

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA



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Coulter Ventures, LLC, d/b/a Rogue Fitness

Plaintiff,

v.

Bells of Steel USA Inc., and Bells of Steel Inc.,

Defendants.

Case No. 1:23-cv-1390

**COMPLAINT FOR DAMAGES AND
INJUNCTIVE RELIEF FOR:**

**(1) – (5) PATENT INFRINGEMENT IN
VIOLATION OF 35 U.S.C. § 271**

Jury Trial Demanded

COMPLAINT

Plaintiff, Coulter Ventures, LLC, d/b/a Rogue Fitness (“Rogue”), for its complaint against Bells of Steel USA Inc. and Bells of Steel Inc. (collectively “Defendants”), alleges as follows:

THE PARTIES

1. Rogue is a company organized and existing under the laws of the State of Ohio with a principal place of business at 545 East Fifth Avenue, Columbus, Ohio 43201.

2. Bells of Steel USA Inc. is a company organized and existing under the laws of the State of Nevada with an address at 401 Ryland Street Suite 200-A, Reno, NV, 89502, and an “Indianapolis Showroom” and warehouse located at 5925 W 71st Street Suite B, Indianapolis, Indiana 46278.

3. Bells of Steel Inc. is a company organized and existing under the laws of Alberta, Canada with an address at 7880 66 Street SE Unit 114 Calgary, AB T2C 5V2, Canada.

JURISDICTION AND VENUE

4. This is an action for patent infringement arising under the patent laws of the United States, 35 U.S.C. § 100 et seq. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a).

5. This Court has personal jurisdiction over Bell of Steel USA Inc. because, inter alia, Bells of Steel USA Inc. is purposefully and intentionally availing itself of the privileges of doing business in the State of Indiana, including in this District. Bells of Steel USA Inc. transacts business and makes, uses, sells, and/or offers for sale products that infringe the asserted patents in the State of Indiana and in this District. Among other things, (i) Bells of Steel USA Inc. has a regular and established place of business in this District, (ii) Bells of Steel USA Inc. sells, and offers for sale products that infringe the asserted patents at least through its website <https://www.bellsofsteel.us> and through <https://www.amazon.com>, (iii) Bells of Steel USA Inc.'s tortious acts giving rise to this lawsuit and harm to Rogue have occurred and are occurring in the State of Indiana, including in this District, (iii) on information and belief, Bells of Steel USA Inc. acted with knowledge that their unauthorized use of Rogue's rights would cause harm to Rogue in the State of Indiana and in this District, (iv) Bells of Steel USA Inc.'s customers and/or potential customers reside in the State of Indiana, including in this District, and (v) Bells of Steel USA Inc. has committed acts of patent infringement in the State of Indiana, including in this District. For example, Bells of Steel USA Inc. is promoting, offering to sell and selling the infringing products at its "Indianapolis Showroom" located at 5925 W 71st Street Suite B, Indianapolis, Indiana 46278. Bells of Steel USA Inc. is also promoting, offering to sell and selling the infringing products on its website, <https://www.bellsofsteel.us>, and encouraging customers to pick up their orders at its

“Indianapolis Showroom.” Bells of Steel USA Inc. also operates a “full gym” and warehouse at the same location as its “Indianapolis Showroom.”

6. This Court has personal jurisdiction over Bells of Steel Inc. because, inter alia, Bells of Steel Inc. is purposefully and intentionally availing itself of the privileges of doing business in the State of Indiana, including in this District. Bells of Steel Inc. at least sells, and/or offers for sale products that infringe the asserted patents in the State of Indiana and in this District. Among other things, (i) orders of infringing products made by customers in the United States at <https://www.bellsofsteel.us/> are shipped by Bells of Steel Inc. from Canada to customers in the United States, including, on information and belief, into the State of Indiana and this District, and (ii) on information and belief, Bells of Steel Inc. imports products that infringe the asserted patents into the United States and purposefully maintains a distribution channel with its subsidiary, Bells of Steel USA Inc., to make, use, sell, and/or offer for sale the products that infringe the asserted patents in the State of Indiana and in this District, (iii) on information and belief, Bells of Steel Inc.’s tortious acts giving rise to this lawsuit and harm to Rogue have occurred and are occurring in the State of Indiana, including in this District, (iv) Bells of Steel Inc. acted with knowledge that their unauthorized use of Rogue’s rights would cause harm to Rogue in the State of Indiana and in this District, (v) Bells of Steel USA Inc.’s customers and/or potential customers reside in the State of Indiana, including in this District, and (vi) Bells of Steel Inc. has committed acts of patent infringement in the State of Indiana, including in this District.

7. This Court also has personal jurisdiction over Bells of Steel Inc. because the acts of its agent and/or alter ego, Bells of Steel USA Inc., can be imputed to Bells of Steel Inc. (and vice versa) at least because: (i) the founder, president, board member, and CEO of Bells of Steel Inc., Kaevon Khoozani, is also president, secretary, treasurer, and director of Bells of Steel USA

Inc.; (ii) on information and belief, the operations of Bells of Steel USA Inc. are controlled by Bells of Steel Inc. and/or Bells of Steel Inc. has greater control over Bells of Steel USA Inc. than is normally associated with common ownership and directorship; (iii) both Bells of Steel Inc. and Bells of Steel USA Inc. have the same or similar business purposes directed to selling weight and strength training products; (iv) both Bells of Steel Inc. and Bells of Steel USA Inc. sell the same “Bells of Steel” branded products; (v) Bells of Steel Inc. and Bells of Steel USA Inc. hold themselves out to consumers using the shared “Bells of Steel” name and branding; (vi) Bells of Steel Inc. and Bells of Steel USA Inc. comingle affairs, on information and belief; (vii) Bells of Steel USA Inc. was formed by Bells of Steel Inc. for the purpose of selling products, including infringing products, to consumers in the United States, including in the State of Indiana and in this District; (viii) at least some products ordered from the “Bells of Steel” U.S. website are shipped from Bells of Steel Inc. in Canada, on information and belief; (ix) Bells of Steel Inc. uses Bells of Steel USA Inc. in such a manner that an agency relationship can be perceived; (x) both the U.S. and Canadian versions of the “Bells of Steel” website list the same employees as President, CFO, Sales Manager, HR Manager, Customer Support Manager, and Director of Ecommerce (see <https://www.bellsofsteel.com/team/> and <https://www.bellsofsteel.us/team/>); (xi) both the U.S. and Canadian versions of the Bells of Steel website list the same phone number (see <https://www.bellsofsteel.com/contact-us/> and <https://www.bellsofsteel.us/contact-us/>); and (xii) the Bells of Steel website states that, “In 2019 [Bells of Steel] expanded to the US and picked indy as the spot to setup and serve Americans” (<https://www.bellsofsteel.us/indianapolis-fitness-equipment-store/>).

8. Venue is proper in this District as to Bells of Steel USA Inc. pursuant to at least 28 U.S.C. § 1400(b) at least because Bells of Steel USA Inc. has committed acts of patent

infringement in this District and has a regular and established place of business in this District. Venue is proper in this District as to Bells of Steel Inc. pursuant to at least 28 U.S.C. § 1391(c)(3) because Bells of Steel Inc. is not resident in the United States so it may be sued in any judicial district.

General Allegations – Rogue’s Intellectual Property

9. For well over a decade, Rogue invested substantial time, skill, and resources in creating, cultivating, and maintaining a reputation for the highest quality strength and fitness products and services. To protect these investments and the invaluable goodwill Rogue has built up through years of effort in the marketplace, including in Indiana, Rogue has acquired various intellectual property rights. To that end, for years, Rogue has obtained patents directed to its technologies in connection with the development, manufacture, and sale of high-quality strength and fitness products. Rogue’s rights relevant to this action are described below.

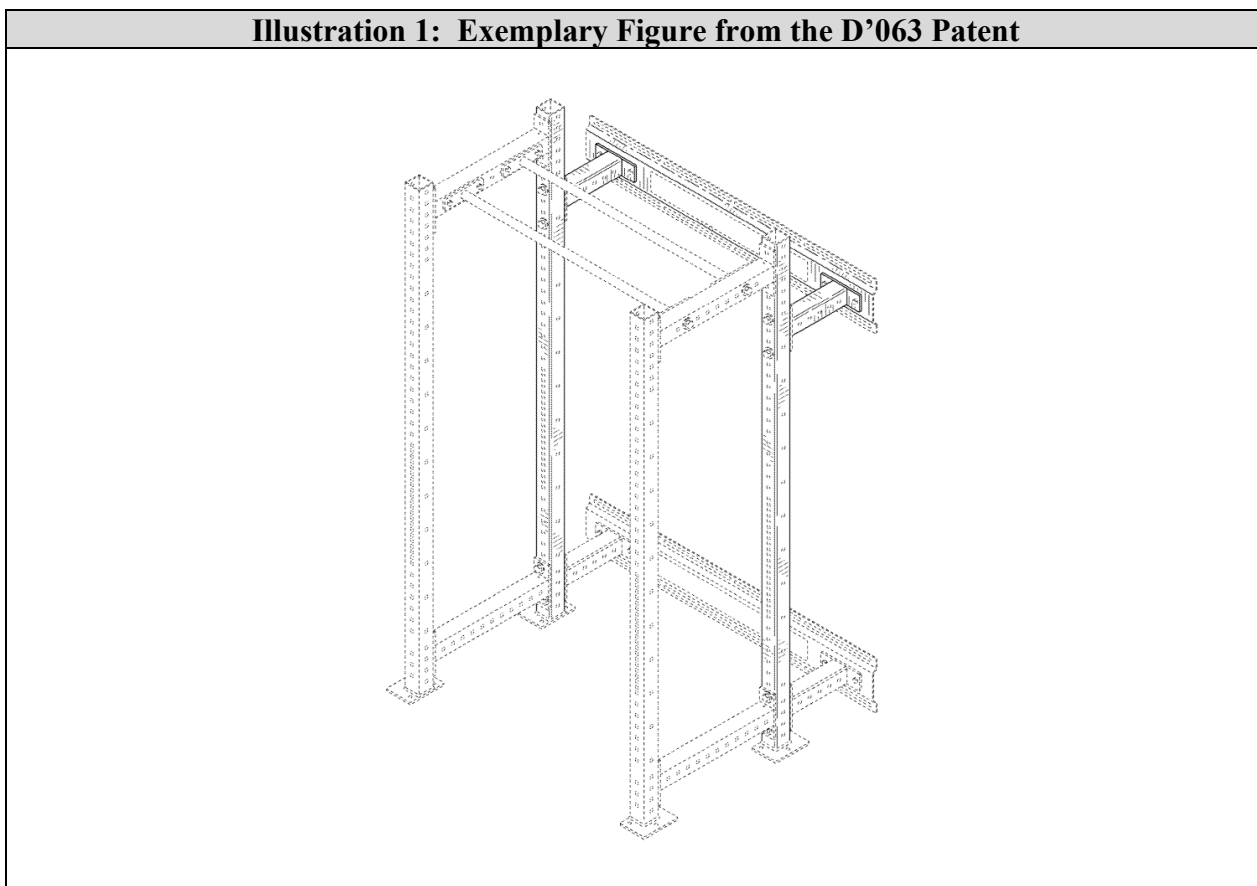
10. Rogue owns patent rights in its fitness equipment, including U.S. Utility Patent No. 11,173,337 (“the ’337 patent”), U.S. Utility Patent No. 10,226,661 (“the ’661 patent”), U.S. Design Patent No. D992,063 (“the D’063 patent”), U.S. Design Patent No. D961,020 (“the D’020 patent”), and U.S. Design Patent Reissue No. 49,513 (“the D’513 patent”).

11. The ’337 patent is entitled “Weightlifting Assembly and Weight Rack Including Weightlifting Assembly.” On November 16, 2021, the ’337 patent was duly and legally issued by the U.S. Patent and Trademark Office to Rogue. Rogue owns the entire right, title, and interest to the ’337 patent. A copy of the ’337 patent is attached as Exhibit A.

12. The ’661 patent is entitled “Weightlifting Rack Assembly and Wall Mount Bracket for a Weightlifting Rack Assembly.” On March 12, 2019, the ’661 patent was duly and legally

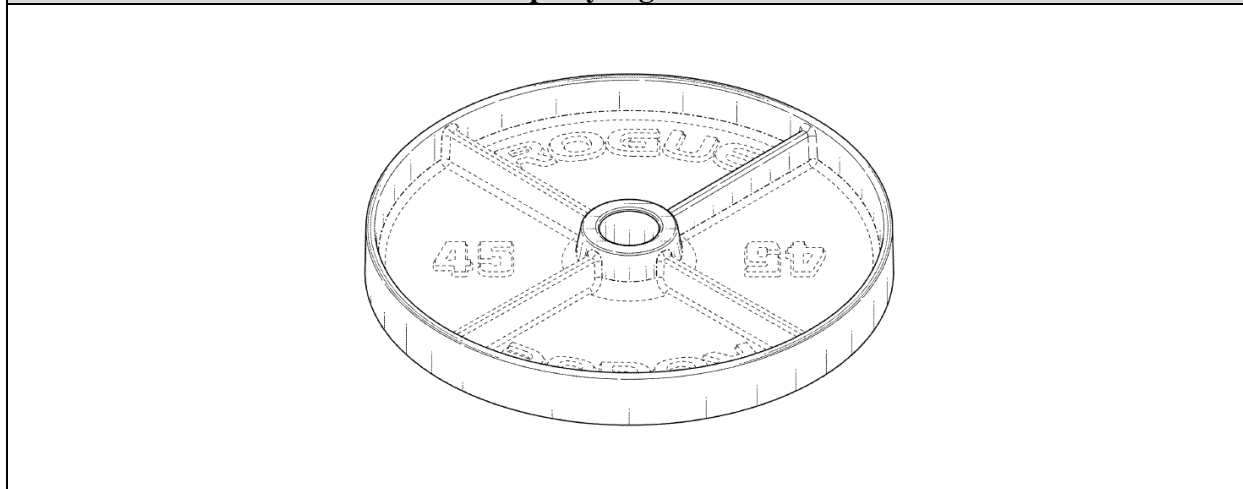
issued by the U.S. Patent and Trademark Office to Rogue. Rogue owns the entire right, title, and interest to the '661 patent. A copy of the '661 patent is attached as Exhibit B.

13. The D'063 patent is entitled "Wall Mounted Exercise Rack." On July 11, 2023, the D'063 patent was duly and legally issued by the U.S. Patent and Trademark Office to Rogue. Rogue owns the entire right, title, and interest to the D'063 patent. A copy of the D'063 patent is attached as Exhibit C. An exemplary figure from the D'063 patent is shown in Illustration 1 below.



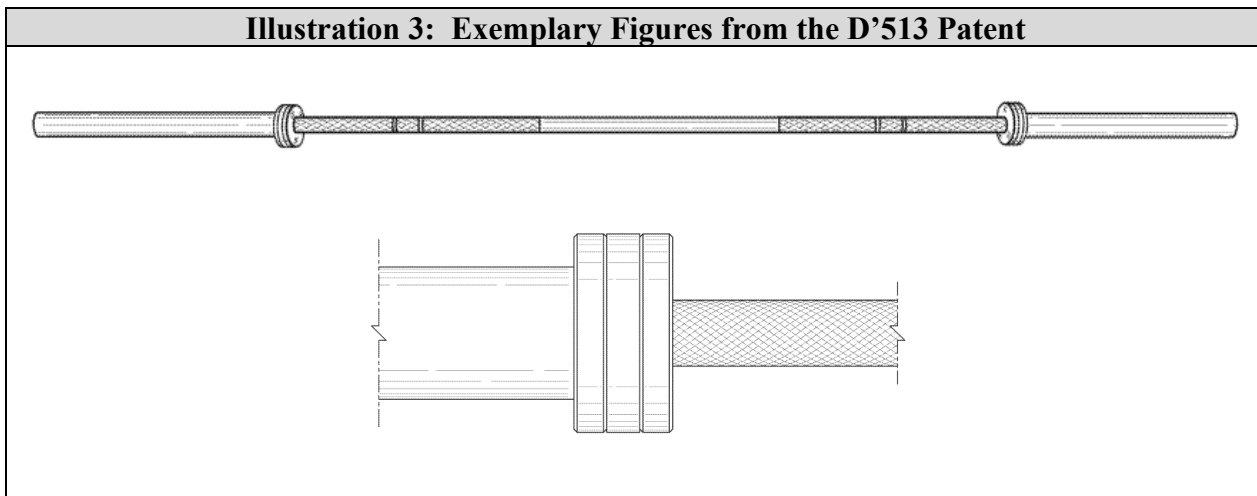
14. The D'020 patent is entitled "Weight Plate." On August 16, 2022, the D'020 patent was duly and legally issued by the U.S. Patent and Trademark Office to Rogue. Rogue owns the entire right, title, and interest to the D'020 patent. A copy of the D'020 patent is attached as Exhibit D. An exemplary figure from the D'020 patent is shown in Illustration 2 below.

Illustration 2: Exemplary Figure from the D’020 Patent



15. The D’513 patent is entitled “Barbell.” On May 2, 2023, the D’513 patent was duly and legally reissued by the U.S. Patent and Trademark Office to Rogue. Rogue owns the entire right, title, and interest to the D’513 patent. A copy of the D’513 patent is attached as Exhibit E. Two exemplary figures from the D’513 patent are shown in Illustration 3 below.

Illustration 3: Exemplary Figures from the D’513 Patent



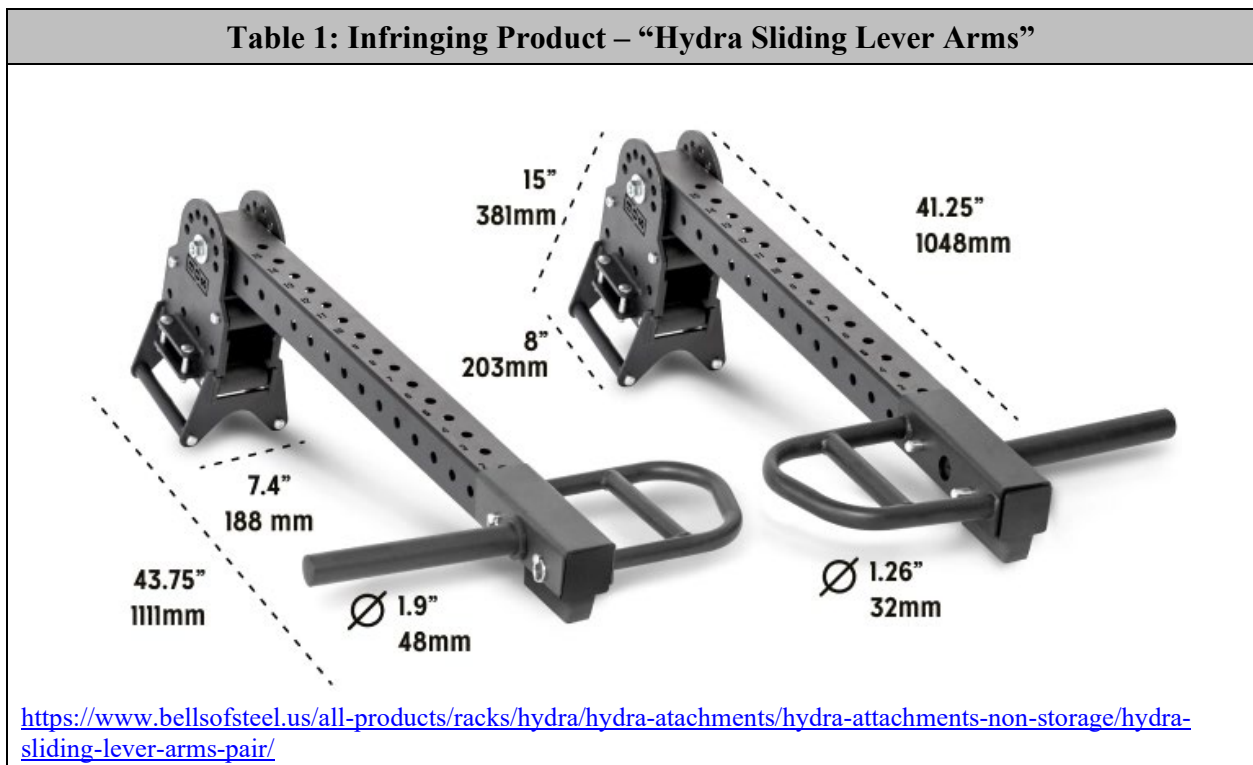
16. The ’337 patent, the ’661 patent, the D’063 patent, the D’020 patent, and the D’513 patent are collectively referred to as “Rogue’s Patents.”

17. Rogue gives the public, including the Defendants, notice that its products are patented, including by virtual marking at <https://www.roguefitness.com/patents>.





General Allegations – Bells of Steel’s Willful and Unlawful Activities

18. Without Rogue’s authorization, the Defendants have purposefully advertised, marketed, promoted, offered for sale, sold, distributed, manufactured, and/or imported, and continues to advertise, market, promote, offer for sale, sell, distribute, manufacture, and/or import, products that violate Rogue’s rights, including Rogue’s Patents. The Defendants’ infringing products include but are not limited to those described herein.

19. At least the Defendants’ “Hydra Sliding Lever Arms” product infringes Rogue’s ’337 Patent. Exemplary images of the infringing “Hydra Sliding Lever Arms” are shown below:



20. At least the Defendants’ “Hydra 3 X 3 Inch Folding Power Rack,” “Hydra 3 X 3 Inch Folding Half Rack,” “Hydra Pre-Built Folding Power Rack,” and “Hydra Pre-Built Folding Half Rack” (collectively “the Infringing Folding Racks”) infringe Rogue’s ’661 Patent. Exemplary images of the Infringing Folding Racks are shown below:

Table 2: The Infringing Folding Racks	
<p>Hydra 3 X 3 Inch Folding Power Rack</p>  <p>https://www.bellsofsteel.us/all-products/racks/hydra/hydra-3-x-3-inch-folding-power-rack/#choose-your-height</p>	<p>Hydra 3 X 3 Inch Folding Half Rack</p>  <p>https://www.bellsofsteel.us/all-products/racks/hydra/hydra-3-x-3-inch-folding-half-rack/#choose-your-height</p>
<p>Hydra Pre-Built Folding Power Rack</p>  <p>https://www.bellsofsteel.us/all-products/racks/hydra/hydra-pre-builds/#choose-your-pre-built-hydra-rack</p>	<p>Hydra Pre-Built Folding Half Rack</p>  <p>https://www.bellsofsteel.us/all-products/racks/hydra/hydra-pre-builds/#choose-your-pre-built-hydra-rack</p>


21. At least the Defendants’ “Hydra 3 X 3 Inch Wall Mounted Power Rack” infringes Rogue’s D’063 patent. An exemplary image of the infringing “Hydra 3 X 3 Inch Wall Mounted Power Rack” is shown below:




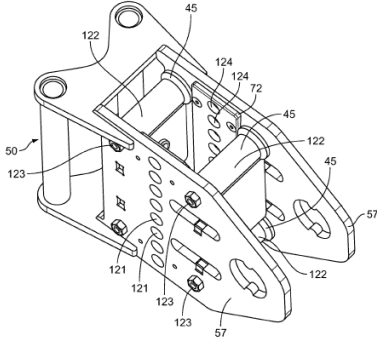
22. At least the Defendants’ 45lb “Deep Dish Plate” infringes Rogue’s D’020 patent. An exemplary image of the infringing “Deep Dish Plate” is shown below:



23. At least the Defendants’ “Women’s Barbell 2.0 – Olympic Weightlifting” infringes Rogue’s D’513 patent. An exemplary image of the infringing “Women’s Barbell 2.0” is shown below:

Table 5: Infringing Product – “Women’s Barbell 2.0 – Olympic Weightlifting”

https://www.bellssofsteel.us/all-products/barbells/bars/bos-womens-barbell/

24. The Defendants’ infringement of Rogue’s Patents was and continues to be deliberate, intentional, and willful. On information and belief, the Defendants looked to Rogue’s products when choosing the design of the Defendants’ infringing products and when preparing the marketing materials and images for the infringing products. The resemblance of the Defendants’ infringing products to Rogue’s products and example embodiments of Rogue’s patent claims is readily apparent, as illustrated below. The Defendants are intentionally freeriding off Rogue’s investments and efforts that led to Rogue’s innovative product designs.

Table 6: Images of the Defendants’ Infringing Products and Rogue’s Patents and Products	
Example Images of Bells of Steel’s Infringing Products	Example Excerpts from Rogue Patents and Example Images of Rogue’s Products
<p style="text-align: center;">“Hydra Sliding Lever Arms”</p> <div style="text-align: center;">  </div> <p style="text-align: center;"> https://www.bellssofsteel.us/all-products/racks/hydra/hydra-attachments/hydra-attachments-non-storage/hydra-sliding-lever-arms-pair/ </p>	<div style="text-align: center;">  </div> <p style="text-align: center;">Excerpt from U.S. Patent No. 11,173,337</p>

<p>Table 6: Images of the Defendants’ Infringing Products and Rogue’s Patents and Products</p>	
<p>Example Images of Bells of Steel’s Infringing Products</p>	<p>Example Excerpts from Rogue Patents and Example Images of Rogue’s Products</p>
<p data-bbox="289 298 753 329">“Hydra 3 X 3 Inch Folding Power Rack”</p>  <p data-bbox="203 911 837 970">https://www.bellssteel.us/all-products/racks/hydra/hydra-3-x-3-inch-folding-power-rack/#choose-your-height</p>	<p data-bbox="889 298 1393 357">“Monster Lite RML-390FULLW Fold Back Wall Mount Power Rack”</p>  <p data-bbox="863 903 1380 961">https://www.roguefitness.com/monster-lite-rml-390-fullw-fold-back-wall-mount-power-rack</p>
<p data-bbox="289 987 753 1018">“Hydra 3 X 3 Inch Folding Power Rack”</p>  <p data-bbox="203 1642 837 1701">https://www.bellssteel.us/all-products/racks/hydra/hydra-3-x-3-inch-folding-power-rack/#choose-your-height</p>	<p data-bbox="863 987 1419 1050">Monster Lite RML-390FULLW Fold Back Wall Mount Power Rack</p>  <p data-bbox="863 1633 1380 1692">https://www.roguefitness.com/monster-lite-rml-390-fullw-fold-back-wall-mount-power-rack</p>


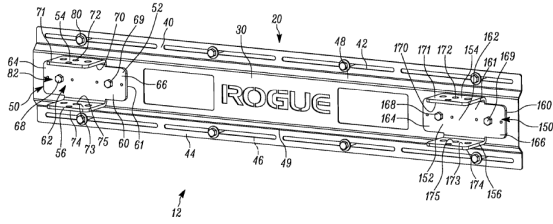

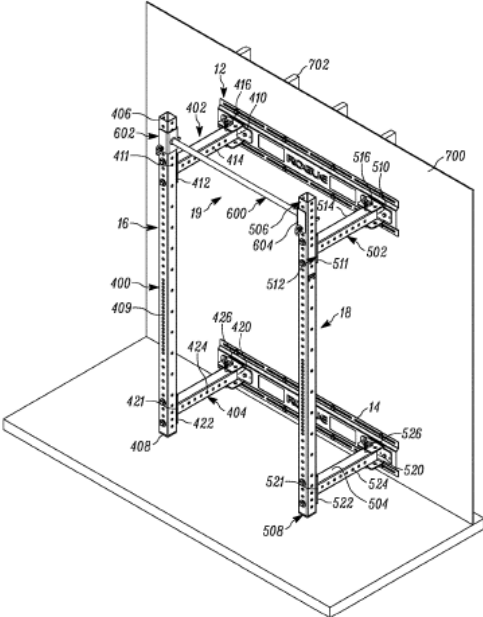
Table 6: Images of the Defendants' Infringing Products and Rogue's Patents and Products	
Example Images of Bells of Steel's Infringing Products	Example Excerpts from Rogue Patents and Example Images of Rogue's Products
<p data-bbox="224 298 821 357">Component of the "Hydra 3 X 3 Inch Folding Power Rack"</p>  <p data-bbox="203 606 837 665">https://www.bellssteel.us/all-products/racks/hydra/hydra-3-x-3-inch-folding-power-rack/#choose-your-height</p>	 <p data-bbox="922 600 1360 632">Excerpt from U.S. Patent No. 10,226,661</p>
<p data-bbox="302 682 743 714">"Hydra 3 X 3 Inch Folding Half Rack"</p>  <p data-bbox="203 1293 837 1352">https://www.bellssteel.us/all-products/racks/hydra/hydra-3-x-3-inch-folding-half-rack/#choose-your-height</p>	 <p data-bbox="922 1310 1360 1341">Excerpt from U.S. Patent No. 10,226,661</p>

Table 6: Images of the Defendants' Infringing Products and Rogue's Patents and Products	
Example Images of Bells of Steel's Infringing Products	Example Excerpts from Rogue Patents and Example Images of Rogue's Products
<p data-bbox="302 296 743 327">"Hydra 3 X 3 Inch Folding Half Rack"</p>  <p data-bbox="203 963 837 1024"> https://www.bellssteel.us/all-products/racks/hydra/hydra-3-x-3-inch-folding-half-rack/#choose-your-height </p>	<p data-bbox="902 296 1382 354">"Monster RM-3W Fold Back Wall Mount Rack"</p>  <p data-bbox="865 947 1370 1005"> https://www.roguefitness.com/monster-rm-3w-fold-back-wall-mount-rack </p>
<p data-bbox="302 1041 743 1073">"Hydra 3 X 3 Inch Folding Half Rack"</p>  <p data-bbox="203 1659 837 1719"> https://www.bellssteel.us/all-products/racks/hydra/hydra-3-x-3-inch-folding-half-rack/#choose-your-height </p>	<p data-bbox="902 1041 1382 1100">"Monster RM-3W Fold Back Wall Mount Rack"</p>  <p data-bbox="865 1659 1370 1719"> https://www.roguefitness.com/monster-rm-3w-fold-back-wall-mount-rack </p>


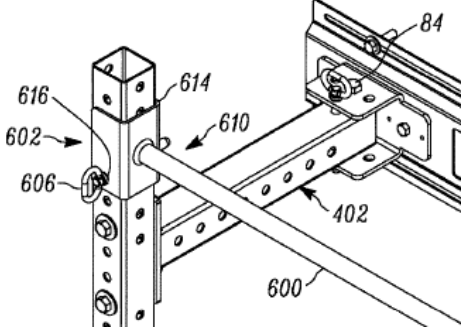

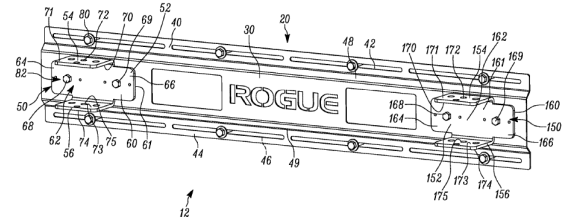


Table 6: Images of the Defendants' Infringing Products and Rogue's Patents and Products	
Example Images of Bells of Steel's Infringing Products	Example Excerpts from Rogue Patents and Example Images of Rogue's Products
<p>Excerpt of "Hydra 3 X 3 Inch Folding Half Rack"</p>  <p>https://www.bellsofsteel.us/all-products/racks/hydra/hydra-3-x-3-inch-folding-half-rack/#choose-your-height</p>	 <p>Excerpt from U.S. Patent No. 10,226,661</p>
<p>Component of "Hydra 3 X 3 Inch Folding Half Rack"</p>  <p>https://www.bellsofsteel.us/all-products/racks/hydra/hydra-3-x-3-inch-folding-half-rack/#choose-your-height</p>	 <p>Excerpt from U.S. Patent No. 10,226,661</p>
<p>"Hydra Pre-Built Folding Power Rack"</p>  <p>https://www.bellsofsteel.us/all-products/racks/hydra/hydra-pre-builds/#choose-your-pre-built-hydra-rack</p>	<p>"Monster Lite RML-390FULLW Fold Back Wall Mount Power Rack"</p>  <p>https://www.roguefitness.com/monster-lite-rml-390-fullw-fold-back-wall-mount-power-rack</p>


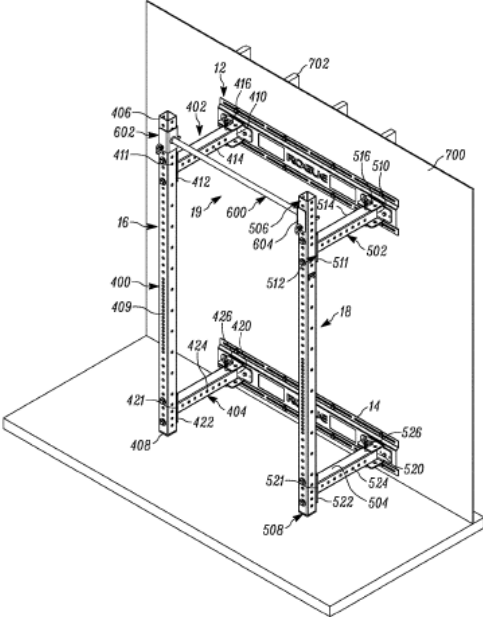


Table 6: Images of the Defendants' Infringing Products and Rogue's Patents and Products	
Example Images of Bells of Steel's Infringing Products	Example Excerpts from Rogue Patents and Example Images of Rogue's Products
<p data-bbox="305 298 737 327">"Hydra Pre-Built Folding Half Rack"</p>  <p data-bbox="201 890 837 949">https://www.bellsofsteel.us/all-products/racks/hydra/hydra-pre-builds/#choose-your-pre-built-hydra-rack</p>	 <p data-bbox="922 924 1370 953">Excerpt from U.S. Patent No. 10,226,661</p>
<p data-bbox="305 974 737 1003">"Hydra Pre-Built Folding Half Rack"</p>  <p data-bbox="201 1604 837 1663">https://www.bellsofsteel.us/all-products/racks/hydra/hydra-pre-builds/#choose-your-pre-built-hydra-rack</p>	<p data-bbox="906 974 1386 1033">"Monster RM-3W Fold Back Wall Mount Rack"</p>  <p data-bbox="867 1596 1370 1654">https://www.roguefitness.com/monster-rm-3w-fold-back-wall-mount-rack</p>


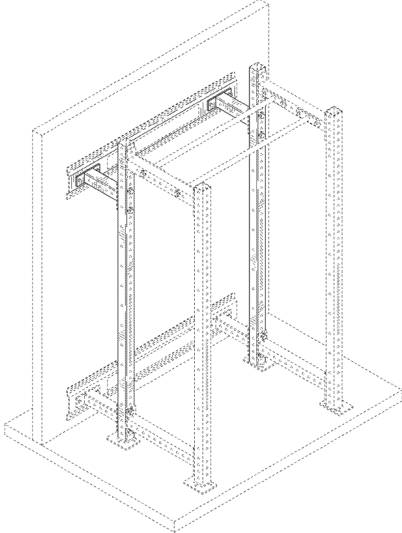

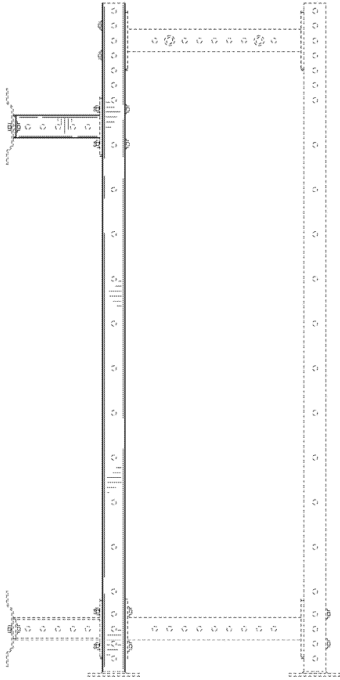
Table 6: Images of the Defendants' Infringing Products and Rogue's Patents and Products	
Example Images of Bells of Steel's Infringing Products	Example Excerpts from Rogue Patents and Example Images of Rogue's Products
<p data-bbox="250 298 794 329"> "Hydra 3 X 3 Inch Wall Mounted Power Rack" </p>  <p data-bbox="204 840 839 898"> https://www.bellsofsteel.us/all-products/racks/hydra/hydra-3-x-3-inch-wall-mounted-power-rack/#choose-your-height </p>	 <p data-bbox="927 879 1354 911"> Excerpt from U.S. Patent No. D992,063 </p>
<p data-bbox="250 926 794 957"> "Hydra 3 X 3 Inch Wall Mounted Power Rack" </p>  <p data-bbox="204 1617 839 1675"> https://www.bellsofsteel.us/all-products/racks/hydra/hydra-3-x-3-inch-wall-mounted-power-rack/#choose-your-height </p>	 <p data-bbox="927 1665 1354 1696"> Excerpt from U.S. Patent No. D992,063 </p>


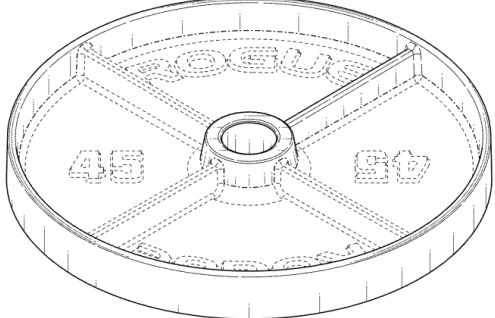

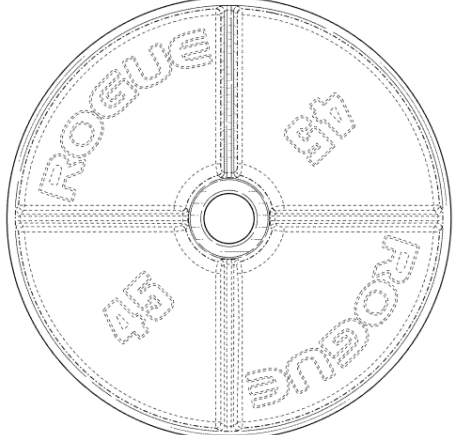

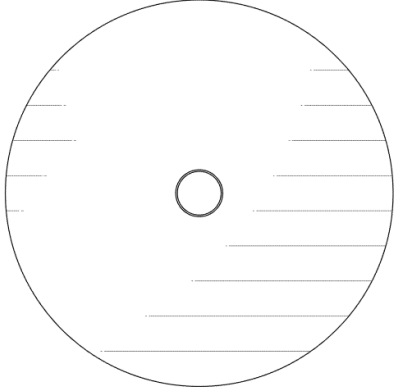



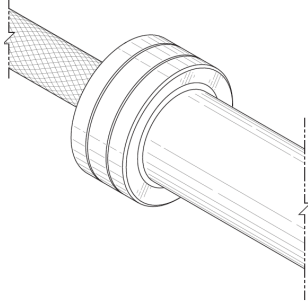

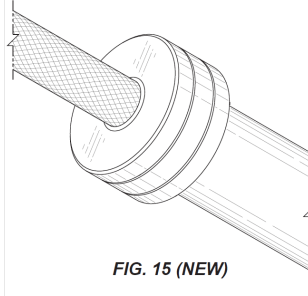
Table 6: Images of the Defendants' Infringing Products and Rogue's Patents and Products	
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<p data-bbox="386 298 657 329" style="text-align: center;">45lb "Deep Dish Plate"</p>  <p data-bbox="203 682 841 739"> https://www.bellssteel.us/all-products/weight-plates/iron-plates/deep-dish-plates/ </p>	 <p data-bbox="885 676 1399 707">Excerpt from U.S. Design Patent No. D961,020</p>
<p data-bbox="386 756 657 787" style="text-align: center;">45lb "Deep Dish Plate"</p>  <p data-bbox="203 1249 841 1306"> https://www.bellssteel.us/all-products/weight-plates/iron-plates/deep-dish-plates/ </p>	 <p data-bbox="885 1249 1399 1281">Excerpt from U.S. Design Patent No. D961,020</p>
<p data-bbox="386 1323 657 1354" style="text-align: center;">45lb "Deep Dish Plate"</p>  <p data-bbox="203 1780 841 1837"> https://www.bellssteel.us/all-products/weight-plates/iron-plates/deep-dish-plates/ </p>	 <p data-bbox="885 1768 1399 1799">Excerpt from U.S. Design Patent No. D961,020</p>

Table 6: Images of the Defendants’ Infringing Products and Rogue’s Patents and Products	
Example Images of Bells of Steel’s Infringing Products	Example Excerpts from Rogue Patents and Example Images of Rogue’s Products
<p style="text-align: center;">“Women’s Barbell 2.0 – Olympic Weightlifting”</p>  <p>https://www.bellssofsteel.us/all-products/barbells/bars/bos-womens-barbell/</p>	 <p style="text-align: center;">Excerpt from U.S. Design Patent Reissue No. 49,513</p>
<p style="text-align: center;">“Women’s Barbell 2.0 – Olympic Weightlifting”</p>  <p>https://www.bellssofsteel.us/all-products/barbells/bars/bos-womens-barbell/</p>	 <p style="text-align: center;">Excerpt from U.S. Design Patent Reissue No. 49,513</p>
<p style="text-align: center;">“Women’s Barbell 2.0 – Olympic Weightlifting”</p>  <p>https://www.bellssofsteel.us/all-products/barbells/bars/bos-womens-barbell/</p>	 <p style="text-align: center;">Excerpt from U.S. Design Patent Reissue No. 49,513</p>

25. The Defendants’ willful infringement of Rogue’s rights is further evidenced by their cavalier business model of not creating new products, but instead making cheap copies of products and designs created by others and only later dealing with patent infringement. For example, when asked in an interview how he made his less-expensive versions of products “without irritating the creators?” the President and Founder of Bells of Steel, Kaevon Khoozani, responded that “it’s certainly something I’ve heard before, I think as far as irritating people and

creators I guess I'm a free market capitalist and I think competition is good for everybody, it's good for the consumer, *so if you're really passionate about your product you'll enforce your IP and get a patent on it.*" See <https://youtu.be/EcWKPIFdWxs?t=48> (emphasis added).

26. In another video, a third-party product reviewer notes that "if you take a look at the [Bells of Steel] Hydra Racks and Rogue's Monster Lite line, *it would be impossible not to notice the similarities.*" The reviewer continues, "now I'm not saying Bells copied Rogue, *no wait, that's exactly what I'm saying.*" See <https://youtu.be/pcYOlvEuq6o?t=134> (emphasis added).

Count I: Infringement of U.S. Patent 11,173,337 Under 35 U.S.C. § 271

27. Rogue realleges and incorporates the allegations set forth in paragraphs 1 through 26 as though fully set forth herein.

28. The Defendants have infringed and continue to infringe the '337 Patent either literally or under the doctrine of equivalents at least by using, selling, offering to sell, making, and/or importing into the United States the Defendants' "Hydra Sliding Lever Arms," which are covered at least by claim 1 of the '337 patent.

29. The Defendants' "Hydra Sliding Lever Arms" satisfy each and every element of at least claim 1 of the '337 Patent, either literally or under the doctrine of equivalents.

30. An exemplary infringement analysis chart showing infringement of at least claim 1 of the '337 Patent is included in Exhibit F. This infringement analysis is necessarily preliminary, as it is provided in advance of any discovery provided by the Defendants with respect to the '337 Patent. Rogue reserves all rights to amend, supplement and modify this preliminary infringement analysis. Nothing in the attached chart should be construed as any express or implied contention or admission regarding the construction of any term or phrase of the claims of the '337 Patent.

31. The Defendants' acts of infringement have been without express or implied license by Rogue, are in violation of Rogue's rights, and will continue unless enjoined by this Court.

32. On information and belief, the Defendants' infringement of the '337 Patent has been, and continues to be, deliberate, intentional, and willful.

33. On information and belief, this is an exceptional case in view of the Defendants' unlawful activities, including the Defendant's deliberate, intentional, and willful infringement.

34. Rogue has been, is being, and will continue to be injured and has suffered, is suffering, and will continue to suffer injury and damages for which it is entitled to relief under at least 35 U.S.C. §§ 281, 284, and 285.

35. The Defendants also have caused, are causing, and will continue to cause irreparable harm to Rogue for which there is no adequate remedy at law and for which Rogue is entitled to injunctive relief under at least 35 U.S.C. § 283.

Count II: Infringement of U.S. Patent 10,226,661 Under 35 U.S.C. § 271

36. Rogue realleges and incorporates the allegations set forth in paragraphs 1 through 35 as though fully set forth herein.

37. The Defendants have infringed and continue to infringe the '661 Patent either literally or under the doctrine of equivalents at least by using, selling, offering to sell, making, and/or importing into the United States the Infringing Folding Racks, which are covered by at least claim 1 of the '661 Patent.

38. The Defendants' Infringing Folding Racks satisfy each and every element of at least claim 1 of the '661 patent, either literally or under the doctrine of equivalents, because they satisfy the limitations, either literally or under the doctrine of equivalents.

39. An exemplary infringement analysis chart showing infringement of at least claim 1 of the '661 Patent by the Defendants' "Hydra 3 X 3 Folding Half Rack" is included in Exhibit G. The remaining Infringing Folding Racks also practice the limitations of at least claim 1 of the '661 Patent. This infringement analysis is necessarily preliminary, as it is provided in advance of any discovery provided by the Defendants with respect to the '661 Patent. Rogue reserves all rights to amend, supplement and modify this preliminary infringement analysis. Nothing in the attached chart should be construed as any express or implied contention or admission regarding the construction of any term or phrase of the claims of the '661 Patent.

40. The Defendants' acts of infringement have been without express or implied license by Rogue, are in violation of Rogue's rights, and will continue unless enjoined by this Court.

41. On information and belief, the Defendants' infringement of the '661 patent has been, and continues to be, deliberate, intentional, and willful.

42. On information and belief, this is an exceptional case in view of the Defendants' unlawful activities, including the Defendants' deliberate, intentional, and willful infringement.

43. Rogue has been, is being, and will continue to be injured and has suffered, is suffering, and will continue to suffer injury and damages for which it is entitled to relief under at least 35 U.S.C. §§ 281, 284, and 285.

44. The Defendants also have caused, are causing, and will continue to cause irreparable harm to Rogue for which there is no adequate remedy at law and for which Rogue is entitled to injunctive relief under at least 35 U.S.C. § 283.

Count III: Infringement of U.S. Design Patent D'063 Under 35 U.S.C. § 271

45. Rogue realleges and incorporates the allegations set forth in paragraphs 1 through 44 as though fully set forth herein.

46. The Defendants have infringed and continue to infringe the D'063 Patent at least by using, selling, offering to sell, making, and/or importing into the United States the "Hydra 3 X 3 Inch Wall Mounted Power Rack", which is covered by the claim of the D'063 Patent.

47. The Defendants' "Hydra 3 X 3 Inch Wall Mounted Power Rack" infringes the D'063 Patent because the overall appearance of the design of the "Hydra 3 X 3 Inch Wall Mounted Power Rack" and the D'063 Patent are substantially the same, and an ordinary observer would perceive the overall appearance of the design of the "Hydra 3 X 3 Inch Wall Mounted Power Rack" and the D'063 Patent to be substantially the same. Exemplary images of the "Hydra 3 X 3 Inch Wall Mounted Power Rack" and the D'063 Patent are shown above in Table 6.

48. The Defendants' acts of infringement have been without express or implied license by Rogue, are in violation of Rogue's rights, and will continue unless enjoined by this Court.

49. On information and belief, the Defendants' infringement of the D'063 patent has been, and continues to be, deliberate, intentional, and willful.

50. On information and belief, this is an exceptional case in view of the Defendants' unlawful activities, including the Defendants' deliberate, intentional, and willful infringement.

51. Rogue has been, is being, and will continue to be injured and has suffered, is suffering, and will continue to suffer injury and damages for which it is entitled to relief under at least 35 U.S.C. §§ 281, 284, 285, and 289.

52. The Defendants also have caused, are causing, and will continue to cause irreparable harm to Rogue for which there is no adequate remedy at law and for which Rogue is entitled to injunctive relief under at least 35 U.S.C. § 283.

Count IV: Infringement of U.S. Design Patent D961,020 Under 35 U.S.C. § 271

53. Rogue realleges and incorporates the allegations set forth in paragraphs 1 through 52 as though fully set forth herein.

54. The Defendants have infringed and continue to infringe the D'020 Patent at least by using, selling, offering to sell, making, and/or importing into the United States the Defendants' 451b "Deep Dish Plates," which are covered by the claim of the D'020 Patent.

55. The Defendants' 451b "Deep Dish Plates" infringe the D'020 Patent because the overall appearance of the design of the Defendants' 451b "Deep Dish Plates" and the D'020 Patent are substantially the same, and an ordinary observer would perceive the overall appearance of the design of the Defendants' 451b "Deep Dish Plates" and the D'020 Patent to be substantially the same. Exemplary images of the Defendants' 451b "Deep Dish Plates" and the D'020 Patent are shown above in Table 6.

56. The Defendants' acts of infringement have been without express or implied license by Rogue, are in violation of Rogue's rights, and will continue unless enjoined by this Court.

57. On information and belief, the Defendants' infringement of the D'020 patent has been, and continues to be, deliberate, intentional, and willful.

58. On information and belief, this is an exceptional case in view of the Defendants' unlawful activities, including the Defendants' deliberate, intentional, and willful infringement.

59. Rogue has been, is being, and will continue to be injured and has suffered, is suffering, and will continue to suffer injury and damages for which it is entitled to relief under at least 35 U.S.C. §§ 281, 284, 285, and 289.

60. The Defendants also have caused, are causing, and will continue to cause irreparable harm to Rogue for which there is no adequate remedy at law and for which Rogue is entitled to injunctive relief under at least 35 U.S.C. § 283.

Count V: Infringement of U.S. Design Patent RE49,513 Under 35 U.S.C. § 271

61. Rogue realleges and incorporates the allegations set forth in paragraphs 1 through 60 as though fully set forth herein.

62. The Defendants have infringed and continue to infringe the D'513 patent at least by using, selling, offering to sell, making, and/or importing into the United States the Defendants' "Women's Barbell 2.0 – Olympic Weightlifting," which is covered by the claim of the D'513 patent.

63. The Defendants' "Women's Barbell 2.0 – Olympic Weightlifting" infringes the D'513 Patent because the overall appearance of the design of the Defendants' Bells of Steel's "Women's Barbell 2.0 – Olympic Weightlifting" and the D'513 Patent are substantially the same, and an ordinary observer would perceive the overall appearance of the design of the Defendants' "Women's Barbell 2.0 – Olympic Weightlifting" and the D'513 Patent to be substantially the same. Exemplary images of the Defendants' Bells of Steel's "Women's Barbell 2.0 – Olympic Weightlifting" and the D'513 Patent are shown above in Table 6.

64. The Defendants' acts of infringement have been without express or implied license by Rogue, are in violation of Rogue's rights, and will continue unless enjoined by this Court.

65. On information and belief, the Defendants' infringement of the D'513 patent has been, and continues to be, deliberate, intentional, and willful.

66. On information and belief, this is an exceptional case in view of the Defendants' unlawful activities, including the Defendants' deliberate, intentional, and willful infringement.

67. Rogue has been, is being, and will continue to be injured and has suffered, is suffering, and will continue to suffer injury and damages for which it is entitled to relief under at least 35 U.S.C. §§ 281, 284, 285, and 289.

68. The Defendants also have caused, are causing, and will continue to cause irreparable harm to Rogue for which there is no adequate remedy at law and for which Rogue is entitled to injunctive relief under at least 35 U.S.C. § 283.

Demand for Jury Trial

Rogue hereby demands a jury trial on all issues so triable.

Relief Sought

WHEREFORE, Plaintiff respectfully prays for:

A. Judgment that the Defendants have (i) infringed the '337 patent in violation of § 271 of Title 35 in the United States Code; (ii) infringed the '661 patent in violation of § 271 of Title 35 in the United States Code; (iii) infringed the D'063 patent in violation of § 271 of Title 35 in the United States Code; (iv) infringed the D'020 patent in violation of § 271 of Title 35 in the United States Code; and (v) infringed the D'513 patent in violation of § 271 of Title 35 in the United States Code;

B. An injunction against further infringement of Rogue's patents by the Defendants and each of the Defendants' agents, employees, servants, attorneys, successors and assigns, and all others in privity or acting in concert with any of them, pursuant to at least 35 U.S.C. § 283;

C. An Order directing the Defendants to recall all infringing products sold and/or distributed and to provide a full refund for all recalled infringing products;

D. An award of damages adequate to compensate Rogue for the Defendants' patent infringement and trebled for willful infringement pursuant at least to 35 U.S.C. § 284, and an award

for the Defendants' profits from its patent infringements pursuant at least to 35 U.S.C. § 289, together with prejudgment interest and costs and reasonable attorney fees, pursuant at least to 35 U.S.C. §§ 284 and 285; and

E. Such other and further relief as this Court deems just and proper.

Dated: August 8, 2023

Respectfully submitted,

By: _____

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