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Attorneys for Plaintiff  
MAD DOGG ATHLETICS, INC.

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

MAD DOGG ATHLETICS, INC.,  
a California corporation,

Plaintiff,

v.

SUNNY HEALTH & FITNESS, INC.,  
a California corporation, and  
SUNNY DISTRIBUTOR, INC.,  
a California corporation

Defendants.

Case No. CV 11-8143 CAS (MRWx)

Assigned for all purposes to  
Christina A. Snyder

**FIRST AMENDED COMPLAINT  
FOR PATENT INFRINGEMENT**

**DEMAND FOR JURY TRIAL**

Plaintiff, Mad Dogg Athletics, Inc. ("Mad Dogg"), files this First Amended Complaint against defendants, Sunny Health & Fitness, Inc. and Sunny Distributor, Inc. (collectively "Sunny"), and demanding a trial by jury, alleges as follows:

**JURISDICTION AND VENUE**

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

2. Upon 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).

**THE PARTIES**

3. Mad Dogg is a corporation incorporated under the laws of the State of California and has a principal place of business at 2111 Narcissus Court, Venice, California 90291.

4. Upon information and belief, Sunny Health & Fitness, Inc. and Sunny Distributor, Inc. are corporations incorporated under the laws of the State of California and have a principal place of business at 427 Turnbull Canyon Road, City of Industry, California 91745.

5. Upon information and belief, Sunny Health & Fitness, Inc. and Sunny Distributor, Inc. reside in this district under 28 U.S.C. § 1391. In particular, Sunny Health & Fitness, Inc. and Sunny Distributor, Inc. do business in this district and a substantial part of the events giving rise to the claims in this case occurred in this district.

**FIRST CAUSE OF ACTION**

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

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

6. 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. 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**.

7. Upon information and belief, Sunny has notice of Mad Dogg’s rights in the ‘958 patent.

8. Sunny has infringed the ‘958 patent by manufacturing, using, offering to sell, selling, and/or importing SF-B1001, SF-B1002, SF-B1110, SF-B901 and

1 SF-B904 bikes embodying one or more of the inventions claimed therein within the  
2 United States. Upon information and belief, this infringement has included  
3 Sunny's use of SF-B1001, SF-B1002, SF-B1110, SF-B901 and SF-B904 bikes at  
4 trade shows and/or Sunny's sales of SF-B1001, SF-B1002, SF-B1110, SF-B901  
5 and SF-B904 bikes to online retailers, gyms, health clubs, consumers and/or end  
6 users.

7 9. Sunny has also infringed the '958 patent by supplying infringing SF-  
8 B1001, SF-B1002, SF-B1110, SF-B901 and SF-B904 bikes to others to use,  
9 thereby inducing and/or contributing to the infringement of the '958 patent. Upon  
10 information and belief, this infringement has included Sunny's distribution of  
11 infringing SF-B1001, SF-B1002, SF-B1110, SF-B901 and SF-B904 bikes to online  
12 retailers, gyms, health clubs, consumers and/or end users with the intention that  
13 such third parties use Sunny's SF-B1001, SF-B1002, SF-B1110, SF-B901 and SF-  
14 B904 bikes to infringe the '958 patent. Upon information and belief, this  
15 infringement has also occurred by Sunny's sale of components, such as spare or  
16 replacement parts, that Sunny knows are especially made for use with Sunny's  
17 infringing SF-B1001, SF-B1002, SF-B1110, SF-B901 and SF-B904 bikes and that  
18 are not staple articles or commodities of commerce suitable for substantial  
19 noninfringing use. Sunny will continue to do so unless enjoined by this Court.

20 10. By reason of Sunny's acts of infringement, Mad Dogg has suffered  
21 and is suffering damages, including impairment of the value of the '958 patent, in  
22 an amount yet to be determined.

23 11. Sunny's acts of infringement are causing irreparable harm to Mad  
24 Dogg and will continue to cause irreparable harm unless enjoined by this Court.

25 12. Upon information and belief, Sunny's acts have been committed  
26 willfully and with knowledge of Mad Dogg's patent rights and have resulted, and  
27 are currently resulting, in substantial unjust profits and unjust enrichment on the  
28 part of Sunny in an amount yet to be determined.

**SECOND CAUSE OF ACTION**

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

**(United States Patent No. 6,468,185)**

13. On October 22, 2002, United States Patent No. 6,468,185 (“the ‘185 patent”), for an invention entitled “Stationary Exercise Bicycle,” was duly and legally issued. The ‘185 patent was later reexamined by the United States Patent Office which issued a reexamination certificate on May 24, 2011. 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 ‘185 reexamination certificate and patent are attached hereto as **Exhibit 2**.

14. Upon information and belief, Sunny has notice of Mad Dogg’s rights in the ‘185 patent.

15. Sunny has infringed the ‘185 patent by manufacturing, using, offering to sell, selling, and/or importing SF-B1001, SF-B1002, SF-B1003, SF-B1110, SF-B901 and SF-B904 bikes embodying one or more of the inventions claimed therein within the United States. Upon information and belief, this infringement has included Sunny’s use of SF-B1001, SF-B1002, SF-B1003, SF-B1110, SF-B901 and SF-B904 bikes at trade shows and/or Sunny’s sales of SF-B1001, SF-B1002, SF-B1003, SF-B1110, SF-B901 and SF-B904 bikes to online retailers, gyms, health clubs, consumers and/or end users.

16. Sunny has also infringed the ‘185 patent by supplying infringing SF-B1001, SF-B1002, SF-B1003, SF-B1110, SF-B901 and SF-B904 bikes to others to use, thereby inducing and/or contributing to the infringement of the ‘185 patent. Upon information and belief, this infringement has included Sunny’s distribution of infringing SF-B1001, SF-B1002, SF-B1003, SF-B1110, SF-B901 and SF-B904 bikes to third party online retailers, gyms, health clubs, consumers and/or end users, with the intention that such third parties use Sunny’s SF-B1001, SF-B1002, SF-

1 B1003, SF-B1110, SF-B901 and SF-B904 bikes to infringe the '185 patent. Upon  
2 information and belief, this infringement has also occurred by Sunny's sale of  
3 components, such as spare or replacement parts, that Sunny knows are especially  
4 made for use with Sunny's infringing SF-B1001, SF-B1002, SF-B1003, SF-B1110,  
5 SF-B901 and SF-B904 bikes and that are not staple articles or commodities of  
6 commerce suitable for substantial noninfringing use. Sunny will continue to do so  
7 unless enjoined by this Court.

8 17. By reason of Sunny's acts of infringement, Mad Dogg has suffered  
9 and is suffering damages, including impairment of the value of the '185 patent, in  
10 an amount yet to be determined.

11 18. Sunny's acts of infringement are causing irreparable harm to Mad  
12 Dogg and will continue to cause irreparable harm unless enjoined by this Court.

13 19. Upon information and belief, Sunny's acts have been committed  
14 willfully and with knowledge of Mad Dogg's patent rights and have resulted, and  
15 are currently resulting, in substantial unjust profits and unjust enrichment on the  
16 part of Sunny in an amount yet to be determined.

### 17 **THIRD CAUSE OF ACTION**

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

19 **(United States Patent No. D473,602)**

20 20. On April 22, 2003, United States Patent No. D473,602 ("the D602  
21 patent"), for an invention entitled "Stationary Exercise Bicycle," was duly and  
22 legally issued. By virtue of proper assignment, Mad Dogg has acquired and duly  
23 owns all right, title, and interest in this patent, including the right to sue and recover  
24 for infringement thereof. A copy of the D602 patent is attached hereto as  
25 **Exhibit 3.**

26 21. Upon information and belief, Sunny has notice of Mad Dogg's rights  
27 in the D602 patent.  
28

1           22. Sunny has infringed the D602 patent by manufacturing, using, offering  
2 to sell, selling, and/or importing SF-B1001 bikes embodying one or more of the  
3 inventions claimed therein within the United States. Upon information and belief,  
4 this infringement has included Sunny's use of SF-B1001 bikes at trade shows  
5 and/or Sunny's sales of SF-B1001 to online retailers, gyms, health clubs,  
6 consumers and/or end users.

7           23. Sunny has also infringed the D602 patent by supplying infringing SF-  
8 B1001 bikes to others to use, thereby inducing and/or contributing to the  
9 infringement of the D602 patent. Upon information and belief, this infringement  
10 has included Sunny's distribution of infringing SF-B1001 bikes to online retailers,  
11 gyms, health clubs, consumers and/or end users, with the intention that such third  
12 parties use Sunny's SF-B1001 bikes to infringe the D602 patent. Upon information  
13 and belief, this infringement has also occurred by Sunny's sale of components, such  
14 as spare or replacement parts, that Sunny knows are especially made for use with  
15 Sunny's infringing SF-B1001 bikes and that are not staple articles or commodities  
16 of commerce suitable for substantial noninfringing use. Sunny will continue to do  
17 so unless enjoined by this Court.

18           24. By reason of Sunny's acts of infringement, Mad Dogg has suffered  
19 and is suffering damages, including impairment of the value of the D602 patent, in  
20 an amount yet to be determined.

21           25. Sunny's acts of infringement are causing irreparable harm to Mad  
22 Dogg and will continue to cause irreparable harm unless enjoined by this Court.

23           26. Upon information and belief, Sunny's acts have been committed  
24 willfully and with knowledge of Mad Dogg's patent rights and have resulted, and  
25 are currently resulting, in substantial unjust profits and unjust enrichment on the  
26 part of Sunny in an amount yet to be determined.





1 occurred by Sunny's sale of components, such as spare or replacement parts, that  
2 Sunny knows are especially made for use with Sunny's infringing SF-B1001, SF-  
3 B1002, SF-B1003, SF-B1110, SF-B901, SF-B904 and SF-B912 bikes and that are  
4 not staple articles or commodities of commerce suitable for substantial  
5 noninfringing use. Sunny will continue to do so unless enjoined by this Court.

6 31. By reason of Sunny's acts of infringement, Mad Dogg has suffered  
7 and is suffering damages, including impairment of the value of the '178 patent, in  
8 an amount yet to be determined.

9 32. Sunny's acts of infringement are causing irreparable harm to Mad  
10 Dogg and will continue to cause irreparable harm unless enjoined by this Court.

11 33. Upon information and belief, Sunny's acts have been committed  
12 willfully and with knowledge of Mad Dogg's patent rights and have resulted, and  
13 are currently resulting, in substantial unjust profits and unjust enrichment on the  
14 part of Sunny in an amount yet to be determined.

### 15 **FIFTH CAUSE OF ACTION**

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

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

18 34. On November 25, 2008, United States Patent No. 7,455,627 ("the '627  
19 patent"), for an invention entitled "Stationary Exercise Bicycle," was duly and  
20 legally issued. By virtue of proper assignment, Mad Dogg has acquired and duly  
21 owns all right, title, and interest in this patent, including the right to sue and recover  
22 for infringement thereof. A copy of the '627 patent is attached hereto as **Exhibit 5**.

23 35. Upon information and belief, Sunny has notice of Mad Dogg's rights  
24 in the '627 patent.

25 36. Sunny has infringed the '627 patent by manufacturing, using, offering  
26 to sell, selling, and/or importing SF-B1001 bikes embodying one or more of the  
27 inventions claimed therein within the United States. Upon information and belief,  
28 this infringement has included Sunny's use of SF-B1001 bikes at trade shows



1 and/or Sunny's sales of SF-B1001 bikes to online retailers, gyms, health clubs,  
2 consumers and/or end users.

3 37. Sunny has also infringed the '627 patent by supplying infringing SF-  
4 B1001 bikes to others to use, thereby inducing and/or contributing to the  
5 infringement of the '627 patent. Upon information and belief, this infringement has  
6 included Sunny's distribution of infringing SF-B1001 bikes to online retailers,  
7 gyms, health clubs, consumers and/or end users, with the intention that such third  
8 parties use Sunny's SF-B1001 bikes to infringe the '627 patent. Upon information  
9 and belief, this infringement has also occurred by Sunny's sale of components, such  
10 as spare or replacement parts, that Sunny knows are especially made for use with  
11 Sunny's infringing SF-B1001 bikes and that are not staple articles or commodities  
12 of commerce suitable for substantial noninfringing use. Sunny will continue to do  
13 so unless enjoined by this Court.

14 38. By reason of Sunny's acts of infringement, Mad Dogg has suffered  
15 and is suffering damages, including impairment of the value of the '627 patent, in  
16 an amount yet to be determined.

17 39. Sunny's acts of infringement are causing irreparable harm to Mad  
18 Dogg and will continue to cause irreparable harm unless enjoined by this Court.

19 40. Upon information and belief, Sunny's acts have been committed  
20 willfully and with knowledge of Mad Dogg's patent rights and have resulted, and  
21 are currently resulting, in substantial unjust profits and unjust enrichment on the  
22 part of Sunny in an amount yet to be determined.

### 23 **SIXTH CAUSE OF ACTION**

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

25 **(United States Patent No. 8,057,364)**

26 41. On November 15, 2011, United States Patent No. 8,057,364 ("the '364  
27 patent"), for an invention entitled "Stationary Exercise Bicycle," was duly and  
28 legally issued. 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 '364 patent is attached hereto as **Exhibit 6**.

42. Upon information and belief, Sunny has notice of Mad Dogg's rights in the '364 patent.

43. Sunny has infringed the '364 patent by manufacturing, using, offering to sell, selling, and/or importing SF-B1001, SF-B1002, SF-B1003, SF-B1110, SF-B901, SF-B904 and SF-B912 bikes embodying one or more of the inventions claimed therein within the United States. Upon information and belief, this infringement has included Sunny's use of SF-B1001, SF-B1002, SF-B1003, SF-B1110, SF-B901, SF-B904 and SF-B912 bikes at trade shows and/or Sunny's sales of SF-B1001, SF-B1002, SF-B1003, SF-B1110, SF-B901, SF-B904 and SF-B912 bikes to online retailers, gyms, health clubs, consumers and/or end users.

44. Sunny has also infringed the '364 patent by supplying infringing SF-B1001, SF-B1002, SF-B1003, SF-B1110, SF-B901, SF-B904 and SF-B912 bikes to others to use, thereby inducing and/or contributing to the infringement of the '364 patent. Upon information and belief, this infringement has included Sunny's distribution of infringing SF-B1001, SF-B1002, SF-B1003, SF-B1110, SF-B901, SF-B904 and SF-B912 bikes to online retailers, gyms, health clubs, consumers and/or end users, with the intention that such third parties use Sunny's SF-B1001, SF-B1002, SF-B1003, SF-B1110, SF-B901, SF-B904 and SF-B912 bikes to infringe the '364 patent. Upon information and belief, this infringement has also occurred by Sunny's sale of components, such as spare or replacement parts, that Sunny knows are especially made for use with Sunny's infringing SF-B1001, SF-B1002, SF-B1003, SF-B1110, SF-B901, SF-B904 and SF-B912 bikes and that are not staple articles or commodities of commerce suitable for substantial noninfringing use. Sunny will continue to do so unless enjoined by this Court.

4           46. Sunny's acts of infringement are causing irreparable harm to Mad  
5 Dogg and will continue to cause irreparable harm unless enjoined by this Court.

10 **PRAYER FOR RELIEF**

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

1 '958, '185, D602, '178, '627 and/or '364 patents.

2 3. That Sunny be required to prepare and deliver to the Court a complete  
3 list of entities from whom Sunny purchased, and to whom it distributed and/or sold,  
4 stationary bicycles that infringe the '958, '185, D602, '178, '627 and/or '364  
5 patents, and to serve a copy of such list on Mad Dogg's attorneys.

6 4. That Sunny be required to deliver to the Court any and all documents  
7 reflecting or relating to the purchase, sale, and/or distribution of any stationary  
8 bicycles that infringe the '958, '185, D602, '178, '627 and/or '364 patents.

9 5. That Sunny, within thirty (30) days after service of judgment with  
10 notice of entry thereof upon it, be required to file with the Court and serve upon  
11 Mad Dogg's attorneys a written report, under oath, setting forth in detail the manner  
12 in which Sunny has complied with paragraphs 1-4, above.

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

18 7. That the present case be found exceptional and that attorneys' fees be  
19 awarded to Mad Dogg under 35 U.S.C. § 285.

20 8. That Mad Dogg be awarded its reasonable costs and attorneys' fees.

21 9. That Mad Dogg have such other and further relief as the Court may  
22 deem equitable.

23 Dated: April 5, 2012

MACEIKO IP

24  
25 By: /Theodore S. Maceiko/  
26 Theodore S. Maceiko

27 Attorneys for Plaintiff  
28 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: April 5, 2012

MACEIKO IP

By: /Theodore S. Maceiko/  
Theodore S. Maceiko

Attorneys for Plaintiff  
MAD DOGG ATHLETICS, INC.