A, **6**B, and **6**C are isometric, front and side views, respectively, of the adjustable and detachable handlebar including the forwardly extending prongs, the lateral bar, and the element inwardly located relative to the forwardly extending prongs;

FIG. **7** is an isometric view of the triangulated structure portion of the frame; and

FIG. **8** is an isometric view of an alternative frame.

DESCRIPTION

A stationary exercise bicycle comprises a frame **1** (FIG. **1**) or **24** (FIG. **8**). The frame has a central ground support element **31**, front **2** and rear **3** ground support elements, a front socket **4** and a rear socket **5** and a pedal mechanism **6**.

As discussed below and as shown in FIG. **1**, pedal mechanism **6** generally includes a crankarm and crankset. The rear socket **5** is capable of receiving a seat socket **12**. Further, a seat **20** may be mounted on the seat socket **12** at a level above the pedal mechanism **6**. The seat **20** is mounted for movement fore and aft relative to the seat to socket **12** and upwardly and downwardly relative to the pedal mechanism **6**.

This stationary exercise bicycle further comprises a handlebar **8** mounted in the front socket **4**. The handlebar **8** includes at least two different handle means **9** and **10**. One handle means includes spaced apart and outwardly directed elements **9**. The second handle means includes an element inwardly located **10** relative to the first handle means.

The outwardly directed handle means **9** have forwardly extending prongs **9**A and **9**B (FIG. **6**A) which are directed axially away from the seat socket **12**. The axially directed prongs **9**A and **9**B are connected with a lateral bar **11** of the handlebar **8** at one end and are free at an opposite end.

The inner handle means **10** is at least part of a closed ring. The ring is located between the outer handle prongs. Further, the ring is connected to a lateral bar **11** of the handlebar **8**.

The closed ring may be a semi-circle. The axis for the semi-circle is located substantially about midway through the lateral bar **11** of the handlebar **8**.

The handlebars have been designed with the user's handlebar position needs in mind. Because of the need for the different hand positions during the ride, the ring allows for different hand positions, movements, quick transition from sitting to standing, and standing back to sitting. It also allows, without the use of an attached arm pad, the ability to lie the forearm on the ring portion of the handlebar and simulate a real training cycling position.

The handlebar **8** may be connected to the frame **1** by the front socket **4**. A handlebar pop pin **22** permits adjustment of the handlebar **8** according to the requirements of the rider. FIGS. **6**A and **6**B show the holes which permit the connecting member to be arrestable by a pop pin for adjustment.

Applicant contemplates that alternative handlebars may be connected to the frame **1** or **24** in accordance with the rider's needs.

The frame **1** (FIG. **1**) or **24** (FIG. **8**) further comprises at least multiple upstanding posts **13**. In a preferred form, the posts inter-engage to form at least one triangulated structure **14** between the ground support elements **2** or **3** and one of the sockets.

The frame **1** includes at least two triangulated structures **7** and **14** between the sockets **4**, **5**, and **12**. The two triangulated structures **7** and **14** have at least one common upstanding post **13** forming at least one wall of the triangulated structures **7** and **14**. One of the triangulated structures **7** and **14** includes an arm or cross-element **6**A intended to mount the pedal mechanism **6**.

The upstanding posts **13** form part of the triangulated structure **7** and **14**. Moreover, the upstanding posts **13** are all located at a non-horizontal, non-vertical axis.

The triangulated structures **7** and **14** include the rear triangle **14**A which includes an inverted V-shaped section and which functions to stabilize the frame **1**; the bottom bracket triangle **14**B which includes an upstanding V-shaped section and which functions to stabilize the frame **1** so a rider can pedal standing; the front triangle-like structure **7** which functions to permit total range of motion; and a front fork triangle **18**.

The rear triangle **14**A is important as a stabilizing block. Unlike conventional stationary exercise bicycles, the small base of this triangle gives the bike its total rigidity in the rear.

The bottom bracket triangle **14**B gives the central part of the stationary exercise bicycle its rigidity and form for standing. Further, arm or cross-element **6**A allows for conventional pedal mechanisms (i.e., crankarm and crankset) to be used with a conventional clipless pedal or a regular bicycle pedal and toe clip.

The front triangle-like structure **7** is wide enough to house a flywheel (FIG. **2**). The front triangle-like structure **7** gives the stationary exercise bicycle its total range of motion moving the flywheel in and out and giving the stationary exercise bicycle its base length or reel length from foot position to foot position.

The flywheel is connected to the frame **1** or **24** by the front fork triangle **18**.

Further, at least part of the front socket **4**, rear socket **5**, or seat socket **12** are formed with a hollow member having a cross section being non cylindrical. The sockets described herein permit a matingly shaped connecting member (such as the handlebar **8**, the adjustable and detachable seat **20**), the connecting member being arrestable by a pop pin **19**, **21**, or **22**.

The hollow member may have a polygonal cross section (preferably quadratic). For example, in the illustrated example, the polygonal cross section is substantially square.

The seat is adjustable for height and connected to the seat socket **12**. The seat post pop pin **19** permits height adjustment of the seat. The fore and aft saddle pop pin **21** permits adjustment of the seat **20** by sliding fore and aft in the seat socket **12**.

Because of the adjustability of the seat and the handlebar, a rider theoretically may be as tall as 15 feet and weigh up to 900 pounds. The handlebar and seat adjustability provides for a versatile bicycle which can be used by persons of many different physiques, from small, light and short to large, tall and heavy.

Referring now to FIG. **3**, the pedal mechanism **6** includes a cog **15** operative with an endless chain **16** having slots for engagement with the cog **15**. Additionally, the pedal mechanism **6** includes a ring guard **17** protective of at least the interaction of the teeth of the cog **15** with the endless chain **16**. The ring guard **17** is located internally of the perimeter defined by the endless chain **16**.

It would be desirable to provide attachments to the present invention. For example, a water bottle may be attached directly to the present invention or indirectly by means of a velcro device or any carrier means for attaching the water bottle to the stationary exercise bicycle.

Additionally, an ergometer may be attached to the present invention. Also, a computer controlled energy measuring and indicating device may be attached to the present invention.

The stationary exercise bicycle may comprise a dual chain tension device which is adjustable while the rider is in motion. Moreover, the stationary exercise bicycle may comprise a cable resistance braking system which permits the rider to adjust the resistance of the flywheel. A resistance plate **23** may support a cable to the flywheel.

The length and width of the stationary exercise bicycle is appropriate for standing and sitting while pedaling. Additionally, the width is appropriate for pedaling while sitting and for stabilization when the rider pedals while standing and rocking the body from side to side.

In a preferred form, the triangulated structures **14**A, **14**B, **7** stabilize the stationary exercise bicycle. These triangulated structures form the "integrity" structure of the stationary exercise bicycle.

The symmetry of this machine is very basic. The genius in the present invention is in its simplicity. The present invention simulates road conditions exactly as if the rider is pedaling a conventional, non-stationary bicycle.

Applicant contemplates many other examples of the present invention each differing by detail only. For example, there are many variations of the sockets described herein. The sockets described herein may not only permit a matingly shaped connecting member to fit inside (such as the handlebar **8**, the adjustable and detachable seat **20**), the connecting member being arrestable by a pop pin **19**, **21**, or **22**. In fact, the matingly shaped connecting member may be a hollow into which the socket fits, e.g., the rear, front, or seat socket.

Additionally, the handlebar **8** may include at least two different handle means. One handle means includes spaced apart and outwardly directed elements **9**. The second handle means may include an element (e.g., a closed ring) outwardly located relative to the first handle means.

Further, in one form, the frame may have a plurality of segments. Instead of a single unit, the frame may collapse into several units which permits even greater mobility of the stationary exercise bicycle for transport. Each unit of the frame may be re-assembled using bolts or any other type of well known connecting means.

The above description and drawings are only illustrative. They are not intended to limit in any way the invention as set out in the claims which follow.

What is claimed is:

1. A method of exercising by simulating different bicycle riding conditions on a stationary exercise bicycle, the stationary exercise bicycle comprising a frame having front and rear sockets, a pedal assembly mounted on the frame, a seat adjustably mounted in the rear socket, the seat being adjustable in the fore and aft directions relative to the rear socket, a flywheel mounted on the frame and coupled to the pedal assembly via a chain thereby forming a dual chain tension device, and a handlebar adjustably mounted in the front socket, the handle bar including at least one handle that provides multiple gripping positions for a rider's hands, the method comprising:

adjusting the height and the fore and aft position of the seat relative to the rear socket to facilitate riding the stationary exercise bicycle in multiple positions; and

riding the stationary exercise bicycle in multiple positions to simulate different bicycle riding conditions wherein the multiple positions include:

a standing position where the riders center of gravity is over or in front of the pedal assembly and a sitting positions where the rider's center of gravity is behind the pedal assembly, wherein the dual chain tension device facilitates a smooth transition between the sitting and standing positions; and

multiple gripping positions on the handlebar.

2. The method of claim **1**, further comprising adjusting the handlebar relative to the front socket to facilitate riding the stationary exercise bicycle in multiple positions.

3. The method of claim **1** wherein the handlebar includes two handles, the method further comprising the rider resting his or her hands on one of the handles of the handlebar while riding in a seated position.

4. The method of claim **1**, further comprising riding the stationary exercise bicycle in a seated position while gripping the handlebar at a first gripping position, and riding the stationary exercise bicycle in a standing position while gripping the handlebar at a second gripping position.

5. The method of claim **1** wherein the stationary exercise bicycle includes a device to vary the resistance imparted to the flywheel, the method further comprising varying the resistance while riding the stationary exercise bicycle to simulate different riding conditions.

6. The method of claim **1** wherein the seat and handlebar are positioned relative to the frame so that when the rider grips the handlebar, the rider's torso is bent over while the rider is in a seated riding position.

7. The method of claim **1** wherein the seat and handlebar are positioned relative to the frame so that when the rider grips the handlebar, the rider's arms are bent at substantially a 90 degree angle while the rider is in a seated riding position.

8. The method of claim **1** wherein the frame is mounted to the base having a width that maintains the stability of the stationary exercise bicycle, the method further comprising riding the stationary exercise bicycle in a standing position while rocking the body side to side.

9. A method of exercising by simulating different bicycle riding conditions on a stationary exercise bicycle, the stationary exercise bicycle comprising a frame with interengaging multiple upstanding posts forming at least one triangulated structure, a pedal assembly mounted to the frame, a seat adjustably mounted on the frame, the seat being adjustable in the fore and aft directions relative to the frame, a flywheel mounted on the frame and coupled to the pedal assembly via a chain thereby forming a dual chain tension device, and a handlebar adjustably mounted on the frame, the handlebar including at least one handle that provides multiple gripping positions for a rider's hands, the method comprising:

adjusting the positions of the seat and the handlebar relative to the frame to facilitate riding the stationary exercise bicycle in multiple positions; and

riding the stationary exercise bicycle in multiple positions to simulate different bicycle riding conditions wherein the multiple positions include:

a standing position where the rider's center of gravity is over or in front of the pedal assembly and a sitting positions where the rider's center of gravity is behind the pedal assembly, wherein the dual chain tension device facilitates a smooth transition between the sitting and standing positions: and

multiple gripping positions on the handlebar.

10. The method of claim **9**, further comprising riding the stationary exercise bicycle in a seated position while gripping the handlebar at a first gripping position, and riding the stationary exercise bicycle in a standing position while gripping the handlebar at a second gripping position.

11. The method of claim **9** wherein the stationary exercise bicycle includes a device to vary the resistance imparted to the flywheel, the method further comprising varying the resistance while riding the stationary exercise bicycle to simulate different riding conditions.

12. The method of claim **9** wherein the frame is mounted to the base having a width that maintains the stability of the stationary exercise bicycle, the method further comprising riding the stationary exercise bicycle in a standing position while rocking the body side to side.

13. The method of claim **9** wherein the frame comprises two triangulated structures, the method further comprising riding the stationary exercise bicycle in a standing position while rocking the body side to side.

14. A method of exercising by simulating different bicycle riding conditions on a stationary exercise bicycle, the stationary exercise bicycle comprising a frame having ground

supports; a seat holding mechanism; a handlebar holding mechanism; a frame structure connecting the seat holding mechanism and the handlebar holding mechanism; wherein the frame structure comprises two V-shaped sections, one V-shaped section comprising two members converging to a point, the other V-shaped section comprising members converging to a different point, wherein the two V-shaped sections overlap along a member, the member including one of the holding mechanisms; a pedal assembly; a seat adjustably mounted in the seat holding mechanism, the seat being adjustable in the fore and aft directions relative to the rear socket; and a handlebar adjustably mounted in the handlebar holding mechanism, the handle bar including multiple gripping positions, the method comprising:

adjusting the height and the fore and aft position of the seat relative to the frame structure to facilitate riding the stationary exercise bicycle in multiple positions; and

riding the stationary exercise bicycle in multiple positions to simulate different bicycle riding conditions wherein the multiple positions include:

a standing position where the rider's center of gravity is over or in front of the pedal assembly;

a sitting position where the rider's center of gravity is behind the pedal assembly; and

multiple gripping positions on the handlebar.

15. The method of claim **14**, further comprising adjusting the handlebar relative to the handlebar holding mechanism to facilitate riding the stationary exercise bicycle in multiple positions.

16. The method of claim **14** wherein the stationary exercise bicycle includes a flywheel mounted to the frame and coupled to the pedal assembly via a chain thereby forming a dual chain tension device, wherein the dual chain tension device facilitates the smooth transition between sitting and standing positions.

17. A method of exercising by simulating different bicycle riding conditions on a stationary exercise bicycle, the stationary exercise bicycle comprising a frame having front and rear sockets, a pedal assembly mounted on the frame, a seat adjustably mounted in the rear socket, the seat being adjustable in the fore and aft directions relative to the rear socket, and a handlebar adjustably mounted in the front socket, the handle bar including a lateral bar directed outwardly to form the front socket, a first handle having at least one prong extending forwardly from said lateral bar, and at least one second handle inwardly located relative to the at least one prong, the method comprising:

adjusting the height and the fore and aft position of the seat relative to the rear socket to facilitate riding the stationary exercise bicycle in multiple positions; and

riding the stationary exercise bicycle in multiple positions to simulate different bicycle riding conditions wherein the multiple positions include:

a standing position where the rider's center of gravity is over or in front of the pedal assembly;

a sitting position where the riders center of gravity is behind the pedal assembly; and

multiple gripping positions on the handlebar, including multiple gripping positions on one or more of the lateral bar, the at least one prong and the at least one second handle.

18. The method of claim **17**, further comprising adjusting the handlebar relative to the front socket to facilitate riding the stationary exercise bicycle in multiple positions.

19. The method of claim **17** wherein the stationary exercise bicycle includes a flywheel mounted to the frame and coupled to the pedal assembly via a chain thereby forming a dual chain tension device, wherein the dual chain tension device facilitates the smooth transition between sitting and standing positions.

* * * * *

EXHIBIT 3

(12) **United States Patent**
Goldberg

(10) **Patent No.: US 7,455,627 B2**
(45) **Date of Patent: *Nov. 25, 2008**

(54) **STATIONARY EXERCISE BICYCLE**

(75) Inventor: **Johnny Goldberg**, Los Angeles, CA (US)

(73) Assignee: **Mad Dogg Athletics, Inc.**, Venice, CA (US)

(*) Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 U.S.C. 154(b) by 0 days.

This patent is subject to a terminal disclaimer.

(21) Appl. No.: **11/065,336**

(22) Filed: **Feb. 23, 2005**

(65) **Prior Publication Data**

US 2005/0202938 A1 Sep. 15, 2005

Related U.S. Application Data

(63) Continuation of application No. 10/086,662, filed on Feb. 28, 2002, now Pat. No. 6,881,178, which is a continuation of application No. 09/672,197, filed on Sep. 28, 2000, now Pat. No. 6,468,185, which is a continuation of application No. 09/019,352, filed on Feb. 5, 1998, now Pat. No. 6,155,958, which is a continuation of application No. 08/736,976, filed on Oct. 25, 1996, now Pat. No. 5,722,916, which is a continuation of application No. 08/391,438, filed on Feb. 21, 1995, now abandoned, which is a continuation of application No. 07/969,765, filed on Oct. 30, 1992, now Pat. No. 5,423,728.

(51) **Int. Cl.**
A63B 22/06 (2006.01)

(52) **U.S. Cl.** **482/57**

(58) **Field of Classification Search** 482/57–65
See application file for complete search history.

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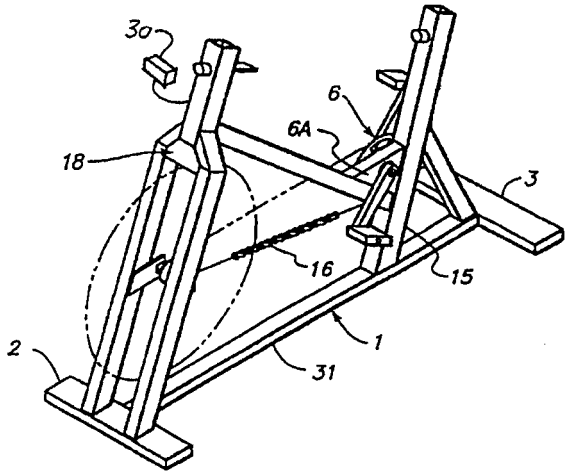
Primary Examiner—Steve R Crow
(74) *Attorney, Agent, or Firm*—Jones Day

(57) **ABSTRACT**

A novel stationary exercise bicycle and method for exercising on that bicycle is disclosed. The novel bicycle, comprising a frame having front and rear sockets, a seat mounted into the rear socket, and a handlebar mounted in the front socket, can advantageously be adjusted so that a rider can adopt different riding positions to simulate outdoor bicycle riding conditions.

2 Claims, 5 Drawing Sheets



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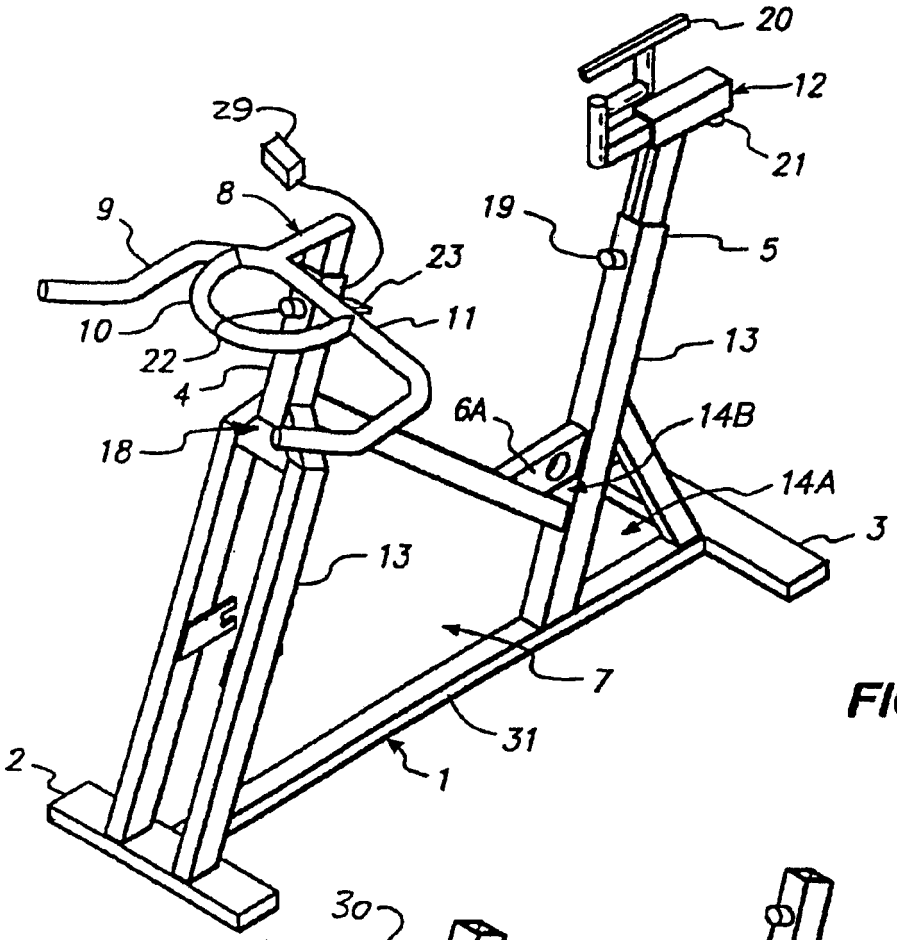
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12
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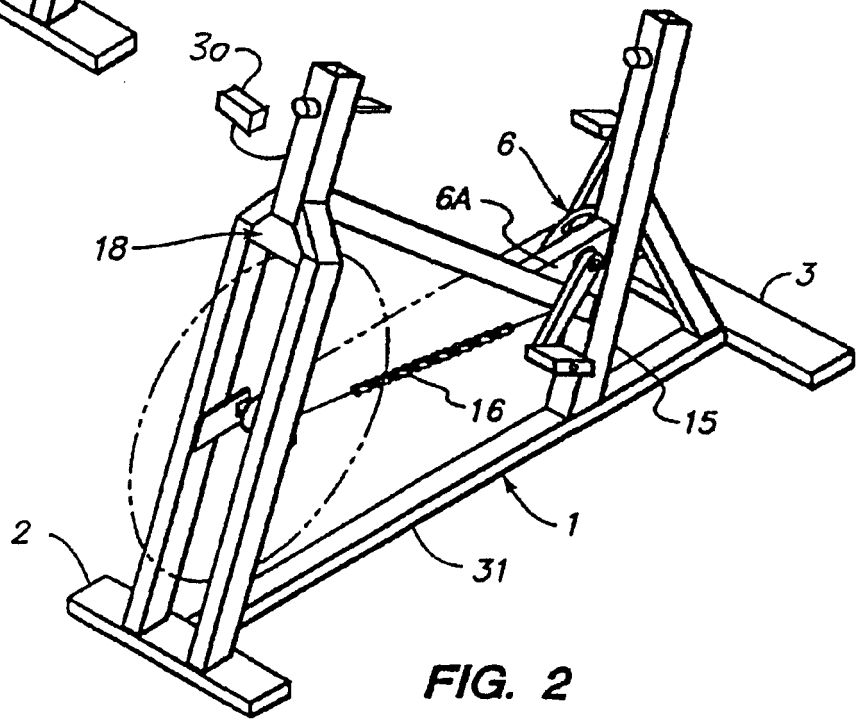
29
8
9
19
5
23
11
10
22
13
4
6A
14B
18
14A
3
13
7
31
2
1

FIG. 1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6A
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16
15
1
2
31

FIG. 2

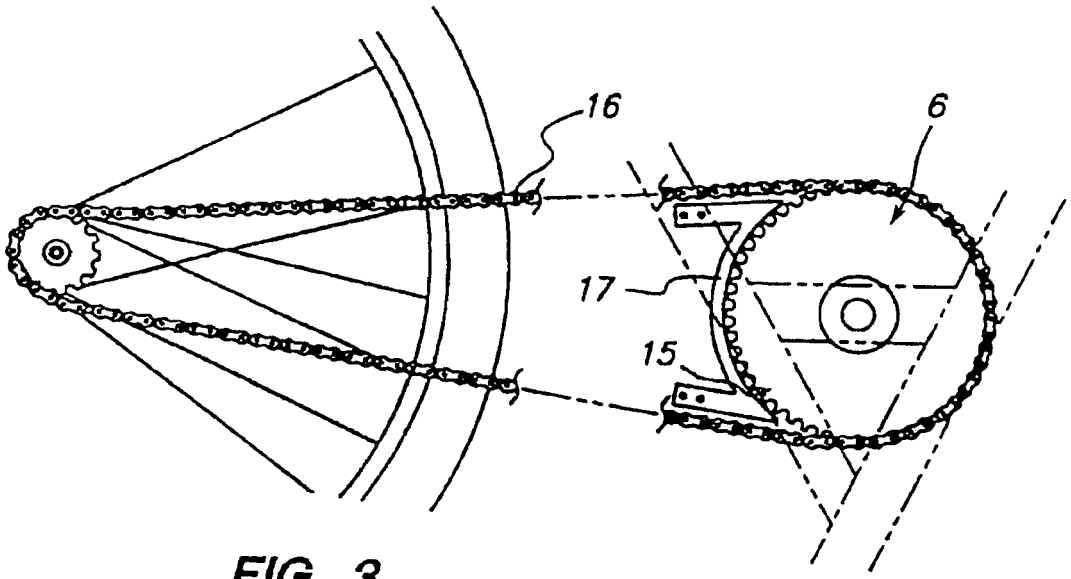

FIG. 3

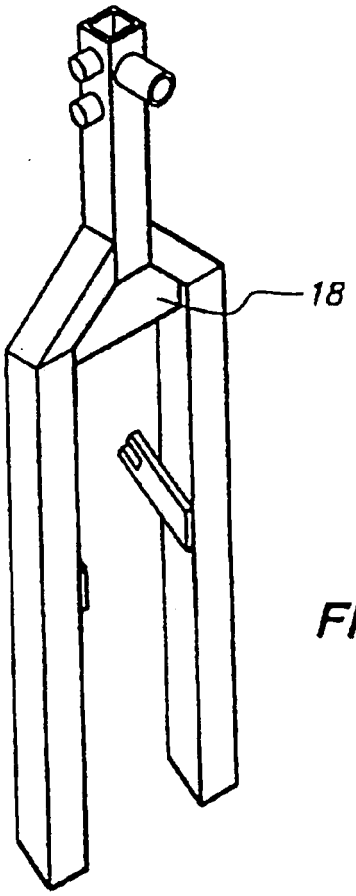

FIG. 4

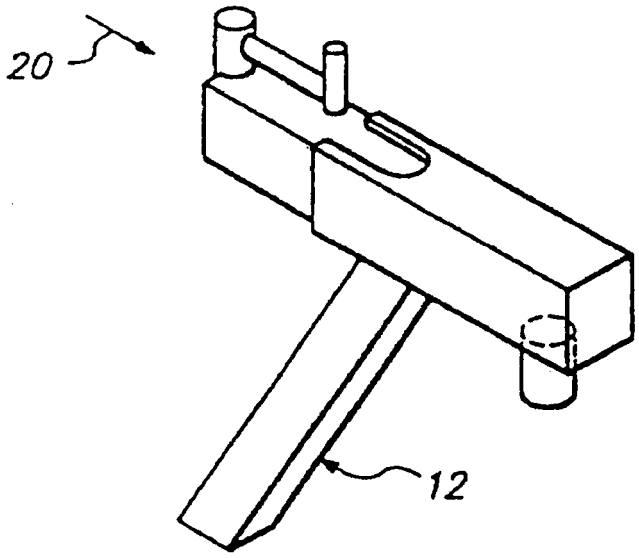

FIG. 5

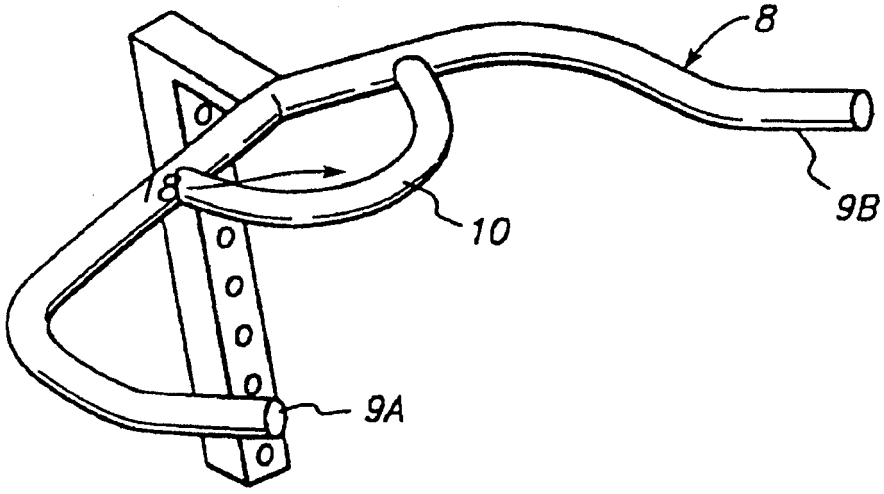

FIG. 6A

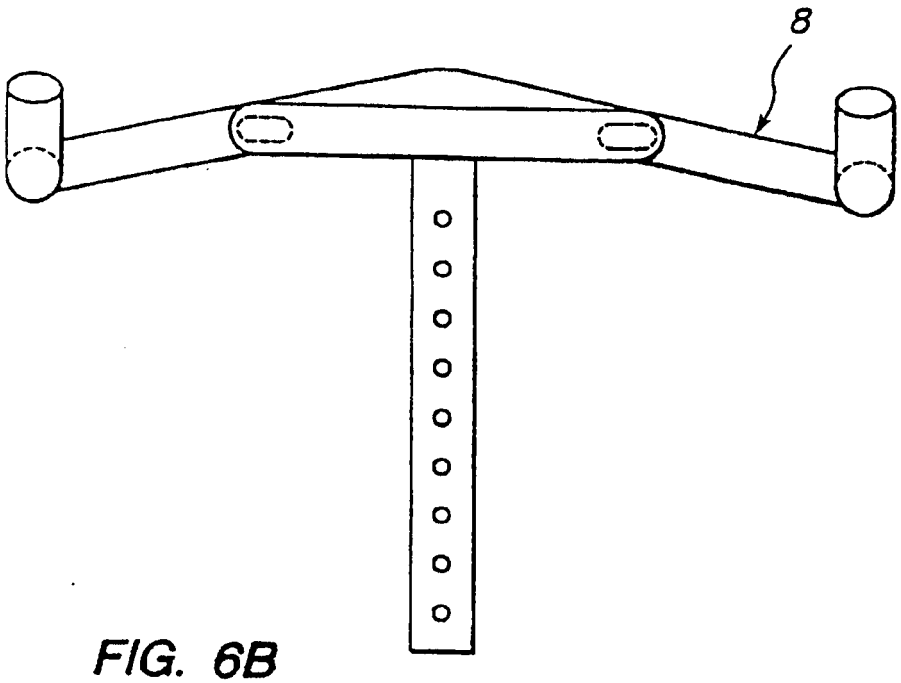

FIG. 6B

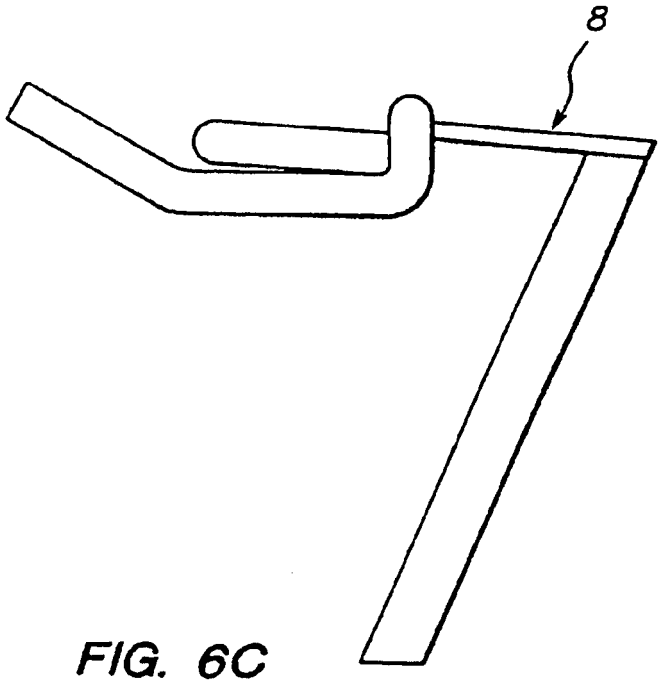

FIG. 6C

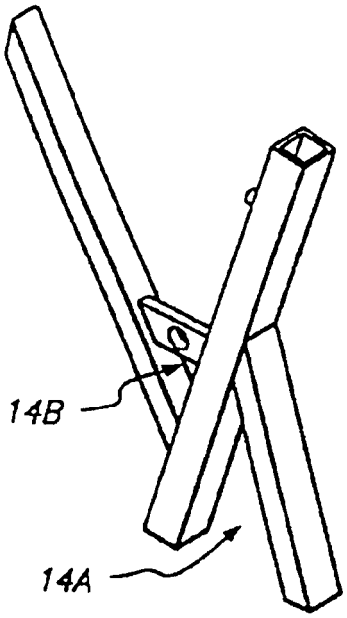

FIG. 7

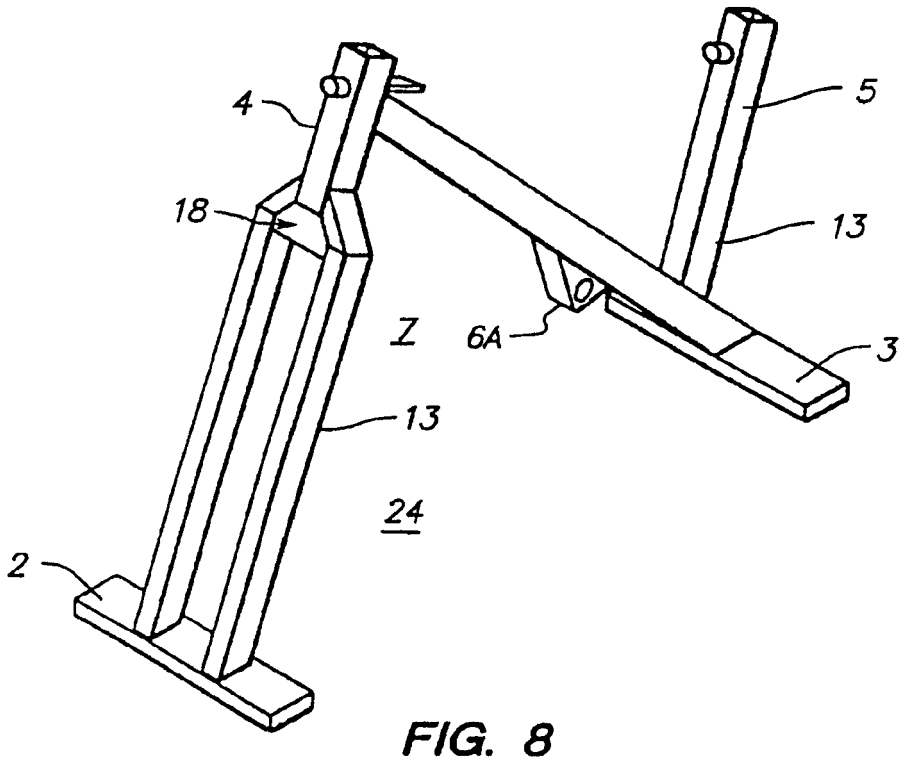

FIG. 8

STATIONARY EXERCISE BICYCLE

CROSS REFERENCE TO RELATED APPLICATIONS

This is a continuation application of application Ser. No. 10/086,662, filed Feb. 28, 2002, now U.S. Pat. No. 6,881,178. which is a continuation application of application Ser. No. 09/672,197, filed Sep. 28, 2000, now U.S. Pat. No. 6,468,185. which is a continuation of Ser. No. 09/019,352, filed on Feb. 5, 1998, now U.S. Pat. No. 6,155,958. which is a continuation of Ser. No. 08/736,976, filed on Oct. 25,1996, now U.S. Pat. No. 5,722,916, which is a continuation of application Ser. No. 08/391,438, filed on Feb. 21,1995, now abandoned, which is a continuation of Ser. No. 07/969,765, filed on Oct. 30, 1992, now U.S. Pat. No. 5,423,728.

BACKGROUND

Having a stationary exercise bicycle capable of simulating mountain bike riding is valuable.

This invention relates to a stationary exercise bicycle which is sturdy and comfortable for use during extended periods of pedaling while standing or sitting or a combination thereof and thus capable of meeting the needs of the more demanding rider.

In recent years, the popularity of the stationary exercise bicycle has increased dramatically together with the fitness craze. Stationary exercise bicycles are conventionally made with straight, brazed round tubing. A problem associated with using the round tubing in these bicycles is their propensity for fragility. They easily snap under increased stress, for example, during periods when the rider is pedaling in a standing position or in an alternating standing and sitting pedaling position. Also, the bicycle structure does not provide for the best flexibility according to the preferences of the rider.

There is a need to provide a stationary exercise bicycle which is more durable and overcomes the problems of the prior art.

SUMMARY

The invented stationary exercise bicycle seeks to avoid the disadvantages associated with conventional stationary exercise bicycles.

According to the invention, the stationary exercise bicycle comprises a stable frame. Additionally, the frame comprises a front socket and a rear socket, and front and rear ground support elements. Also provided is a pedal mechanism on said frame.

Also, the bicycle comprises a detachable seat socket. A seat is mounted on a seat socket at a level above the pedal mechanism. The seat is mounted for movement fore and aft relative to the seat socket and upwardly and downwardly relative to the pedal mechanism.

Additionally, the stationary exercise bicycle comprises a handlebar mounted in the front socket. The handlebar includes at least two different handle means. One handle means includes spaced apart and outwardly directed elements. The second handle means includes an element inwardly located relative to the first handle means. The handlebar is adjustable in the front socket.

Further, in one preferred form, the frame comprises at least multiple upstanding posts. The posts are inter-engaging to form at least one triangulated or V-shaped structure between the ground support elements and one of the sockets.

Additionally, at least part of the front socket, rear socket, or seat socket are formed with a hollow member having a cross-section which is non-cylindrical.

The pedal mechanism may include a cog operative with an endless chain having slots for engagement with the cog. A ring guard is provided and protective of at least the interaction of the teeth of the cog with the endless chain. The ring guard is located internally of the perimeter defined by the endless chain.

The invented stationary exercise bicycle is strong and comfortable for the rider. The adjustability of the bicycle facilitates comfortable riding of the bicycle in multiple positions, for example, sitting, standing and different gripping positions. Moreover, it is stress-resistant so that it can be used by the rider in a standing position or in an alternating standing and sitting pedaling position for extended periods. Riders of this bicycle can simulate the aerobic effect of mountain bike racing.

According to another aspect of the invention, a method of exercising on the stationary exercise bicycle comprises adjusting the height and the fore and aft position of the seat and optionally also adjusting the height of the handlebars to facilitate riding the stationary exercise bicycle in multiple positions and then riding the bicycle in multiple positions to simulate different bicycle riding conditions.

Additionally, the invented stationary exercise bicycle is mobile and the parts, easily replaceable. Unlike conventional stationary exercise bicycles, the present invention utilizes regular bicycle components. The user can replace certain parts from conventional bicycle shops and thus service the present invention with conventional bicycle componentry. Further, unlike prior art stationary exercise bicycles, the present invention has four basic parts which are detachable and can be placed in a portable transport carrier for mobility.

The invention is now further described with reference to the accompanying drawings.

DRAWINGS

FIG. **1** is an isometric view of a frame for a stationary exercise bicycle;

FIG. **2** is an isometric view of the pedal mechanism and a flywheel, both shown in phantom, including the ring guard, cog, and endless chain;

FIG. **3** is a detailed view of the ring guard in relation to the cog and frame;

FIG. **4** is an isometric view of the front fork triangle and an upstanding post;

FIG. **5** is an isometric view of the seat socket and the connective member;

FIGS. **6**A, **6**B, and **6**C are isometric, front and side views, respectively, of the adjustable and detachable handlebar including the forwardly extending prongs, the lateral bar, and the element inwardly located relative to the forwardly extending prongs;

FIG. **7** is an isometric view of the triangulated structure portion of the frame; and

FIG. **8** is an isometric view of an alternative frame.

DESCRIPTION

A stationary exercise bicycle comprises a frame **1** (FIG. **1**) or **24** (FIG. **8**). The frame has a central ground support element **31**, front **2** and rear **3** ground support elements, a front socket **4** and a rear socket **5** and a pedal mechanism **6**. As discussed below and as shown in FIG. **1**, pedal mechanism **6** generally includes a crankarm and crankset. The rear socket **5**

is capable of receiving a seat socket **12**. Further, a seat **20** may be mounted on the seat socket **12** at a level above the pedal mechanism **6**. The seat **20** is mounted for movement fore and aft relative to the seat socket **12** and upwardly and downwardly relative to the pedal mechanism **6**.

This stationary exercise bicycle further comprises a handlebar **8** mounted in the front socket **4**. The handlebar **8** includes at least two different handle means **9** and **10**. One handle means includes spaced apart and outwardly directed elements **9**. The second handle means includes an element inwardly located **10** relative to the first handle means.

The outwardly directed handle means **9** have forwardly extending prongs **9**A and **9**B (FIG. **6**A) which are directed axially away from the seat socket **12**. The axially directed prongs **9**A and **9**B are connected with a lateral bar **11** of the handlebar **8** at one end and are free at an opposite end.

The inner handle means **10** is at least part of a closed ring. The ring is located between the outer handle prongs. Further, the ring is connected to a lateral bar **11** of the handlebar **8**.

The closed ring may be a semi-circle. The axis for the semi-circle is located substantially about midway through the lateral bar **11** of the handlebar **8**.

The handlebars have been designed with the user's handlebar position needs in mind. Because of the need for the different hand positions during the ride, the ring allows for different hand positions, movements, quick transition from sitting to standing, and standing back to sitting. It also allows, without the use of an attached arm pad, the ability to lie the forearm on the ring portion of the handlebar and simulate a real training cycling position.

The handlebar **8** may be connected to the frame **1** by the front socket **4**. A handlebar pop pin **22** permits adjustment of the handlebar **8** according to the requirements of the rider. FIGS. **6**A and **6**B show the holes which permit the connecting member to be arrestable by a pop pin for adjustment.

Applicant contemplates that alternative handlebars may be connected to the frame **1** or **24** in accordance with the rider's needs.

The frame **1** (FIG. **1**) or **24** (FIG. **8**) further comprises at least multiple upstanding posts **13**. In a preferred form, the posts inter-engage to form at least one triangulated structure **14** between the ground support elements **2** or **3** and one of the sockets.

The frame **1** includes at least two triangulated structures **7** and **14** between the sockets **4**, **5**, and **12**. The two triangulated structures **7** and **14** have at least one common upstanding post **13** forming at least one wall of the triangulated structures **7** and **14**. One of the triangulated structures **7** and **14** includes an arm or cross-element **6**A intended to mount the pedal mechanism **6**.

The upstanding posts **13** form part of the triangulated structure **7** and **14**. Moreover, the upstanding posts **13** are all located at a non-horizontal, non-vertical axis.

The triangulated structures **7** and **14** include the rear triangle **14**A which includes an inverted V-shaped section and which functions to stabilize the frame **1**; the bottom bracket triangle **14**B which includes an upstanding V-shaped section and which functions to stabilize the frame **1** so a rider can pedal standing; the front triangle-like structure **7** which functions to permit total range of motion; and a front fork triangle **18**.

The rear triangle **14**A is important as a stabilizing block. Unlike conventional stationary exercise bicycles, the small base of this triangle gives the bike its total rigidity in the rear.

The bottom bracket triangle **14**B gives the central part of the stationary exercise bicycle its rigidity and form for standing. Further, arm or cross-element **6**A allows for conventional pedal mechanisms (i.e., crankarm and crankset) be used with a conventional clipless pedal or a regular bicycle pedal and toe clip.

The front triangle-like structure **7** is wide enough to house a flywheel (FIG. **2**). The front triangle-like structure **7** gives the stationary exercise bicycle its total range of motion moving the flywheel in and out and giving the stationary exercise bicycle its base length or reel length from foot position to foot position.

The flywheel is connected to the frame **1** or **24** by the front fork triangle **18**.

Further, at least part of the front socket **4**, rear socket **5**, or seat socket **12** are formed with a hollow member having a cross section being non-cylindrical. The sockets described herein permit a matingly shaped connecting member (such as the handlebar **8**, the adjustable and detachable seat **20**) the connecting member being arrestable by a pop pin **19**, **21**, **22**.

The hollow member may have a polygonal cross section (preferably quadratic). For example, in the illustrated example, the polygonal cross section is substantially square.

The seat is adjustable for height and connected to the seat socket **12**. The seat post pop pin **19** permits height adjustment of the seat. The fore and aft saddle pop pin **21** permits adjustment of the seat **20** by sliding fore and aft in the seat socket **12**.

Because of the adjustability of the seat and the handlebar, a rider theoretically may be as tall as 15 feet and weigh up to 900 pounds. The handlebar and seat adjustability provides for a versatile bicycle which can be used by persons of many different physiques, from small, light and short to large, tall and heavy.

Referring now to FIG. **3**, the pedal mechanism **6** includes a cog **15** operative with an endless chain **16** having slots for engagement with the cog **15**. Additionally, the pedal mechanism **6** includes a ring guard **17** protective of at least the interaction of the teeth of the cog **15** with the endless chain **16**. The ring guard **17** is located internally of the perimeter defined by the endless chain **16**.

It would be desirable to provide attachments to the present invention. For example, a water bottle may be attached directly to the present invention or indirectly by means of a velcro device or any carrier means for attaching the water bottle to the stationary exercise bicycle.

Additionally, an ergometer may be attached to the present invention. Also, a computer controlled energy measuring and indicating device may be attached to the present invention.

The stationary exercise bicycle may comprise a dual chain tension device which is adjustable while the rider is in motion. Moreover, the stationary exercise bicycle may comprise a cable resistance braking system which permits the rider to adjust the resistance of the flywheel. A resistance plate **23** may support a cable to the flywheel.

The length and width of the stationary exercise bicycle is appropriate for standing and sitting while pedaling. Additionally, the width is appropriate for pedaling while sitting and for stabilization when the rider pedals while standing and rocking the body from side to side.

In a preferred form, the triangulated structures **14**A, **14**B, **7** stabilize the stationary exercise bicycle. These triangulated structures form the "integrity" structure of the stationary exercise bicycle.

The symmetry of this machine is very basic. The genius in the present invention is in its simplicity. The present invention simulates road conditions exactly as if the rider is pedaling a conventional, non-stationary bicycle.

Applicant contemplates many other examples of the present invention each differing by detail only. For example, there are many variations of the sockets described herein. The

sockets described herein may not only permit a matingly shaped connecting member to fit inside (such as the handlebar **8**, the adjustable and detachable seat **20**), the connecting member being arrestable by a pop pin **19**, **21**, or **22**. In fact, the matingly shaped connecting member may be a hollow into which the socket fits, e.g., the rear, front, or seat socket.

Additionally, the handlebar **8** may include at least two different handle means. One handle means includes spaced apart and outwardly directed elements **9**. The second handle means may include an element (e.g., a closed ring) outwardly located relative to the first handle means.

Further, in one form, the frame may have a plurality of segments. Instead of a single unit, the frame may collapse into several units which permits even greater mobility of the stationary exercise bicycle for transport. Each unit of the frame may be re-assembled using bolts or any other type of well known connecting means.

The above description and drawings are only illustrative. They are not intended to limit in any way the invention as set out in the claims which follow.

The invention claimed is:

1. A method of exercising by simulating different bicycle riding conditions on a stationary exercise bicycle, the stationary exercise bicycle comprising a frame having front and rear sockets and two V-shaped sections, one V-shaped section comprising two members converging to a point, the other V-shaped section comprising members converging to a different point, wherein the two V-shaped sections overlap along a member, the member including one of the sockets, a pedal assembly mounted to the frame, a seat adjustably mounted to the rear socket, a flywheel mounted to the frame and coupled to the pedal assembly via a chain thereby forming a dual chain tension device, and a handlebar adjustably mounted to the front socket, the handle bar including at least one handle that provides multiple gripping positions for a rider's hands, the method comprising:

riding the stationary exercise bicycle in multiple positions to simulate different bicycle riding conditions whereby the multiple positions include a standing position and a sitting position, wherein the dual chain tension device facilitates a smooth transition between sitting and standing riding positions, and

gripping the handlebar in multiple gripping positions.

2. The method of claim **1**, further comprising riding the stationary exercise bicycle in a seated position while gripping the handlebar at a first gripping position, and riding the stationary exercise bicycle in a standing position while gripping the handlebar at a second gripping position.

* * * * *

EXHIBIT 4

US00D473602S

(12) United States Design Patent

Baudhuin et al.

(10) Patent No.: US D473,602 S
(45) Date of Patent: ** Apr. 22, 2003

(54) **STATIONARY EXERCISE BICYCLE**

(75) Inventors: **John Baudhuin**, Santa Monica, CA (US); **Johnny Goldberg**, Montecito, CA (US)

(73) Assignee: **Mad Dogg Athletics, Inc.**, Venice, CA (US)

(**) Term: **14 Years**

(21) Appl. No.: **29/156,790**

(22) Filed: **Mar. 7, 2002**

Related U.S. Application Data

(63) Continuation-in-part of application No. 09/672,197, filed on Sep. 28, 2000, now Pat. No. 6,468,185, which is a continuation of application No. 09/019,352, filed on Feb. 5, 1998, now Pat. No. 6,155,958, which is a continuation of application No. 08/736,976, filed on Oct. 25, 1996, now Pat. No. 5,722,916, which is a continuation of application No. 08/391,438, filed on Feb. 21, 1995, now abandoned, which is a continuation of application No. 07/969,765, filed on Oct. 30, 1992, now Pat. No. 5,423,728.

(51) **LOC (7) Cl.** **21-02**
(52) **U.S. Cl.** **D21/697**; D21/667
(58) **Field of Search** D21/662, 663, D21/664, 665, 666, 667, 668, 669, 694, 697; 482/51, 57, 64, 65

(56) **References Cited**

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Primary Examiner—Philip S. Hyder
(74) *Attorney, Agent, or Firm*—Jones Day

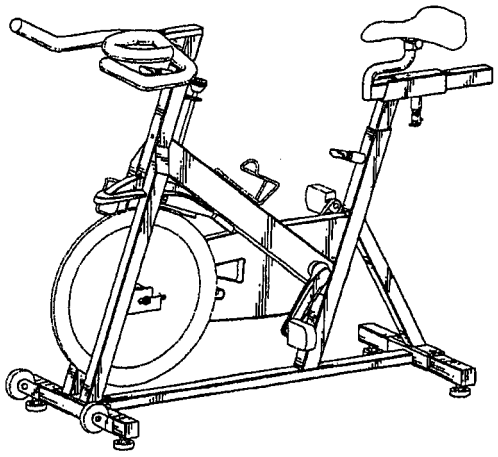
(57) **CLAIM**

The ornamental design for a stationary exercise bicycle, as shown and described.

DESCRIPTION

FIG. **1** is a perspective view of a stationary exercise bicycle showing our new design;
FIG. **2** is a right side view of FIG. **1**;
FIG. **3** is a left side view of FIG. **1**;
FIG. **4** is a front view of FIG. **1**;
FIG. **5** is a rear view of FIG. **1**; and,
FIG. **6** is a top view of FIG. **1**.
The broken line portions of the disclosure are for illustrative purposes only and form no part of the claimed design.

1 Claim, 3 Drawing Sheets



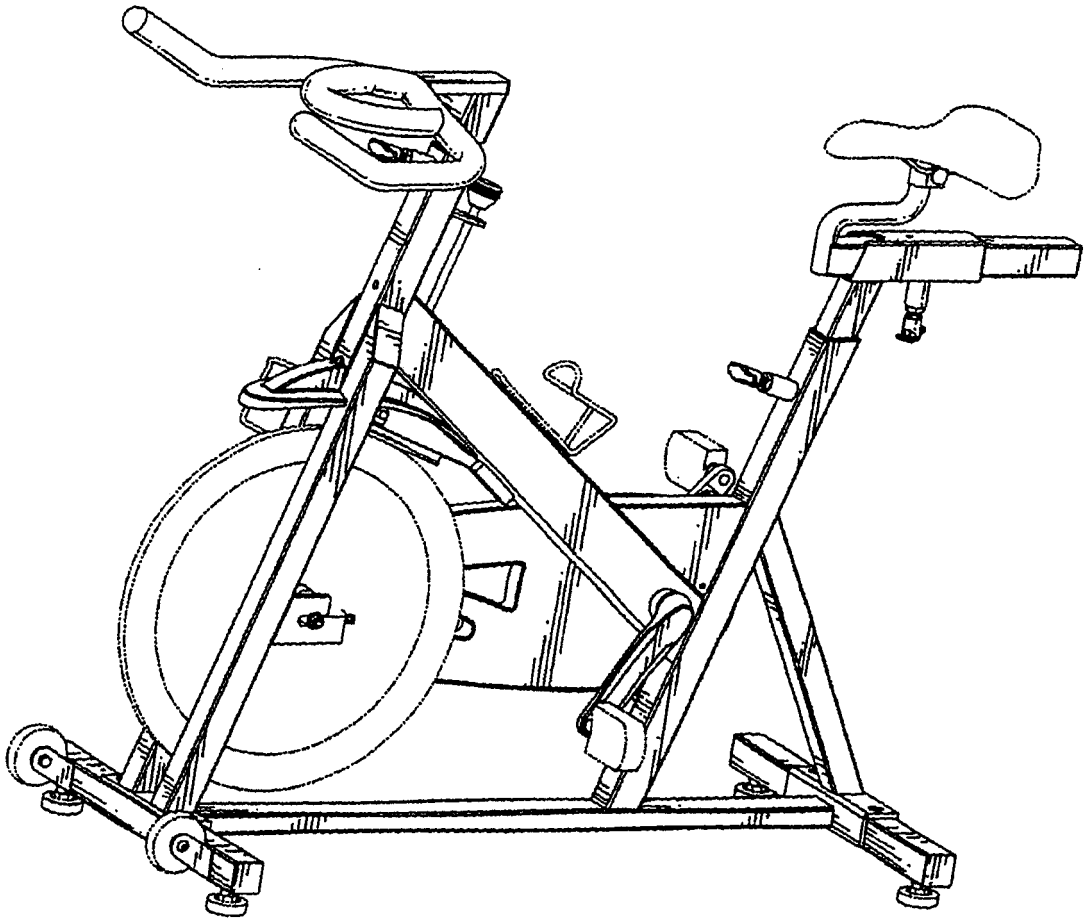
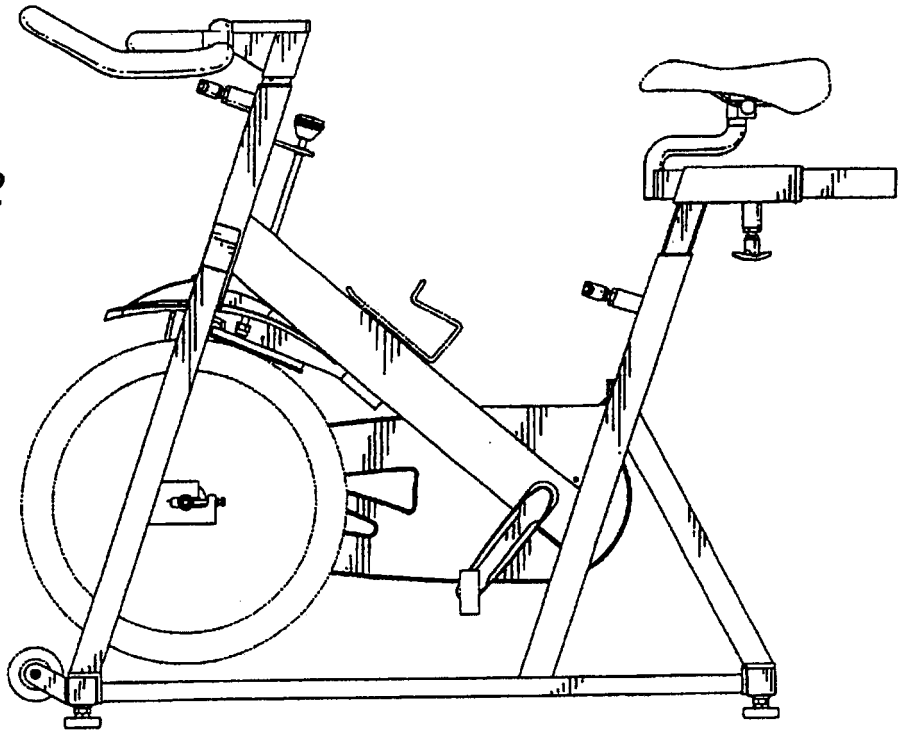


Fig. 1

Fig. 2



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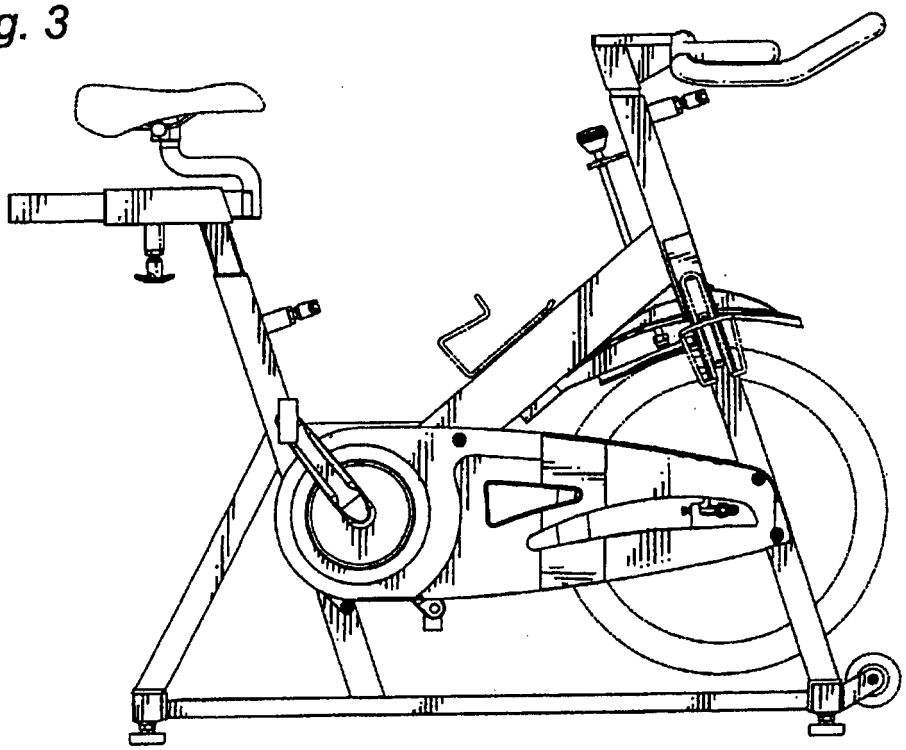


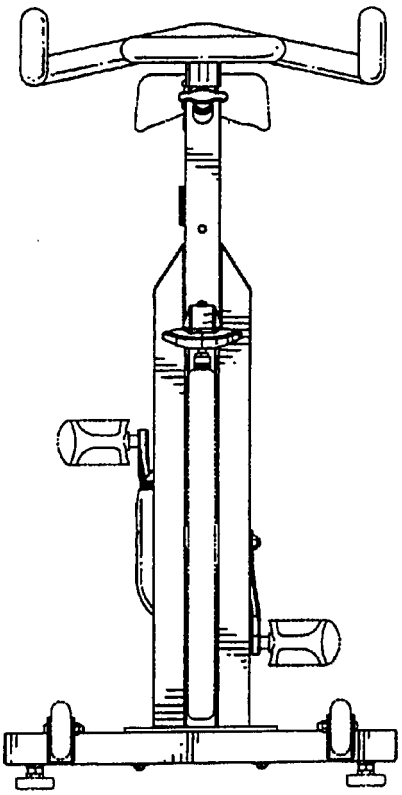
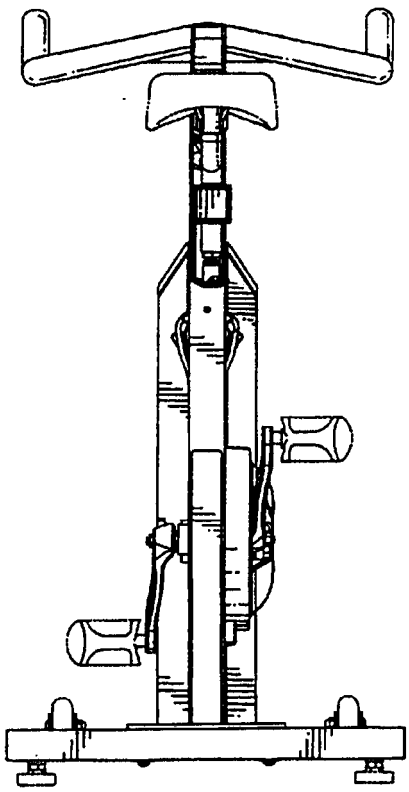


Fig. 4



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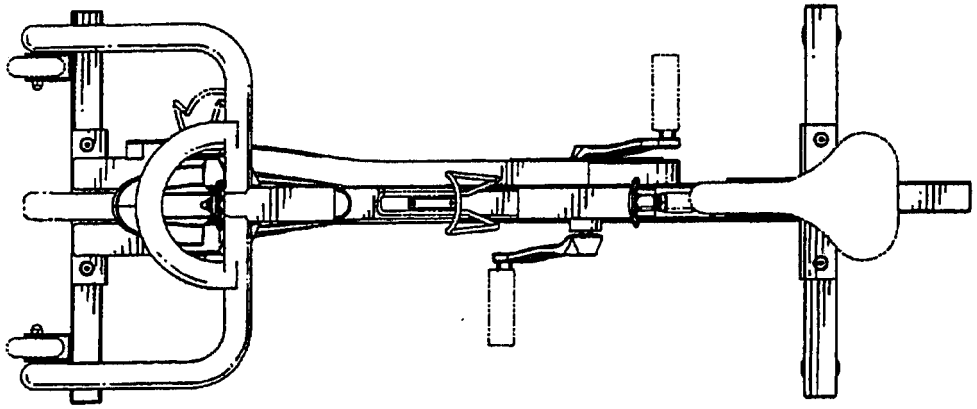
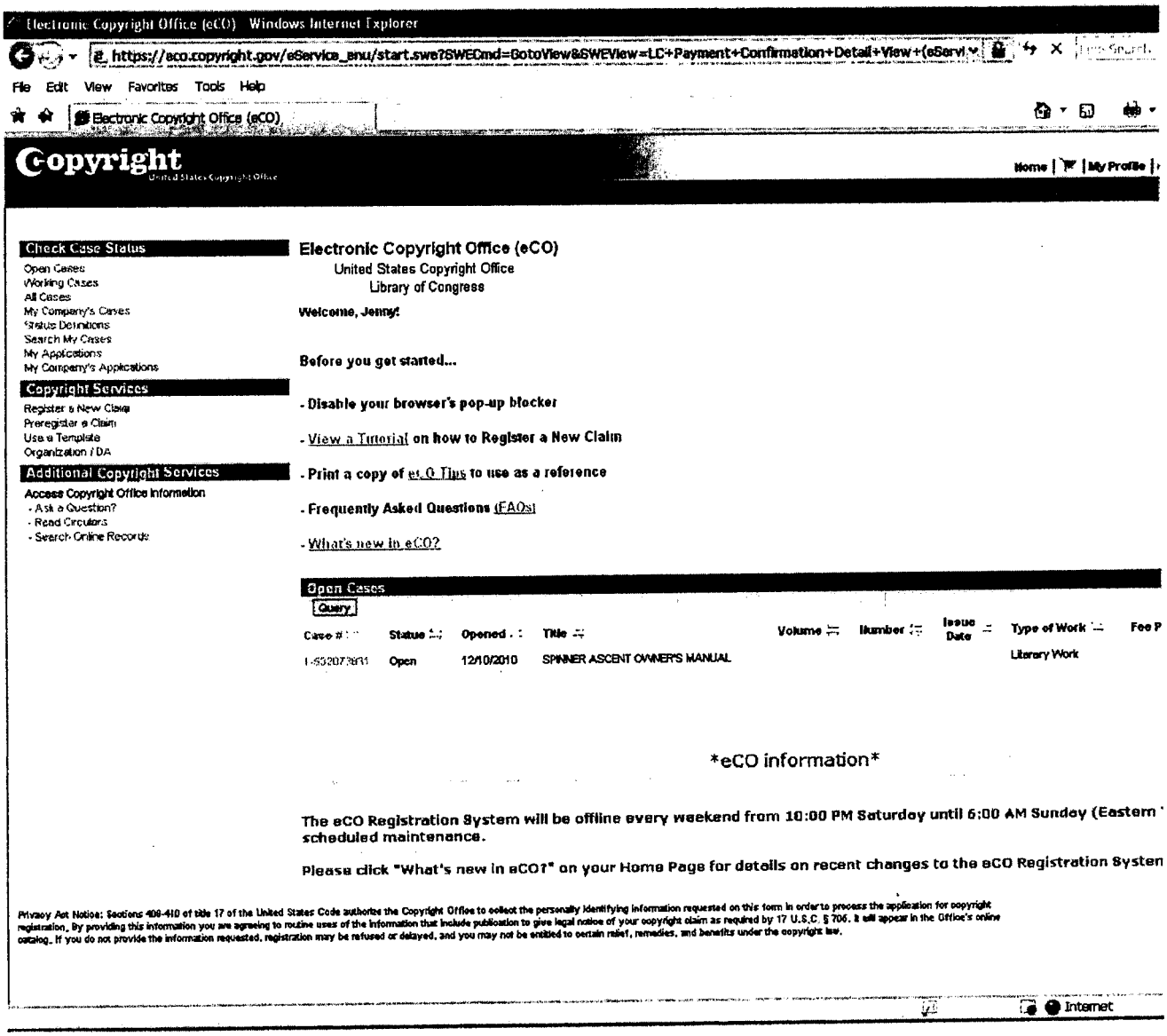


Fig. 6

EXHIBIT 5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eCO information
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scheduled maintenance.
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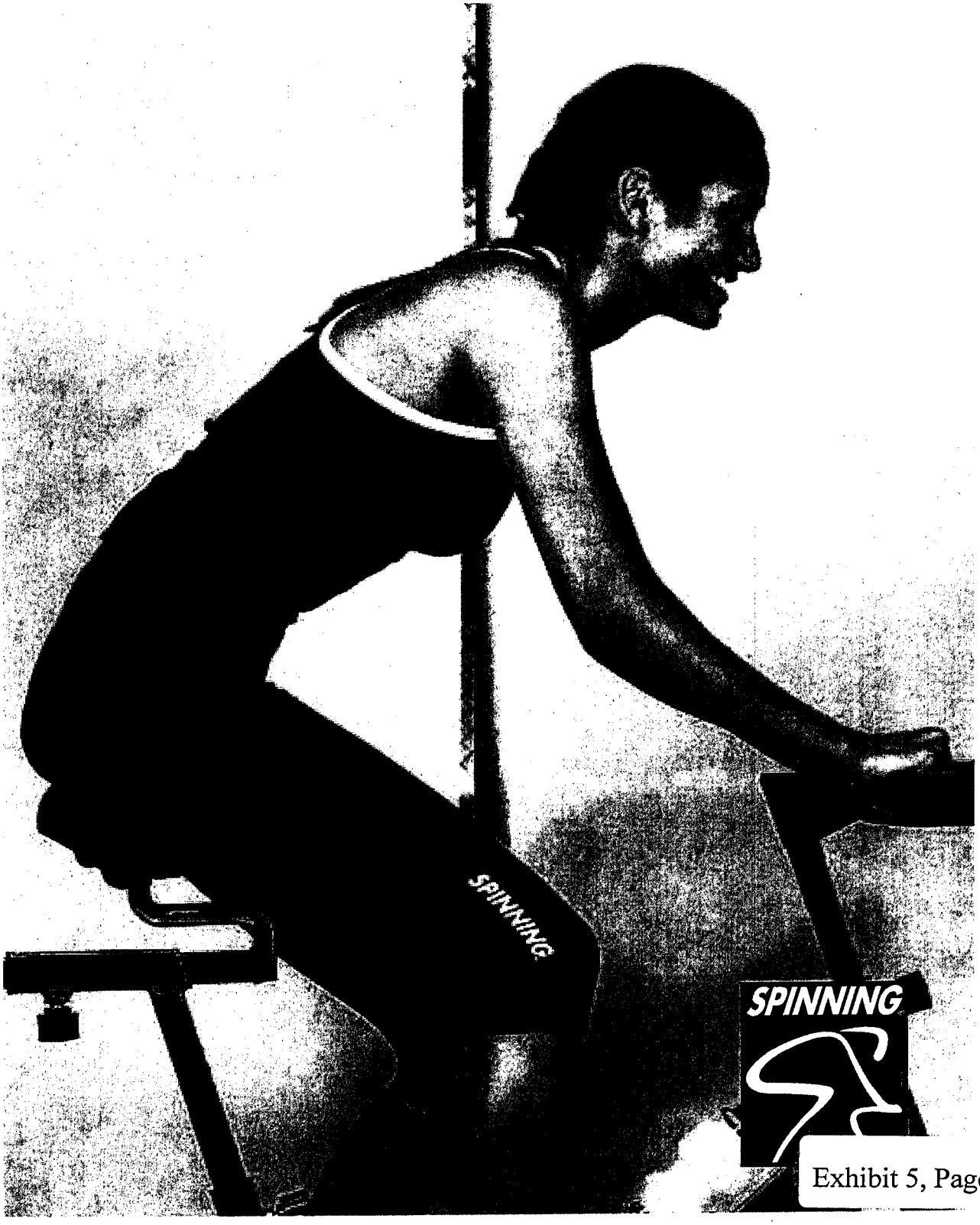
Internet

SPINNING®

Spinner® Ascent Owner's Manual



SPINNER® ASCENT OWNER'S MANUAL

TABLE OF CONTENTS

Take time now to enter the serial number of your Spinner® Ascent, manufactured by Star Trac®, in the space provided below. You can locate the serial number on the bottom cross member. If parts are missing, or if you have any operational questions, please call Star Trac's service department at (877) 530-7782; have your serial number ready.

Serial #: _____

Model #: 5420 Series - Spinner® Ascent manufactured by Star Trac

SPINNING® PROGRAM AND BIKE SAFETY

- Read all warnings posted on the exercise bike.
- Read the owner's manual and follow it carefully before using your Spinner® bike.
- Set up and operate the Spinner® bike on a solid level surface.
- Inspect the Spinner® bike for worn or loose components prior to use. Tighten/replace any loose or worn components prior to using.
- Do not wear loose or dangling clothing while using the exercise bike.
- Care should be taken in mounting or dismounting the exercise bicycle.
- Ensure that adjustment knobs (seat height, seat fore-and-aft, and handlebar) are properly secured and do not interfere with range of motion during exercise.
- Children under the age of 16 should not ride the Spinner® bike. The cycle mechanism and ergonomics are designed for adult use only.
- Do not insert any object, hands or feet into any openings, or expose hands, arms or feet to the drive mechanism or other potentially moving part of the bike.
- The maximum weight for individuals riding the Spinner® bike should not exceed 350 pounds.
- Spinner® bikes have a weighted flywheel and a fixed gear. This means that in order to stop, you must gradually slow your pedal strokes rather than stopping abruptly. If you do need to stop immediately, push down on the resistance knob. Do not dismount the bike or remove your feet from the pedals until both the pedals and the flywheel have stopped completely. Failure to comply may lead to loss of control and serious injury.
- After exercising, turn the Push Brake System knob to increase resistance so the pedals will not rotate freely and potentially injure someone.
- If at any time you feel dizzy or have difficulty breathing, gradually stop pedaling and carefully dismount the bike.
- Listen to your body, ride at your own pace and set your bike's resistance at the level that feels right for you.
- Keep children and pets away from the bike whenever it's in use.
- Never turn the pedal crank arms by hand.
- Stay hydrated. Drink water throughout your ride as needed.
- Always keep some resistance on the flywheel.
- Stay in control by executing all riding positions and hand positions at a slow pace before attempting to increase your speed. Do not attempt to ride the bike in a standing position at a high RPM until you have practiced at slower speeds.
- Focus on form, posture and making smooth transitions between movements.
- Do not use the bike without proper footwear. Never operate the bike with bare feet.
- Never remove your feet from the pedals while still in motion. Prevent your feet from coming out of the toe clip or shoe cage by keeping shoe laces tucked in and foot straps pulled snug around your shoe. If your foot does become disengaged, push down on the resistance knob to stop the flywheel's motion.

WARNING **YOUR SPINNER® ASCENT IS DESIGNED FOR CARDIOVASCULAR EXERCISE IN A CONSUMER ENVIRONMENT.** Consult your physician before beginning this or any other exercise routine. Not all exercise programs are suitable for everyone. Discontinue any exercise that causes you discomfort and consult a medical expert.

SAVE THESE INSTRUCTION

Welcome to **the Spinning® Program**

Millions worldwide have lost weight, gained energy and gotten into the best shape of their lives with the help of the Spinning® program—and the Spinner® Ascent bike with accompanying DVD give you everything you need to join them. Ready to ride? This manual will help you start changing your body and your life today.

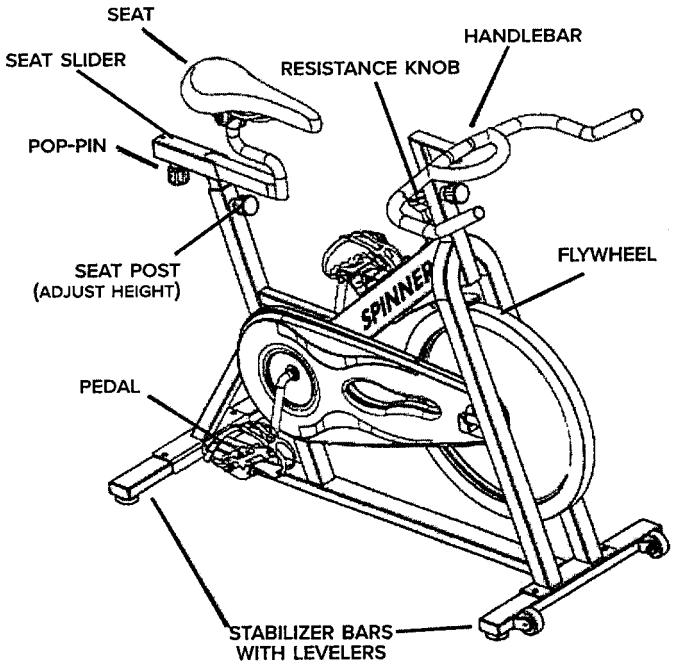
Visit spinning.com for more information on the Spinning® program, Spinning® gear and tips that will help you make the most of every ride.

YOUR SPINNER® BIKE

The patented Spinner® bike is specially designed for the Spinning® program. The Spinner® bike lets you change positions with ease and includes the following features to create an enjoyable, effective workout:

- A wide, padded seat to keep you comfortable and balanced. Adjust the seat horizontally and vertically to create a personalized fit.
- Adjustable handlebars featuring foam grips and a patented design that facilitates proper Spinning® hand positions.
- An adjustable resistance knob to keep you in control of your ride. Simply twist the dial to add more or less resistance.
- A weighted flywheel to create a non-impact workout and facilitate a fluid pedal stroke.

Your Spinner® bike uses a direct-drive fixed flywheel system that does not allow you to coast. To stop, decrease your speed gradually. **If you need to stop immediately, push down on the resistance knob.**



GEAR UP

The right gear makes a great ride even better.

Padded cycling shorts will make your ride more comfortable.

Moisture-wicking tops will keep you cool and dry even when you're hot and sweaty.

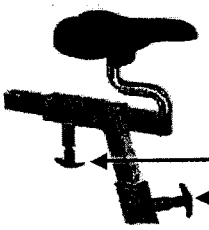
A **gel cushioned seat cover** is a great alternative to padded cycling shorts.

Improve your pedal stroke, and keep your feet cool and dry with **Spinning® shoes**.

Visit spinning.com for a full selection of Spinning® essentials.

BIKE SETUP

Proper bike setup gives you a more comfortable ride and reduces your risk of injury.



SEAT HEIGHT

At the proper height, there should be a slight bend in your knee when you're at the bottom of a pedal stroke.

FORE/AFT POSITION

Once the proper height has been achieved, adjust the seat forward or back so that when the feet are in the 3 o'clock and 9 o'clock positions, the forward knee is directly over the pedal axle. Recheck the seat height again after making the fore/aft adjustment, as moving the seat forward and backward can have the same effect as moving it higher or lower.

HANDLEBAR HEIGHT

Position the handlebar at the same height as your seat, or higher if you feel any discomfort in your back.

FOOT POSITION

Place the balls of your feet securely in the toe cages, with the ball of the foot (or the widest part of your shoe) over the center of the pedals. As you pedal, concentrate on keeping feet flat, which enables a more powerful pedal stroke. The front of the shoe may not completely fill the toe cage.

RESISTANCE CONTROL

Pedaling resistance is controlled by the resistance knob located below the handlebar. Resistance adjustments can be made while riding to vary the intensity of your workout. To increase resistance, turn the resistance knob clockwise (+); to decrease resistance, turn the knob counterclockwise (-).

Make sure that all pop-pins are engaged and secure after adjusting your bike.

WARNING IN CASE OF EMERGENCY, YOU MAY PRESS DIRECTL
THE RESISTANCE KNOB TO BRING THE FLYWHEEL TO AN ABRUPT STOP.

HAND POSITIONS

The Spinning® program is a simple and effective way to get the fitness results you want. Following are the three hand positions used in the Spinning® program.

HAND POSITION 1 can be used for warm-up, cool-down and light to moderate intensity seated flats. Form loose fists and rest the outsides of your hands on the handlebars. Keep your elbows and shoulders relaxed.

HAND POSITION 2 is used at all times except out-of-the-saddle climbs. This position provides a stable foundation and opens the lungs to facilitate breathing.

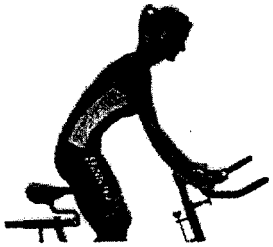
HAND POSITION 3 is only used for out-of-the-saddle climbs. Lightly grasp the ends of the handlebars, wrap your fingers around them and place your thumbs over the ends.

RIDING POSITIONS

Here's an overview of the core movements that form the foundation of the Spinning® program.

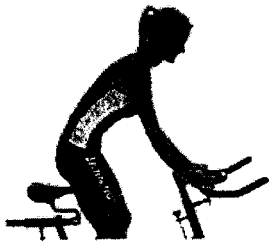
SEATED FLAT
(HAND POSITION 1 OR 2) This basic movement builds strength and stamina.

SEATED CLIMB
(HAND POSITION 2) This movement tones and strengthens the gluteals and hamstrings.



STANDING FLAT/RUNNING
(HAND POSITION 2) This movement is performed out-of-the-saddle using light to moderate resistance. "Running" develops core strength and increases endurance.

STANDING CLIMB
(HAND POSITION 3) This out-of-the-saddle climb incorporates high resistance to strengthen and define the legs.



JUMPS
(HAND POSITION 2) Jumps are performed by moving off and on the saddle with smooth, controlled movements. Jumps develop overall strength, hone reaction time and improve balance.

STRETCHING

Stretching will help prevent injury and soreness. It keeps the lower back and leg muscles flexible, which enhances physical performance and reduces strain. Below are some key stretches to incorporate at the beginning and end of your workout. You should stretch slowly to the point where mild discomfort is felt in the muscle being stretched. Practice deep breathing through the nose at all times. Do not bounce during the stretch, since this may result in injury. The following stretches should be performed off the bike.

HAMSTRINGS

1. Place one foot on the bike between the handlebars and the seat, and find a position where your balance on your supporting leg is stable.
2. Slightly bend your supporting leg.
3. Square your hips so both hip bones face forward.
4. As you exhale, bend forward from your hips and bring your straight torso toward your straight leg.
5. Relax and breathe as you stretch. Switch legs after 30-60 seconds.

QUADS

1. Hold onto the bike with one hand, using the bike for balance.
2. Grasp the top of your foot or ankle with your free hand and bring your heel as close to the buttocks as possible.
3. As you exhale, pull your abdominals in and tuck your hips underneath you.
4. Hold the stretch and breathe. Switch legs after 30-60 seconds.

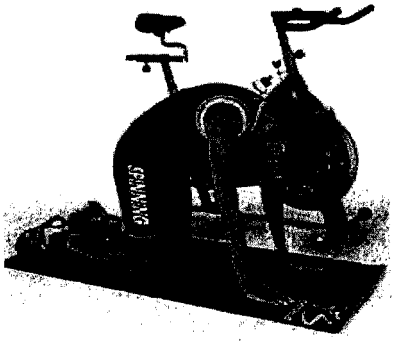
CALVES

1. Standing directly behind the Spinner®, place the sole of one foot against the bottom of the frame, heel down.
2. Stand erect and lean slightly into the bike until you feel a stretch in your calf muscles.
3. Hold the stretch and breathe. Switch legs after 30–60 seconds.

STRETCHING (CONTINUED)

HIP FLEXORS

1. Assume a lunge position.
2. Place back knee on a towel.
3. Make sure front knee is directly over the foot and ankle.
4. Hands may be placed comfortably on the front thigh.
5. Abdominals are in and hips tucked under.
6. Hold the stretch and breathe. Switch legs after 30-60 seconds.



LOWER BACK

1. Start in an all-fours position with your knees hip-width apart, and hands shoulder-width apart.
2. Align your hands under your shoulders and your knees under your hips.
3. Point your fingers forward, being careful not to lock or hyperextend your elbows.
4. Gently round your back and lengthen your spine and shoulders.
5. Allow your chin to drop slightly lower than a neutral position.
6. Feel the stretch throughout the curve of your spine.
7. Hold the stretch and breathe for 30 seconds.

GLUTES

1. Stand facing the bike about 2-3 feet away and place a hand on handlebar for stability.
2. Stand on one leg and rest the other foot above the knee of your standing leg.
3. Flex the knee of your standing leg and allow your hips to sink back.
4. Feel the stretch in the glutes area of the crossed leg.
5. Hold the stretch and breathe. Switch legs after 30-60 seconds.

OUTER HIP

1. Stand facing the bike about 2-3 feet away and place a hand on the bike for stability.
2. Stand on the outside leg (farthest from the bike) and cross the other foot in front of your ankle.
3. Support most of your weight on the outside leg.
4. Push hip of supporting leg to the side and allow the other hip to drop slightly.
5. Stretch should be felt along the length of the iliotibial band of supporting leg.
6. Hold the stretch and breathe. Switch legs after 30-60 seconds.

HEART RATE GUIDELINES

Every ride begins with a goal—and heart rate training is an unbeatable way to achieve it. The Spinning® program's Energy Zone™ system promotes a sound and complete approach to fitness by addressing strength, endurance and recovery. Use the chart below to determine your ideal heart rate for each Energy Zone.

For additional heart rate training guidelines or to purchase a heart rate monitor visit spinning.com.

Energy Zone™ Heart Rate Chart					
Age	**Recovery 50%-65%**	**Endurance 65%-75%**	**Strength 75%-85%**	**Interval 65%-92%**	**Race Day 80%-92%**
20-23	100-129	129-149	149-168	129-182	160-182
24-27	98-126	126-146	146-165	126-178	155-178
28-31	96-123	123-143	143-162	123-175	153-175
32-35	94-120	120-140	140-159	120-172	150-172
36-39	92-118	118-137	137-155	118-168	146-168
40-43	90-116	116-134	134-151	116-164	143-164
44-47	88-113	113-131	131-148	113-161	140-162
48-51	86-110	110-128	128-145	110-157	137-157
52-55	84-108	108-125	125-141	108-153	133-153
56-60	82-105	105-122	122-139	105-150	131-150

RECOVERY ENERGY ZONE™ (50%-65% of MAXIMUM HEART RATE (MHR))
Recovery rides allow your body to heal, prevent burnout and reduce the risk of injury—making them an essential component of any exercise program.

ENDURANCE ENERGY ZONE™ (65%-75% of MHR)
Endurance rides build strength and stamina by maintaining a steady heart rate and a comfortable pace over an extended period of time.

STRENGTH ENERGY ZONE™ (75%-85% of MHR)
This zone improves cardiovascular fitness and builds strength by blending increased resistance with longer distances.

INTERVAL ENERGY ZONE™ (65%-92% of MHR)
Interval training teaches your body to recover quickly after performing at peak levels by incorporating bursts of speed and power with periods of recovery.

RACE DAY ENERGY ZONE™ (80-92% of MHR)
This energy zone is the ultimate challenge and an unbeatable way to test your fitness and measure your progress.

SPINNING® VIDEO SAMPLE 4-WEEK RIDE GUIDE

We're dedicated to giving you the products you need to get fit and stay healthy. We have an excellent selection of Spinning DVDs that will help you reach your fitness goals and keep your workouts fresh. Below is a sample 4-week program that incorporates the DVD that came with your bike and several others. **Find these additional DVDs and more at www.spinning.com.**

SPIN® & SLIM

PEDAL POWER: A STRENGTH ENERGY ZONE™ RIDE

CRANK IT UP: AN INTERVAL ENERGY ZONE™ RIDE

HEART RACER: A RACE DAY ENERGY ZONE™ RIDE

WEEK ONE	
Day 1	**Spin® & Slim**
Day 2	Rest
Day 3	**Spin® & Slim**
Day 4	Rest
Day 5	**Pedal Power: Strength EZ Ride**
Day 6	Rest
Day 7	**Spin® & Slim**

WEEK TWO	
Day 8	Rest
Day 9	**Crank it Up: Interval EZ Ride**
Day 10	**Spin® & Slim**
Day 11	Rest
Day 12	**Spin® & Slim**
Day 13	Rest
Day 14	**Pedal Power: Strength EZ Ride**

WEEK THREE	
Day 15	Rest
Day 16	**Spin® & Slim**
Day 17	Rest
Day 18	**Crank it Up: Interval EZ Ride**
Day 19	**Spin® & Slim**
Day 20	Rest
Day 21	**Heart Racer: Race Day EZ Ride**

WEEK FOUR	
Day 22	Rest
Day 23	**Spin® & Slim**
Day 24	Rest
Day 25	**Heart Racer: Race Day EZ Ride**
Day 26	Rest
Day 27	**Crank it Up: Interval EZ Ride or Pedal Power: Strength EZ Ride**
Day 28	**Spin® & Slim**

ACHIEVING YOUR GOALS

- ► We suggest riding your Spinner® bike three to five times per week for optimum results.
- ► Be patient. When beginning the Spinning® program, you may need to ride for 10-15 minutes and slowly build up to a complete ride.
- ► Stick with it! Every pedal stroke counts and each ride gets a little easier.

CARING FOR YOUR SPINNER® ASCENT BIKE

MOVING YOUR BIKE

Stand in front of the bike, grasp the handlebars and tip the bike toward you until the transport wheels are touching the floor. Roll the bike to the desired location and then gently lower the rear of the bike back to the floor.

LEVELING YOUR BIKE

If you place your bike on an uneven surface, you may adjust how the bike sits by adjusting one or all of the four levelers located on the bottom of each corner of the bike.

ADJUSTING AND LEVELING YOUR SADDLE

If you experience saddle discomfort while riding or sitting on your bike, the angle can be adjusted by loosening the 14mm nuts located under the saddle. After making your adjustment, be sure to retighten the nuts before riding your bike.

PREVENTING RUST

After each use, raise handlebar and seat posts to the highest settings to expose moisture. Using an absorbent cloth, focus on all areas where perspiration can settle.

PROTECTING YOUR BIKE'S FINISH

After each ride, protect your bike's finish by wiping it down with a damp cloth. You may use SPINTECH® equipment polish, available at www.spinning.com. When cleaning your bike, be sure to keep your hands and fingers clear of a moving drivetrain.

PEDALS

Check pedals weekly to ensure that the threads are tightened. If the pedals have become loose, tighten threads with the wrench supplied to ensure they are securely attached.

WATER BOTTLE CAGE

Forcing oversized bottles into the water bottle cage can damage cage. Checking and tightening the screws will help prevent damage.

► **SPINTECH® lubricants and cleaners are available at www.spinning.com.**

BIKE ASSEMBLY

Please refer to the separately enclosed manual for the assembly of your Spinner® Ascent.

TESTING THE BIKE

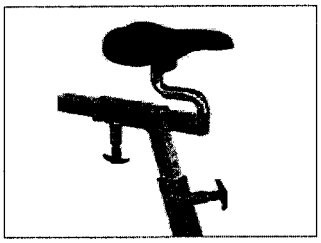
Use this checklist to perform the bike test procedure.

- Recheck all the bolts, and make sure they are all tightened and that no parts are missing.
- Test the handlebar and seat post to make sure they move freely and you are able to lock them at different positions.
- Check the seat to make sure it is level and tight, and does not rotate around or tilt. Tighten and adjust as needed.
- Test the seat slider for movement front to rear and check it by setting it at different settings.
- Brake tension is adjustable using the red resistance knob in the front of the bike. Pressing down on the knob will apply the brake if you need to stop quickly.
- Adjust seat post and handlebar post to your needs. (Refer to page 3 for proper bike setup.)
- Pedal at a moderate pace and test for proper and smooth resistance changes while varying the amount of turns on the resistance knob.
- To move the bike after testing is complete, stand in front of the bike, grasp the handlebars and tip the bike toward you until the transport wheels are touching the floor. Roll the bike to the desired location and then gently lower the rear of the bike back to the floor. Adjust the leveling feet so that the bike is stable.

WARNING THE FLYWHEEL MOMENTUM OF THE BIKE WILL KEEP THE PEDALS TURNING EVEN AFTER THE USER STOPS PEDALING OR IN THE EVENT THE USER'S FEET SLIP OFF THE PEDALS. DO NOT DISMOUNT THE BIKE OR ATTEMPT TO REMOVE YOUR FEET FROM THE PEDALS UNTIL BOTH THE PEDALS AND THE FLYWHEEL HAVE STOPPED COMPLETELY. FAILURE TO COMPLY MAY LEAD TO LOSS OF CONTROL AND SERIOUS PERSONAL INJURY.

SAVE THESE INSTRUCTIONS

TROUBLESHOOTING



RATTLING HANDLEBARS/SEAT TOWER

Make sure pop-pin is correctly locked into place.

SADDLE DISCOMFORT

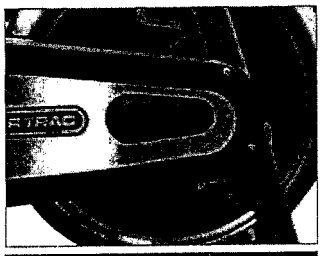
Check to ensure the saddle is centered and level. Adjust as necessary. Bear in mind that it does take time for the body to adjust to the saddle. A gel cushioned seat cover or padded cycling shorts can make your ride more comfortable.

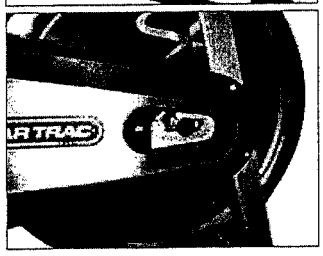
ROUGH, DRY FEELING WHEN INCREASING RESISTANCE

Put a few drops of oil underneath the resistance knob and let it run down to the resistance shaft thread barrel. This typically makes the motion of adjustment feel smoother.

LUBRICATING THE CHAIN

During heavy use of your Spinner® Ascent, it may become necessary to lubricate your chain to reduce chain associated noises. If you have any questions regarding lubricating your chain, please contact Star Trac customer service at (877) 530-7782 for consultation prior to lubricating the chain.





1. Locate the flywheel adjustment cover on the front right side of your Spinner® Ascent.
2. Using a flat head screwdriver, gently pop out the flywheel adjustment cover from the chain guard. This will expose a small section of the chain.
3. Use a chain lube such as SPINTECH® or other oil based lubricant with a spray nozzle. DO NOT use a wax based lubricant.
4. When spraying the lubricant onto the chain, cover the floor under the bike and take care not to allow the lubricant to drip onto the floor.
5. Lock the brake by turning the resistance knob clockwise. With the brake locked up, spray the lube onto the chain. Loosen the brake and rotate the chain by hand carefully and slowly approximately a quarter turn. Then stop it and tighten the brake again and spray lube onto the next portion of the chain. Repeat the above steps a total of six times to lubricate the entire chain.
6. Carefully replace the flywheel adjustment cover. Your Spinner® Ascent is now ready for testing.

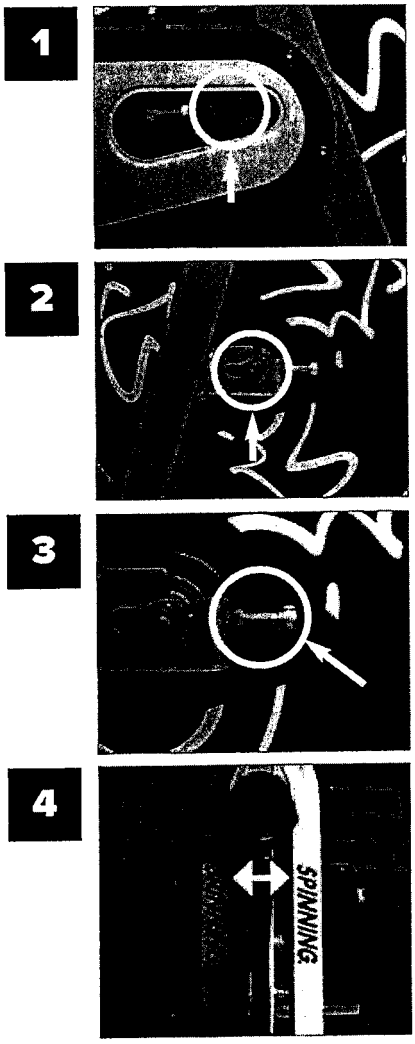
SPINTECH® lubricants and cleaners are available at www.spinning.com.

WARNING REMOVAL OF THE CHAIN GUARD IS STRONGLY DISCOURAGED AND SHOULD ONLY BE PERFORMED BY AN AUTHORIZED STAR TRAC® TECHNICIAN. FAILURE TO FOLLOW THESE INSTRUCTIONS MAY RESULT IN SEVERE INJURY.

SAVE THESE INSTRUCTIONS

CHAIN TENSION ADJUSTMENT

During normal operation of your Spinner® Ascent, it may become necessary to loosen or tighten your chain for optimum performance. If you have any questions regarding your chain tension, please contact customer service at (877) 530-8722 for consultation prior to adjusting the tension of the chain.



1 To access the axle nut on the right side of the Spinner® Ascent, you will need to first remove the flywheel adjustment cover. Using a flat head screw driver gently pop out the flywheel adjustment cover from the chain guard.

2 Using the 16mm or 5/8" socket and socket wrench, loosen the axle nuts on both sides of the flywheel (photo 1 & 2).

3 To tighten the chain, turn the adjustment screw in a clockwise rotation equally on both sides using a 10mm allen wrench (photo 3).

4 While adjusting the chain tension, work on both sides of the flywheel. Adjust the angle of the flywheel so it is straight front to rear and evenly spaced within the frame side to side as shown in the photo (photo 4).

> If the chain is stretched beyond adjustment the replacement of the chain is recommended. Please contact customer service at (877) 530-8722 for more information.

5 Tighten the adjustment lock nuts and the axle nuts on both sides alternating from side to side. Replace the flywheel adjustment cover before operation.

WARNING REMOVAL OF THE CHAIN GUARD IS STRONGLY DISCOURAGED AND SHOULD ONLY BE PERFORMED BY AN AUTHORIZED STAR TRAC TECHNICIAN. FAILURE TO FOLLOW THESE INSTRUCTIONS MAY RESULT IN SEVERE INJURY.

SAVE THESE INSTRUCTION

MAD DOGG ATHLETICS, INC
2111 Narcissus Court Venice, CA 90291 USA
phone 800 847 SPIN (7746) or 310 823 7008 fax 310 823 7408

For more information about the Spinning® Program, visit spinning.com

DISTRIBUTED BY

STAR TRAC
1844 Nelson Road, Suite D Longmont, CO 80501 USA
phone 877 530 7782 fax 303-776-4633
startracusa.com

EXHIBIT 6

Claim Detail

<< Back

Claim Id: 1-8VTWGB **Case #:** 1-537192571

Title: SPINNER BIKE SETUP AND SAFETY

All Titles

Title of Work	Volume	Number
SPINNER BIKE SETUP AND SAFETY		

Publication/Completion

Published Work	Year Created	Publication Date	Nation of First Publication
Yes	2008	8/31/2008	United States

Authors & Contributions (MP)

Name	Organization Name	Work For Hire	Doing business as	Citizenship	Domicile	Year of Birth	Year of Death	Anonymous	Pseudonymou
	Mad Dogg Athletics,	Yes			United States			N	N

Claimants

Name	Organization Name	DBA	Transfer Statement	Tr
	Mad Dogg Athletics, Inc.			

Claim Limitations review (MP)

Material Excluded

New Material Included

Music
Footage
Photograph
Script/Screenplay
Other

Rights & Permissions

First Name:
Middle Name:
Last Name:
Email:
Phone:
Alternate Phone:

Correspondent

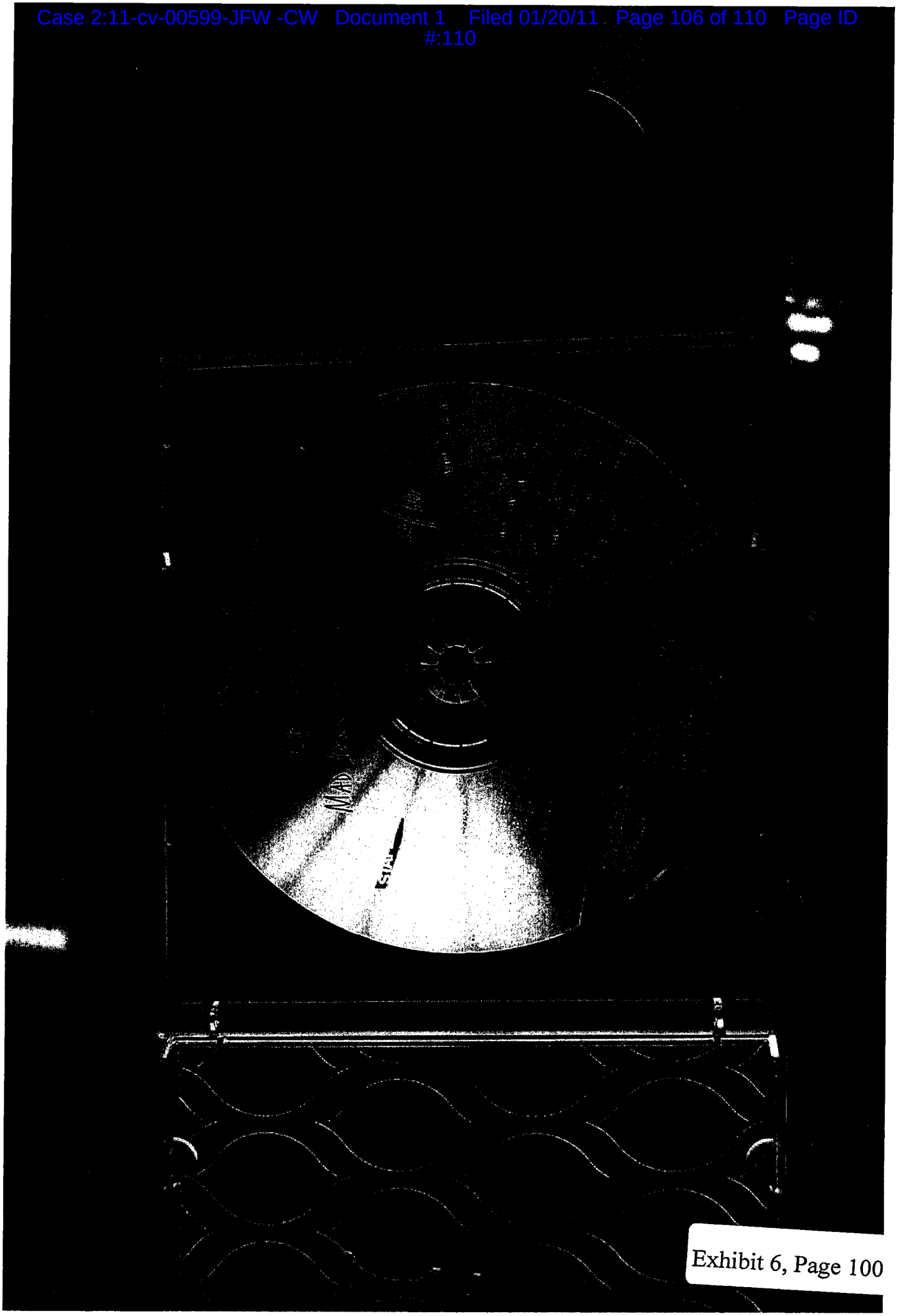
First Name: Konrad
Middle Name: K.
Last Name: Gatien
Email: kgatien@kmwlaw.com
Phone: (310) 248-3830
Alternate Phone:
Fax: (310) 860-0363

Mail Certificate

First Name: Konrad
Middle Name: K.
Last Name: Gatien

Certification

Privacy Act Notice: Sections 408-410 of title 17 of the United States Code authorize the Copyright Office to collect the personally identifying information requested on th providing this information you are agreeing to routine uses of the information that include publication to give legal notice of your copyright claim as required by 17 U.S.C the information requested, registration may be refused or delayed, and you may not be entitled to certain relief, remedies, and benefits under the copyright law.



UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

NOTICE OF ASSIGNMENT TO UNITED STATES MAGISTRATE JUDGE FOR DISCOVERY

This case has been assigned to District Judge John F. Walter and the assigned discovery Magistrate Judge is Carla Woehrle.

The case number on all documents filed with the Court should read as follows:

CV11- 599 JFW (CWx)

Pursuant to General Order 05-07 of the United States District Court for the Central District of California, the Magistrate Judge has been designated to hear discovery related motions.

All discovery related motions should be noticed on the calendar of the Magistrate Judge

---

NOTICE TO COUNSEL

A copy of this notice must be served with the summons and complaint on all defendants (if a removal action is filed, a copy of this notice must be served on all plaintiffs).

Subsequent documents must be filed at the following location:

[X] Western Division **312 N. Spring St., Rm. G-8** **Los Angeles, CA 90012**	**[ ] Southern Division** **411 West Fourth St., Rm. 1-053** **Santa Ana, CA 92701-4516**	**[ ] Eastern Division** **3470 Twelfth St., Rm. 134** **Riverside, CA 92501**

Failure to file at the proper location will result in your documents being returned to you.

AO 440 (Rev. 12/09) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Central District of California

Mad Dogg Athletics, Inc.

Plaintiff

v.

Kevin Lamar, Lamar Health & Fitness Consulting LLC, Alan Cockrill, World Triathalon Corporation dba Ironman Fitness, Cixi E-TE Fitness Equipment Co., Ltd. and Costco Wholesale Corporation and Does 1-10,

Defendant

CV11 0599 JFW (CWx)

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* Kevin Lamar, 7276 Island Green Drive, Boulder, CO 80301;
Lamar Health & Fitness Consulting LLC, 2063 Pintail Drive, Longmont, CO 80504
Alan Cockrill, 6 Londonderry Circle, Apt. 6A, Wynne, AR 72396;
World Triathalon Corporation dba Ironman Fitness, 2701 N. Rocky Point Dr., Suite 1250 Tampa, FL 33607; Cixi E-TE Fitness Equipment Co., Ltd., No. 79 Yixinting Road, Wanshousi Village, Zhouxiang Town, Cixi Ningbo, Rep. of China
Costco Wholesale Corporation, 999 Lake Drive, Issaquah, WA 98027

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Theodore S. Maceiko, Esq.
Jones Day
555 S. Flower Street, 50th Floor
Los Angeles, CA 90071

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: JAN 20 2011

CHRISTOPHER POWERS

Signature of Clerk or Deputy Clerk

1181

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET

I (a) PLAINTIFFS (Check box if you are representing yourself ☐)
Mad Dogg Athletics, Inc.

DEFENDANTS
Kevin Lamar, Lamar Health & Fitness Consulting LLC, Alan Cockrill, World Triathalon Corporation d/b/a Ironman Fitness, Cixi E-TE Fitness Equipment Co., Ltd. and Costco Wholesale Corporation, and Does 1-10

(b) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.)
Theodore S. Maceiko (SBN 150211)
Jones Day
555 S. Flower St., 50th Fl., Los Angeles, CA 90071, 213-489-3939

Attorneys (If Known)
Unknown

II. BASIS OF JURISDICTION (Place an X in one box only.)

☐ 1 U.S. Government Plaintiff
☑ 3 Federal Question (U.S. Government Not a Party)
☐ 2 U.S. Government Defendant
☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES - For Diversity Cases Only
(Place an X in one box for plaintiff and one for defendant.)

	PTF	DEF		PTF	DEF
Citizen of This State	☐ 1	☐ 1	Incorporated or Principal Place of Business in this State	☑ 4	☑ 4
Citizen of Another State	☐ 2	☐ 2	Incorporated and Principal Place of Business in Another State	☐ 5	☐ 5
Citizen or Subject of a Foreign Country	☐ 3	☐ 3	Foreign Nation	☐ 6	☐ 6

IV. ORIGIN (Place an X in one box only.)

☑ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify): ☐ 6 Multi-District Litigation ☐ 7 Appeal to District Judge from Magistrate Judge

V. REQUESTED IN COMPLAINT: JURY DEMAND: ☑ Yes ☐ No (Check 'Yes' only if demanded in complaint.)

CLASS ACTION under F.R.C.P. 23: ☐ Yes ☑ No ☐ **MONEY DEMANDED IN COMPLAINT: $**

VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.)
Patent infringement arising under the patent laws of the U.S., Title 35 of the U.S. Code.

VII. NATURE OF SUIT (Place an X in one box only.)

OTHER STATUTES
☐ 400 State Reapportionment
☐ 410 Antitrust
☐ 430 Banks and Banking
☐ 450 Commerce/ICC Rates/etc.
☐ 460 Deportation
☐ 470 Racketeer Influenced and Corrupt Organizations
☐ 480 Consumer Credit
☐ 490 Cable/Sat TV
☐ 810 Selective Service
☐ 850 Securities/Commodities/ Exchange
☐ 875 Customer Challenge 12 USC 3410
☐ 890 Other Statutory Actions
☐ 891 Agricultural Act
☐ 892 Economic Stabilization Act
☐ 893 Environmental Matters
☐ 894 Energy Allocation Act
☐ 895 Freedom of Info. Act
☐ 900 Appeal of Fee Determination Under Equal Access to Justice
☐ 950 Constitutionality of State Statutes

CONTRACT
☐ 110 Insurance
☐ 120 Marine
☐ 130 Miller Act
☐ 140 Negotiable Instrument
☐ 150 Recovery of Overpayment & Enforcement of Judgment
☐ 151 Medicare Act
☐ 152 Recovery of Defaulted Student Loan (Excl. Veterans)
☐ 153 Recovery of Overpayment of Veteran's Benefits
☐ 160 Stockholders' Suits
☐ 190 Other Contract
☐ 195 Contract Product Liability
☐ 196 Franchise

REAL PROPERTY
☐ 210 Land Condemnation
☐ 220 Foreclosure
☐ 230 Rent Lease & Ejectment
☐ 240 Torts to Land
☐ 245 Tort Product Liability
☐ 290 All Other Real Property

TORTS
PERSONAL INJURY
☐ 310 Airplane
☐ 315 Airplane Product Liability
☐ 320 Assault, Libel & Slander
☐ 330 Fed. Employers' Liability
☐ 340 Marine
☐ 345 Marine Product Liability
☐ 350 Motor Vehicle
☐ 355 Motor Vehicle Product Liability
☐ 360 Other Personal Injury
☐ 362 Personal Injury-Med Malpractice
☐ 365 Personal Injury-Product Liability
☐ 368 Asbestos Personal Injury Product Liability

IMMIGRATION
☐ 462 Naturalization Application
☐ 463 Habeas Corpus-Alien Detainee
☐ 465 Other Immigration Actions

TORTS
PERSONAL PROPERTY
☐ 370 Other Fraud
☐ 371 Truth in Lending
☐ 380 Other Personal Property Damage
☐ 385 Property Damage Product Liability

BANKRUPTCY
☐ 422 Appeal 28 USC 158
☐ 423 Withdrawal 28 USC 157

CIVIL RIGHTS
☐ 441 Voting
☐ 442 Employment
☐ 443 Housing/Accommodations
☐ 444 Welfare
☐ 445 American with Disabilities - Employment
☐ 446 American with Disabilities - Other
☐ 440 Other Civil Rights

PRISONER PETITIONS
☐ 510 Motions to Vacate Sentence Habeas Corpus
☐ 530 General
☐ 535 Death Penalty
☐ 540 Mandamus/ Other
☐ 550 Civil Rights
☐ 555 Prison Condition

FORFEITURE/ PENALTY
☐ 610 Agriculture
☐ 620 Other Food & Drug
☐ 625 Drug Related Seizure of Property 21 USC 881
☐ 630 Liquor Laws
☐ 640 R.R. & Truck
☐ 650 Airline Regs
☐ 660 Occupational Safety /Health
☐ 690 Other

LABOR
☐ 710 Fair Labor Standards Act
☐ 720 Labor/Mgmt. Relations
☐ 730 Labor/Mgmt. Reporting & Disclosure Act
☐ 740 Railway Labor Act
☐ 790 Other Labor Litigation
☐ 791 Empl. Ret. Inc. Security Act

PROPERTY RIGHTS
☐ 820 Copyrights
☑ 830 Patent
☐ 840 Trademark

SOCIAL SECURITY
☐ 861 HIA (1395ff)
☐ 862 Black Lung (923)
☐ 863 DIWC/DIWW (405(g))
☐ 864 SSID Title XVI
☐ 865 RSI (405(g))

FEDERAL TAX SUITS
☐ 870 Taxes (U.S. Plaintiff or Defendant)
☐ 871 IRS-Third Party 26 USC 7609

CV11 0599

FOR OFFICE USE ONLY: Case Number: _____

AFTER COMPLETING THE FRONT SIDE OF FORM CV-71, COMPLETE THE INFORMATION REQUESTED BELOW.

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET

VIII(a). IDENTICAL CASES: Has this action been previously filed in this court and dismissed, remanded or closed? ☑ No ☐ Yes
If yes, list case number(s): _____

VIII(b). RELATED CASES: Have any cases been previously filed in this court that are related to the present case? ☑ No ☐ Yes
If yes, list case number(s): _____

Civil cases are deemed related if a previously filed case and the present case:
(Check all boxes that apply) ☐ A. Arise from the same or closely related transactions, happenings, or events; or
☐ B. Call for determination of the same or substantially related or similar questions of law and fact; or
☐ C. For other reasons would entail substantial duplication of labor if heard by different judges; or
☐ D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

IX. VENUE: (When completing the following information, use an additional sheet if necessary.)

(a) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named plaintiff resides.
☐ Check here if the government, its agencies or employees is a named plaintiff. If this box is checked, go to item (b).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Los Angeles	

(b) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named defendant resides.
☐ Check here if the government, its agencies or employees is a named defendant. If this box is checked, go to item (c).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
	Colorado, Arkansas, Florida, Washington, Republic of China

(c) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** claim arose.
Note: In land condemnation cases, use the location of the tract of land involved.

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Los Angeles	

*** Los Angeles, Orange, San Bernardino, Riverside, Ventura, Santa Barbara, or San Luis ~~Obispo Counties~~**
Note: In land condemnation cases, use the location of the tract of land involved

X. SIGNATURE OF ATTORNEY (OR PRO PER): _____ Date January 20, 2011

Notice to Counsel/Parties: The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet.)

Key to Statistical codes relating to Social Security Cases:

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405(g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405(g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. (g))