

**UNITED STATES INTERNATIONAL TRADE COMMISSION  
WASHINGTON D.C.**

**In the Matter of**

**CERTAIN KINESIOTHERAPY DEVICES  
AND COMPONENTS THEREOF**

**Investigation No. 337-TA-823**

**AMENDED COMPLAINT OF STANDARD INNOVATION (US) CORP. AND  
STANDARD INNOVATION CORPORATION UNDER SECTION 337 OF THE TARIFF  
ACT OF 1930, AS AMENDED**

**COMPLAINANTS**

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## **I. INTRODUCTION**

1. Complainant Standard Innovation (US) Corp. and Complainant Standard Innovation Corporation (jointly “Standard Innovation” or “Complainants”) request that the United States International Trade Commission (“the Commission”) commence an investigation pursuant to Section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337 (“Section 337”), based upon the sale for importation, the unlawful importation into the United States, and/or the sale within the United States after importation of certain kinesiotherapy devices, and components thereof, to be worn by a woman (hereafter the “Accused Products”), that infringe two patents owned by Complainants and, upon a determination that there has been a violation of Section 337, grant such relief to Complainants as is specified in Section 337.

2. The respondents are LELO Inc., Leloi AB, and Lelo Shanghai Trading, Ltd. (hereinafter collectively referred to as “Lelo”); Natural Contours Europe; Momentum Management, LLC a.k.a. Bushman Products; Evolved Novelties, Inc.; Nalpac Enterprises, Ltd.; E.T.C., Inc.; Williams Trading Co., Inc.; Honey’s Place, Inc.; Lover’s Lane & Co.; PHE, Inc.; Castle Megastore Group, Inc.; Shamrock 51 Management Company, Inc. d/b/a Fairvilla.com; Peekay Inc.; Marsoner, Inc. d/b/a Fascinations; Love Boutique-Vista, LLC d/b/a Déjà vu; and Toys in Babeland LLC (hereinafter collectively referred to as “Respondents”).

3. The Respondents have sold for importation, imported, and/or sold within the United States after importation certain kinesiotherapy devices, and components thereof, to be worn by a woman that infringe (literally and/or under the doctrine of equivalents), induce infringement, and/or contribute to the infringement of claims 1-7, 9-21, 23, 24, 26, 33-40, 42-54, 56, 57, 59, 66-73, 75-87, 89, 90, and 92 of United States Patent No. 7,931,605 (“the ’605 patent”) and the claim of United States Design Patent No. D605,779 (“the ’779 patent”) (jointly “the Asserted Patents”).

4. Complainants seek as permanent relief a general exclusion order prohibiting the entry of all infringing kinesiotherapy devices and components thereof into the United States. Complainants seek as further relief permanent cease and desist orders preventing Respondents from all commercial activities concerning the infringing imported goods. In the alternative, Complainants seek a limited exclusion order directed to each named Respondent (and its subsidiaries and affiliates) excluding from entry into the United States all of that Respondents' infringing kinesiotherapy devices and components thereof to be worn by a woman. Complainants also request permanent cease and desist orders prohibiting Respondents from importing, admitting or withdrawing from a foreign trade zone, marketing, advertising, demonstrating, warehousing inventory for distribution, distributing, offering for sale, selling, licensing, repairing, maintaining, updating, or using all infringing kinesiotherapy devices and components thereof.

## **II. COMPLAINANTS STANDARD INNOVATION CORPORATION AND STANDARD INNOVATION (US) CORP.**

5. Complainant Standard Innovation Corporation is a corporation organized under the laws of Canada and has its headquarters at 330-1130 Morrison Dr., Ottawa, Ontario K2H 9N6, CANADA. The company has been engineering, marketing, and developing products since its founding in 2004 by sole inventor Bruce Murison, and his wife, Melody Murison.

6. Standard Innovation operates Complainant Standard Innovation (US) Corp., as a U.S. subsidiary, which was founded by sole inventor Bruce Murison in 2009.

7. Standard Innovation's We-Vibe<sup>®</sup> is the market leader in the couple device industry with more than a million units sold to date. The We-Vibe<sup>®</sup> embodies Bruce Murison's patented technology found in the '605 patent and is covered by the '779 patent. Standard Innovation's sales of over 400,000 units of the We-Vibe<sup>®</sup> in the U.S. as well as its advanced

technology; intellectual property procurement; logistic activity; product research and development; educational seminars and activities; manufacturing and distribution agreement negotiation; warranty work; expenditures; and employment of customer service, training, marketing, product research and development staff in the U.S. make it an important component of the domestic economy.

### **III. THE TECHNOLOGIES AND PRODUCTS AT ISSUE**

8. The devices at issue include, *inter alia*, vibrators worn by a woman during intercourse that include an arm dimensioned for placement inside a vagina and an arm dimensioned for placement against a clitoral area. The arms taper down toward a connecting portion that connects the two arms, and at least one of the arms has a tear-drop shape. Such devices are useful in a number of contexts, including improving relationships, increasing pleasure for a partner, sexual-disorder treatment, promoting monogamy and marital stability thereby reducing transmission of sexually-transmitted diseases, and increasing satisfaction of sex life of an individual and thereby contributing to an overall wellness/productivity gain for the individual.

9. On information and belief, the infringing kinesiotherapy devices and components thereof are sold for importation, imported, and/or sold after importation into the United States by the Respondents and/or their agents.

10. Although Standard Innovation's patented technologies are used in a wide variety of applications, the Respondents' products believed to infringe include at least vibrators, sexual health and wellness items, and novelty items. Because discovery may reveal the use of these patented technologies in other Respondents' products, Standard Innovation expressly reserves the right to supplement this complaint to identify additional infringing products including those

that might be learned of during discovery. Standard Innovation also reserves the right to seek to add additional respondents whose identity is discovered during the course of this litigation.

#### **IV. THE ASSERTED PATENTS**

11. The patents at issue are United States Patent No. 7,931,605 entitled “ELECTRO-MECHANICAL SEXUAL STIMULATION DEVICE TO BE WORN DURING INTERCOURSE” (a certified copy of the ’605 patent is attached as Exhibit 1); and United States Design Patent No. D605,779 entitled “VIBRATOR” (a certified copy of the ’779 patent is attached as Exhibit 2) (jointly the “Asserted Patents”). Certified copies of the prosecution histories are included in Appendices A and B, respectively. The technical references identified in the prosecution history of the ’605 patent are included in Appendix C. The references identified in the prosecution history of the ’779 patent are included in Appendix D.

##### **A. United States Patent No. 7,931,605**

###### **1. Identification of the Patent**

12. The ’605 patent was issued to Standard Innovation Corporation on April 26, 2011, based on United States Patent Application No. 11/795,066, which was a national stage application of PTC/CA3005/001916 filed on December 19, 2005. Standard Innovation Corporation owns all right, title and interest in the ’605 patent as recorded at Reel 025594, Frame 0431 at the U.S. Patent and Trademark Office. A certified copy of the Recordation of Assignment is included in Appendix E.

13. Standard Innovation asserts claims 1-7, 9-21, 23, 24, 26, 33-40, 42-54, 56, 57, 59, 66-73, 75-87, 89, 90, and 92 of the ’605 patent.

## 2. Nontechnical Description of the '605 Patent

14. The '605 patent is directed to a sexual stimulation device used by a couple. The patent is directed to a sexual stimulation device worn by a woman during intercourse that includes an arm dimensioned for placement inside a vagina and an arm dimensioned for placement against a clitoral area. The arms taper down toward a connecting portion that connects the two arms, and at least one of the arms has a tear-drop shape. The patent is also directed to the construction of the asserted devices, which include vibrators.

## 3. Foreign Counterparts to the '605 Patent

15. The following is a list of foreign counterparts to the '605 patent, as well as each counterpart's current status to the best of Standard Innovation's knowledge, information, and belief:

<b>Country</b>	<b>Application No.</b>	<b>Registration No.</b>	<b>Status</b>
Australia	2005316168	AU2005316168B2	Granted
Australia	2011202093 (Divisional)		Pending
Brazil	PI0517213-6		Pending
Canada	2,591,401	2,591,401	Granted
Canada	2,684,004 (Divisional)	2,684,004	Granted
China	200580043587.3	ZL200580043587.3	Granted
China	201110086645.8 (Divisional)		Pending
Europe	05820999.0		Pending
Hong Kong	08104413.3		Pending
Hong Kong (Divisional)	11109478.9		Pending

<b>Country</b>	<b>Application No.</b>	<b>Registration No.</b>	<b>Status</b>
India	4668/DELNP/2007		Pending
Japan	2007-545799		Abandoned
Republic of Korea	10-2007-7015916		Pending
Mexico	MX/a/2007/007172	280729	Granted

To the best of Standard Innovation's knowledge, information and belief, no other foreign counterpart patents or patent applications corresponding to the '605 patent have been issued, filed, rejected, withdrawn, or abandoned.

#### **4. Licenses**

16. Standard Innovation executed regional distribution agreements (having an implied license) with three companies in the United States, Entrenue, Holiday Products, and SLS Specialty, to distribute Standard Innovation's products covered by '605 patent. To the best of Standard Innovation's knowledge, information and belief, there are no additional licenses to or covenants-not-to-assert involving the '605 patent.

#### **B. United States Design Patent No. D605,779**

##### **1. Identification of the Patent**

17. The '779 patent was issued to Standard Innovation Corporation on December 8, 2009, based on United States Patent Application No. 29/322,953, which was filed on August 14, 2008, and claims foreign application priority to Canadian application 124585, which was filed on February 18, 2008. Standard Innovation Corporation owns all right, title, and interest in the '779 patent as recorded at Reel 021692, Frame 0170 at the U.S. Patent and Trademark Office. A certified copy of the Recordation of Assignment is included in Appendix F.

18. Standard Innovation asserts the claim of the '779 patent.

**2. Nontechnical Description of the '779 Patent**

19. The '779 patent is a design patent directed to the ornamental design for a vibrator, as shown in the figures.

**3. Foreign Counterparts to the '779 Patent**

20. The following is a list of foreign counterparts to the '779 patent, as well as each counterpart's current status to the best of Standard Innovation's knowledge, information, and belief:

<b>Country</b>	<b>Application No.</b>	<b>Registration No.</b>	<b>Status</b>
Australia	13985/2008	322949	Granted
Brazil	DI6803183-1	DI6803183-1	Granted
Canada	124585	124585	Granted
China	200830137747.7	ZL20083013774.7	Granted
Europe	000986583-0001	000986583-0001	Granted
Japan	2008-021002	D1356771	Granted

To the best of Standard Innovation's knowledge, information and belief, no other foreign counterpart patents or patent applications corresponding to the '779 patent have been issued, filed, withdrawn, rejected, or abandoned.

**4. Licenses**

21. Standard Innovation executed regional distribution agreements (having an implied license) with three companies in the United States, Entrenue, Holiday Products, and SLS Specialty, to distribute Standard Innovation's products covered by '779 patent. To the best of

Standard Innovation's knowledge, information and belief, there are no licenses to or covenants-not-to-assert involving the '779 patent.

**V. RESPONDENTS AND PROOF OF IMPORTATION**

**A. Manufacturer Respondents**

**1. Respondent Lelo**

22. On information and belief, Respondent Lelo includes LELO Inc. ("LELO USA"), a California corporation, having its principal place of business at 4320 Stevens Creek Blvd., Suite 205, San Jose, California 95129; Leloi AB ("LELO Sweden"), a corporation organized under the laws of Sweden, having its principal place of business at Brunnsgatan 8, 111 38 Stockholm, SWEDEN; and Lelo Shanghai Trading, Ltd. ("LELO China") a corporation organized under the laws of the People's Republic of China that maintains its principal place of business at Room 701~706, Guobang Garden, No.10, 396 South Wulumuqi Road, Shanghai, CHINA 20003.

23. A true and correct copy of the Dun and Bradstreet report for Lelo is attached as Exhibit 3.

24. On information and belief, Lelo operates the website, "www.lelo.com."

25. On information and belief, Lelo manufactures, designs, sells for importation, imports, and/or sells after importation the infringing kinesiotherapy devices, and components thereof, to be worn by a woman including vibrators, sexual health and wellness items, and novelty items (*See Exhibits 4-5*).

26. Lelo is not licensed to utilize Standard Innovation's patented technology to design, manufacture, sell for importation, import and/or sell after importation infringing products



that use Standard Innovation's patented technologies. Lelo is not paying a royalty to Standard Innovation.

**a. Lelo Accused Products**

27. Lelo Accused Products include kinesiotherapy devices, and components thereof, to be worn by a woman, including vibrators, sexual health and wellness items, and novelty items.

28. Examples of Lelo Accused Products include the following: Lelo's Insignia Tiani (*See Exhibit 4*) and Lelo's PicoBong Mahana (*See Exhibit 5*).

**b. Proof of Importation**

29. In October 2011, a representative for Standard Innovation purchased imported Lelo Accused Products from several retailers in the United States. Exhibit 6 contains sales receipts and affidavits of purchase from private investigators showing the Lelo Insignia Tiani and Lelo PicoBong Mahanas were purchased in the United States. As shown on the receipts and accompanying affidavits, units of Lelo's Insignia Tiani and Lelo's PicoBong Mahana were purchased in Texas, Michigan, Georgia, New York, and Illinois. *See Exhibit 6*. The packaging of the purchased units of Lelo's Insignia Tiani and Lelo's PicoBong Mahana shown in Exhibits 4 and 5 identifies China as the country of origin.

**2. Respondent Natural Contours Europe**

30. On information and belief, Respondent Natural Contours Europe is a corporation organized under the laws of the Netherlands, and maintains its principal place of business in Amsterdam with the address Tweede Weteringdwarsstraat 40 Amsterdam 1017 SX, The Netherlands. Further, on information and belief, Natural Contours Europe imports its products directly to PHE, Inc., a Respondent that is identified and described below.

31. On information and belief, Natural Contours Europe operates the website, “www.natural-contours.com.”

32. On information and belief, Natural Contours Europe designs, manufactures, sells for importation, imports, and/or sells after importation infringing kinesiotherapy devices, and components thereof, to be worn by a woman including vibrators, sexual health and wellness items, and novelty items. *See* Exhibit 7.

33. Natural Contours Europe is not licensed to utilize Standard Innovation’s patented technology to design, manufacture, sell for importation, import and/or sell after importation infringing products that use Standard Innovation’s patented technologies. Natural Contours Europe is not paying a royalty to Standard Innovation.

**a. Natural Contours Europe Accused Products**

34. Natural Contours Europe Accused Products include kinesiotherapy devices, and components thereof, to be worn by a woman, including vibrators, sexual health and wellness items, and novelty items.

35. Examples of Natural Contours Europe Accused Products include Natural Contours le Duet.

**b. Proof of Importation**

36. In October 2011, a representative for Standard Innovation purchased imported Natural Contours Europe Accused Products from several retailers in the United States. Exhibit 8 contains sales receipts and affidavits of purchase from private investigators showing the Natural Contours le Duet product was purchased in the United States. As shown on the receipts and accompanying affidavits, units of Natural Contours le Duet were purchased in Texas and online from Drugstore.com, which is based in Washington State. *See* Exhibit 8. The packaging of the

purchased units of Natural Contours le Duet shown in Exhibit 7 identifies China as the country of origin.

**3. Respondent Momentum Management, LLC a.k.a. Bushman Products**

37. On information and belief, Respondent Momentum Management, LLC a.k.a. Bushman Products (“Bushman Products”) is a limited liability corporation organized under the laws of California, and maintains its principal place of business at 1206 W Jon Street, Torrance, California, 90502-1208.

38. A true and correct copy of the Dun and Bradstreet report for Momentum Management, LLC is attached as Exhibit 9.

39. On information and belief, Bushman Products operates the website, “www.thescreamingo.com.”

40. On information and belief, Bushman Products, manufactures, sells for importation, imports, and/or sells after importation infringing kinesiotherapy devices, and components thereof, to be worn by a woman including vibrators, sexual health and wellness items, and novelty items. *See* Exhibit 10.

41. Bushman Products is not licensed to utilize Standard Innovation’s patented technology to design, manufacture, sell for importation, import and/or sell after importation infringing products that use Standard Innovation’s patented technologies. Bushman Products is not paying a royalty to Standard Innovation.

**a. Bushman Products’ Accused Products**

42. Bushman Products’ Accused Products include kinesiotherapy devices, and components thereof, to be worn by a woman, including vibrators, sexual health and wellness items, and novelty items.

43. Examples of Bushman Products' Accused Products include The Screaming O Ogee.

**b. Proof of Importation**

44. In October 2011, a representative for Standard Innovation purchased imported Bushman Products' Accused Products from several retailers in the United States. Exhibit 11 contains sales receipts and affidavits of purchase from private investigators showing the Bushman Products' The Screaming O Ogee product was purchased in the United States. As shown on the receipts and accompanying affidavits, units of Bushman Products' The Screaming O Ogee were purchased in Texas, online from Drugstore.com based in Washington State, Georgia, New York, and Illinois. See Exhibit 11. The packaging of the purchased units of Bushman Products' The Screaming O Ogee shown in Exhibit 10 identifies China as the country of origin.

**4. Respondent Evolved Novelty, Inc.**

45. On information and belief, Respondent Evolved Novelty, Inc. is a corporation organized under the laws of California, and maintains its principal place of business at 9035 Independence Ave, Canoga Park, CA, 91304.

46. A true and correct copy of the Dun and Bradstreet report for Evolved Novelty, Inc. is attached as Exhibit 12.

47. On information and belief, Evolved Novelty, Inc. operates the website, "www.myevoled.com."

48. On information and belief, Evolved Novelty, Inc., designs, manufactures, sells for importation, imports, and/or sells after importation infringing kinesiotherapy devices, and

components thereof, worn by a woman including vibrators, sexual health and wellness items, and novelty items. *See* Exhibit 13.

49. Evolved Novelties, Inc. is not licensed to utilize Standard Innovation's patented technology to design, manufacture, sell for importation, import and/or sell after importation infringing products that use Standard Innovation's patented technologies. Evolved Novelties, Inc. is not paying a royalty to Standard Innovation.

**a. Evolved Novelties, Inc. Accused Products**

50. Evolved Novelties, Inc. Accused Products include kinesiotherapy devices, and components thereof, to be worn by a woman, including vibrators, sexual health and wellness items, and novelty items.

51. Examples of Evolved Novelties, Inc. Accused Products include the Evolved Novelties' Bendable You Too.

**b. Proof of Importation**

52. In October 2011, a representative for Standard Innovation purchased imported Evolved Novelties, Inc. Accused Products from several retailers in the United States. Exhibit 14 contains sales receipts and affidavits of purchase from a private investigator showing the Evolved Novelties' Bendable You Too product was purchased in the United States. Specifically, as shown on the receipts and accompanying affidavits, three units of Evolved Novelties' Bendable You Too were purchased in Texas. *See* Exhibit 14. The packaging of the purchased units of Evolved Novelties' Bendable You Too shown in Exhibit 13 identifies China as the country of origin.

## **B. Distributor Respondents**

### **1. Respondent Nalpac Enterprises, Ltd. d/b/a Nalpac, Ltd.**

53. On information and belief, Respondent Nalpac Enterprises, Ltd. d/b/a Nalpac, Ltd. is a corporation organized under the laws of Michigan, and maintains its principal place of business at 111 E. 8 Mile Rd, Ferndale, MI 48220.

54. A true and correct copy of the Dun and Bradstreet report for Nalpac Enterprises, Ltd. is attached as Exhibit 15.

55. On information and belief, Nalpac Enterprises, Ltd. does business under the name “Nalpac.com”.

56. On information and belief, Nalpac Enterprises, Ltd. imports and/or sells after importation infringing kinesiotherapy devices, and components thereof, to be worn by a woman including vibrators, sexual health and wellness items, and novelty items. *See* Exhibits 4, 5, 10 and 13.

57. Nalpac Enterprises, Ltd. is not licensed to utilize Standard Innovation’s patented technology to sell for importation, import and/or sell after importation infringing products that use Standard Innovation’s patented technologies. Nalpac Enterprises, Ltd. is not paying a royalty to Standard Innovation.

#### **a. Nalpac Enterprises, Ltd. Accused Products**

58. Nalpac Enterprises, Ltd. Accused Products include kinesiotherapy devices, and components thereof, to be worn by a woman, including vibrators, sexual health and wellness items, and novelty items. On information and belief, Nalpac sells Accused Products made by Lelo, Evolved Novelties, Inc., and Bushman Products.

59. Examples of Nalpac Enterprises, Ltd. Accused Products include the following: Lelo's Insignia Tiani, Lelo's PicoBong Mahana, Evolved Novelties' Bendable You Too, and Bushman Products' The Screaming O Ogee.

**b. Proof of Importation**

60. On information and belief Nalpac Enterprises, Ltd. sells one or more of the Accused Products in the U.S. after importation. *See* Exhibit 16. On information and belief, Nalpac Enterprises, Ltd. sells and/or offers for sale one or more of the Accused Products for distribution in the U.S. after importation as evidenced by an affidavit from a private investigator indicating that a representative of Nalpac Enterprises, Ltd. on November 23, 2011 confirmed that Nalpac Enterprises, Inc. had on hand, in Michigan, a quantity of Accused Products such as Lelo's Insignia Tiani, Lelo's PicoBong Mahana, Evolved Novelties' Bendable You Too, and Bushman Products' The Screaming O Ogee. The affidavit from the private investigator further indicates that the representative of Nalpac Enterprises, Ltd. on November 23, 2011 confirmed that Nalpac Enterprises, Ltd. does business with these Respondents and that Accused Products could be purchased from respondent retailers such as Lover's Lane & Co., Paris Intimates, LLC, and Lion's Den Adult. In addition, Nalpac Enterprises, Ltd. offers for sale one or more of the Accused Products for distribution in the U.S. after importation as evidenced by screenshots of its website taken in October 2011 offering the Accused Products for sale in the U.S. *See* Exhibit 16. Further, the units of the Accused Products shown in Exhibits 4, 5, 10 and 13 identify China as the country of origin.

## **2. Respondent E.T.C., Inc. d/b/a Eldorado Trading Company, Inc.**

61. On information and belief, Respondent E.T.C., Inc. is a corporation organized under the laws of Colorado, does business as Eldorado Trading Company, Inc., and maintains its principal place of business at 2325 West Midway Blvd., Broomfield, CO 80020.

62. A true and correct copy of the Dun and Bradstreet report for E.T.C., Inc. is attached as Exhibit 17.

63. On information and belief, E.T.C., Inc. operates the website, “www.eldorado.net”.

64. On information and belief, E.T.C., Inc. imports and/or sells after importation infringing kinesiotherapy devices, and components thereof, to be worn by a woman including vibrators, sexual health and wellness items, and novelty items. *See Exhibits 4, 5, 7, 10, and 13.*

65. E.T.C., Inc. is not licensed to utilize Standard Innovation’s patented technology to sell for importation, import and/or sell after importation infringing products that use Standard Innovation’s patented technologies. E.T.C., Inc. is not paying a royalty to Standard Innovation.

### **a. E.T.C. Inc.’s Accused Products**

66. E.T.C. Inc.’s Accused Products include kinesiotherapy devices, and components thereof, to be worn by a woman, including vibrators, sexual health and wellness items, and novelty items. On information and belief, E.T.C., Inc. sells Accused Products made by Lelo, Natural Contours Europe, Evolved Novelties, Inc., and . Bushman Products.

67. Examples of E.T.C. Inc.’s Accused Products include the following: Lelo’s Insignia Tiani, Lelo’s PicoBong Mahana, Natural Contours le Duet, Evolved Novelties’ Bendable You Too, and Bushman Products’ The Screaming O Ogee.



**b. Proof of Importation**

68. On information and belief E.T.C., Inc. sells one or more of the Accused Products in the U.S. after importation. *See* Exhibit 18. On information and belief, E.T.C., Inc. sells and/or offers for sale one or more of the Accused Products for distribution in the U.S. after importation as evidenced by an affidavit from a private investigator indicating that a representative of E.T.C., Inc. on November 23, 2011 that confirmed that E.T.C., Inc. had on-hand, in Colorado, a quantity of Accused Products such as Lelo’s Insignia Tiani, Lelo’s PicoBong Mahana, and Evolved Novelties’ Bendable You Too. The affidavit from the private investigator further indicates the representative of E.T.C., Inc. on November 23, 2011 confirming that E.T.C., Inc. does business with these respondents and that these Accused Products could be purchased from named respondent retailers such as Lover’s Lane & Co., Lion’s Den Adult, and Fascinations. In addition, E.T.C., Inc. offers for sale one or more of the Accused Products for distribution in the U.S. after importation as evidenced by screenshots of its website taken in October 2011 offering the Accused Products for sale in the U.S. *See* Exhibit 18. Further, the units of the Accused Products shown in Exhibits 4, 5, 7, 10, and 13 identify China as the country of origin.

**3. Respondent Williams Trading Co., Inc.**

69. On information and belief, Respondent Williams Trading Co., Inc. (“WTC”) is a corporation organized under the laws of New Jersey, and maintains its principal place of business at 9250 Commerce Highway, Pennsauken, NJ 08110.

70. A true and correct copy of the Dun and Bradstreet report for WTC is attached as Exhibit 19.

71. On information and belief, WTC operates the website, “www.williamstradingco.com”.

72. On information and belief, WTC imports and/or sells after importation infringing kinesiotherapy devices, and components thereof, to be worn by a woman including vibrators, sexual health and wellness items, and novelty items. *See* Exhibit 4.

73. WTC is not licensed to utilize Standard Innovation's patented technology to sell for importation, import and/or sell after importation infringing products that use Standard Innovation's patented technologies. WTC is not paying a royalty to Standard Innovation.

**a. WTC Accused Products**

74. WTC Accused Products include kinesiotherapy devices, and components thereof, to be worn by a woman, including vibrators, sexual health and wellness items, and novelty items. On information and belief, WTC sells Accused Products made by Lelo.

75. Examples of WTC Accused Products include Lelo's Insignia Tiani.

**b. Proof of Importation**

76. On information and belief WTC sells one or more of the Accused Products in the U.S. after importation. *See* Exhibit 20. On information and belief, WTC sells and/or offers for sale one or more of the Accused Products for distribution in the U.S. after importation as evidenced by an affidavit from a private investigator indicating that a representative of WTC on November 23, 2011 confirmed that WTC had on hand, in New Jersey, a quantity of the Accused Products such as Lelo's Insignia Tiani. The affidavit from the private investigator further indicates that the representative of WTC on November 23, 2011 confirmed that WTC does business with and these Accused Products could be purchased from named respondent retailers such as Lover's Lane & Co., Lion's Den Adult, and Adam & Eve. In addition, WTC offers for sale one or more of the Accused Products for distribution in the U.S. after importation as evidenced by screenshots of its website taken in October 2011 offering the Accused Product for

sale in the U.S. *See* Exhibit 20. Further, the units of the Accused Products shown in Exhibit 4 bear a country of origin marking of China.

#### **4. Respondent Honey's Place, Inc.**

77. On information and belief, Respondent Honey's Place, Inc. is a corporation organized under the laws of California, and maintains its principal place of business at 640 Glenoaks Blvd., San Fernando, CA 91340-1419.

78. A true and correct copy of the Dun and Bradstreet report for Honey's Place, Inc. is attached as Exhibit 21.

79. On information and belief, Honey's Place, Inc. operates the website, "www.honeysplace.com".

80. On information and belief, Honey's Place, Inc. imports and/or sells after importation infringing kinesiotherapy devices, and components thereof, to be worn by a woman including vibrators, sexual health and wellness items, and novelty items. *See* Exhibits 4, 5, 10, and 13.

81. Honey's Place, Inc. is not licensed to utilize Standard Innovation's patented technology to sell for importation, import and/or sell after importation infringing products that use Standard Innovation's patented technologies. Honey's Place, Inc. is not paying a royalty to Standard Innovation.

##### **a. Honey's Place, Inc. Accused Products**

82. Honey's Place Inc.'s Accused Products include kinesiotherapy devices, and components thereof, to be worn by a woman, including vibrators, sexual health and wellness items, and novelty items. On information and belief, Honey's Place Inc.'s sells Accused Products made by Lelo, Evolved Novelties, Inc., and Momentum Management, LLC a.k.a. Bushman Products.

83. Examples of Honey's Place Inc.'s Accused Products include the following: Lelo's Insignia Tiani, Evolved Novelties' Bendable You Too, and Bushman Products' The Screaming O Ogee.

**b. Proof of Importation**

84. On information and belief, Honey's Place, Inc. sells one or more of the Accused Products in the U.S. after importation. *See* Exhibit 22. On information and belief, Honey's Place, Inc. sells and/or offers for sale one or more of the Accused Products for distribution in the U.S. after importation as evidenced by a first affidavit from a private investigator indicating that a representative Honey's Place, Inc. on November 23, 2011 confirmed that Honey's Place, Inc. had on-hand, in California, a quantity of the Accused Products such as the Lelo's Insignia Tiani, Bushman Products' The Screaming O Ogee, and Evolved Novelties' Bendable You Too. As evidenced by a sales receipt and second (purchase) affidavit dated November 22, 2011, the private investigator also purchased Lelo's Insignia Tiani from Honey's Place, Inc. on October 14, 2011, and the item was shipped to Missouri City, Texas and is now secured in the custody of the private investigator. In addition, Honey's Place, Inc. offers for sale one or more of the Accused Products for distribution in the U.S. after importation as evidenced by screenshots of its website taken in October 2011 offering the Accused Products for sale in the U.S. *See* Exhibit 22. Further, the units of the Accused Products shown in Exhibits 4, 5, 10, and 13 identifies China as the country of origin.

## **C. Retailer Respondents**

### **1. Respondent Lover's Lane & Co.**

85. On information and belief, Respondent Lover's Lane & Co. is a corporation organized under the laws of Michigan, and maintains its principal place of business at 46750 Port Street, Plymouth, MI 48170-6031.

86. A true and correct copy of the Dun and Bradstreet report for Lover's Lane & Co. is attached as Exhibit 23.

87. On information and belief, Lover's Lane & Co. operates the website, "www.loverslane.com" and retail stores.

88. On information and belief, Respondent Lover's Lane & Co. imports, and/or sells after importation infringing kinesiotherapy devices, and components thereof, to be worn by a woman including vibrators, sexual health and wellness items, and novelty items. *See* Exhibits 4 and 10.

89. Lover's Lane & Co. is not licensed to utilize Standard Innovation's patented technology to sell for importation, import and/or sell after importation infringing products that use Standard Innovation's patented technologies. Lover's Lane & Co. is not paying a royalty to Standard Innovation.

#### **a. Lover's Lane Accused Products**

90. On information and belief, Lover's Lane sells Accused Products made by Lelo and Bushman Products. Examples of Lover's Lane Accused Products include the following: Lelo's Insignia Tiani and Bushman Products' The Screaming O Ogee.

**b. Proof of Importation**

91. On information and belief, Lover's Lane sells one or more of the Accused Products in the United States after importation as evidenced by screenshots of its website taken in October 2011 offering the Accused Products for sale in the U.S. and a sales receipt and accompanying purchase affidavit from a private investigator for an Accused Product purchased at its retail store in Illinois. *See* Exhibits 24 and 25. The units offered for sale on the website and sold at the retail store shown in Exhibits 4 and 10 identify China as the country of origin.

**2. Respondent PHE, Inc. d/b/a Adam & Eve**

92. On information and belief, Respondent PHE, Inc. d/b/a Adam & Eve is a corporation organized under the laws of New Jersey, and maintains its principal place of business at 302 Meadowland Dr., Hillsborough, NC 27278.

93. A true and correct copy of the Dun and Bradstreet report for PHE, Inc. is attached as Exhibit 26.

94. On information and belief, PHE, Inc. operates the website, "www.adameve.com".

95. On information and belief, Respondent PHE, Inc. imports, and/or sells after importation infringing kinesiotherapy devices, and components thereof, to be worn by a woman including vibrators, sexual health and wellness items, and novelty items. *See* Exhibits 4, 5, 7, 10, and 13.

96. PHE, Inc. is not licensed to utilize Standard Innovation's patented technology to design, manufacture, sell for importation, import, and/or sell after importation infringing products that use Standard Innovation's patented technologies. PHE, Inc. is not paying a royalty to Standard Innovation.

**a. PHE, Inc. Accused Products**

97. On information and belief, PHE, Inc. sells Accused Products made by Lelo, Natural Contours Europe, Evolved Novelties, Inc., and Momentum Management, LLC a.k.a. Bushman Products. Examples of PHE, Inc.'s Accused Products include the following: Lelo's Insignia Tiani, Lelo's PicoBong Mahana, Natural Contour's le Duet, Evolved Novelties' Bendable You Too, and Bushman Products' The Screaming O Ogee.

**b. Proof of Importation**

98. On information and belief, PHE Inc. d/b/a Adam & Eve sells one or more of the Accused Products in the United States after importation as evidenced by screenshots of its website taken in October 2011 offering the Accused Product for sale in the U.S. and a sales receipt and accompanying purchase affidavit from a private investigator showing the purchase of an Accused Product in Texas. *See* Exhibits 27 and 28. The units offered for sale on the website and sold at the retail store shown in Exhibits 4, 5, 7, 10, and 13 identify China as the country of origin.

**3. Respondent Castle Megastore Group, Inc.**

99. On information and belief, Respondent Castle Megastore Group, Inc. is a corporation organized under the laws of Arizona, and maintains its principal place of business at 1045 S. Edward Drive, Tempe, AZ 85281.

100. A true and correct copy of the Dun and Bradstreet report for Castle Megastore Group, Inc. is attached as Exhibit 29.

101. On information and belief, Castle Megastore Group, Inc. operates the website, "www.castlemegastore.com."

102. On information and belief, Respondent Castle Megastore Group, Inc. imports, and/or sells after importation infringing kinesiotherapy devices, and components thereof, to be worn by a woman including vibrators, sexual health and wellness items, and novelty items. *See* Exhibit 4.

103. Castle Megastore Group, Inc. is not licensed to utilize Standard Innovation's patented technology to sell for importation, import and/or sell after importation infringing products that use Standard Innovation's patented technologies. Castle Megastore Group, Inc. is not paying a royalty to Standard Innovation.

**a. Castle Megastore Accused Products**

104. On information and belief, Castle Megastore Group, Inc. sells Accused Products made by Lelo. Examples of Castle Megastore Group, Inc.'s Accused Product include Lelo's Insignia Tiani.

**b. Proof of Importation**

105. On information and belief, Castle Megastore Group, Inc. sells one or more of the Accused Products in the United States after importation as evidenced by an online purchase verification and accompanying purchase affidavit from a private investigator indicating an online purchase from <http://store.castlemegastore.com> of an Accused Product (*i.e.*, Lelo's Insignia Tiani) that is being shipped from Castle Megastore located in Arizona. Importation is further evidenced by screenshots of its website taken in October 2011 offering the Accused Product for sale in the U.S. *See* Exhibit 30. The units offered for sale on the website shown in Exhibit 4 and purchased identify China as the country of origin.



**4. Respondent Shamrock 51 Management Company, Inc. d/b/a  
Fairvilla.com**

106. On information and belief, Respondent Shamrock 51 Management Company, Inc. is a corporation organized under the laws of Florida, does business as Fairvilla.com, and maintains its principal place of business in 105 Candace Drive, Unit 109, Maitland, FL 32751.

107. A true and correct copy of the Dun and Bradstreet report for Shamrock 51 Management Company, Inc. is attached as Exhibit 31.

108. On information and belief, Shamrock 51 Management Company, Inc. operates the website, “www.fairvilla.com.”

109. On information and belief, Respondent Shamrock 51 Management Company, Inc. imports, and/or sells after importation infringing kinesiotherapy devices, and components thereof, to be worn by a woman including vibrators, sexual health and wellness items, and novelty items. *See* Exhibits 4, 5, 7, 10, and 13.

110. Shamrock 51 Management Company, Inc. is not licensed to utilize Standard Innovation’s patented technology to sell for importation, import and/or sell after importation infringing products that use Standard Innovation’s patented technologies. Shamrock 51 Management Company, Inc. is not paying a royalty to Standard Innovation.

**a. Shamrock 51 Management Company, Inc. Accused Products**

111. On information and belief, Shamrock 51 Management Company, Inc.’s Accused Products made by Lelo, Natural Contours Europe, Evolved Novelties, Inc., and Momentum Management, LLC. Examples of Shamrock 51 Management Company, Inc.’s Accused Products include the following: Lelo’s Insignia Tiani, Lelo’s PicoBong Mahana, Natural Contour’s le Duet, Evolved Novelties’ Bendable You Too, and Bushman Products’ The Screaming O Ogee.

**b. Proof of Importation**

112. On information and belief, Shamrock 51 Management Company, Inc. d/b/a Fairvilla.com sells one or more of the Accused Products in the United States after importation as evidenced by an online purchase verification and accompanying purchase affidavit from a private investigator indicating an online purchase from <http://shop.fairvilla.com> of an Accused device (*i.e.*, Lelo's Insignia Tiani) that is being shipped from Bloomfield, CO. Importation is further evidenced by screenshots of its website taken in October 2011 offering the Accused Products for sale in the U.S. *See* Exhibit 32. The units offered for sale on the website shown in Exhibits 4, 5, 7, 10, and 13 and purchased identify China as the country of origin.

**5. Respondent Peekay, Inc.**

113. On information and belief, Respondent Peekay, Inc. is a corporation organized under the laws of Washington and maintains its principal place of business at 901 W. Main Street, Suite A, Auburn, Washington 98001.

114. A true and correct copy of the Dun and Bradstreet report for Peekay, Inc. is attached as Exhibit 39.

115. On information and belief, Peekay, Inc. operates the website, "www.peekay.com".

116. On information and belief, Respondent Peekay, Inc. imports, and/or sells after importation infringing kinesiotherapy devices, and components thereof, to be worn by a woman including vibrators, sexual health and wellness items, and novelty items (*See* Exhibit 10).

117. Peekay, Inc. is not licensed to utilize Standard Innovation's patented technology to sell for importation, import, and/or sell after importation infringing products that use Standard Innovation's patented technologies. Peekay, Inc. is not paying a royalty to Standard Innovation.

**a. Peekay Accused Products**

118. On information and belief, Peekay, Inc. sells Accused Products made by Bushman Products. Examples of Peekay, Inc.'s Accused Products include Bushman Products' The Screaming O Ogee.

**b. Proof of Importation**

119. On information and belief, Peekay, Inc. sells one or more of the Accused Products in the United States after importation as evidenced by an affidavit from a private investigator indicating a representative of Condom Revolution retail store of Peekay, Inc. confirming quantity on hand of Accused Products such as Lelo's Insignia Tiani and Lelo's Picobong Mahana in California and screenshots of Peekay, Inc.'s website taken in October 2011 offering the Accused Products for sale in the U.S. *See* Exhibit 40. The units offered for sale on the website shown in Exhibit 10 and on hand at the retail store identify China as the country of origin.

**6. Respondent Marsoner, Inc. d/b/a Fascinations**

120. On information and belief, Respondent Marsoner, Inc. is a corporation organized under the laws of Arizona, does business as Fascinations, and maintains its principal place of business at 315 S. Bracken Lane, Chandler, AZ 85224-4701. A true and correct copy of the Dun and Bradstreet report for Marsoner, Inc. is attached as Exhibit 43.

121. On information and belief, Marsoner, Inc. d/b/a Fascinations operates the website, "www.funlove.com."

122. On information and belief, Respondent Marsoner, Inc. d/b/a Fascinations imports and/or sells after importation infringing kinesiotherapy devices, and components thereof, to be worn by a woman including vibrators, sexual health and wellness items, and novelty items. *See* Exhibit 10.

123. Marsoner, Inc. d/b/a Fascinations is not licensed to utilize Standard Innovation's patented technology to import and/or sell after importation infringing products that use Standard Innovation's patented technologies. Marsoner, Inc. d/b/a Fascinations is not paying a royalty to Standard Innovation.

**a. Marsoner, Inc. d/b/a Fascinations' Accused Products**

124. On information and belief, Marsoner, Inc. d/b/a Fascinations sells Accused Products made by Momentum Management, LLC a.k.a. Bushman Products. Examples of Fascinations Accused Products include Bushman Products' The Screaming O Ogee.

**b. Proof of Importation**

125. On information and belief, Marsoner, Inc. d/b/a Fascinations sells one or more of the Accused Products in the United States after importation as evidenced by an online purchase verification and accompanying purchase affidavit from a private investigator indicating an online purchase from <http://secure.funlove.com/Fascinations> of an Accused Product (*i.e.*, Bushman Products' The Screaming O Ogee) that is being shipped from Arizona. Importation is further evidenced by screenshots of its website taken in October 2011 offering the Accused Product for sale in the U.S. *See* Exhibit 44. The units offered for sale on the website shown in Exhibit 10 and purchased identify China as the country of origin.

**7. Respondent Love Boutique-Vista, LLC d/b/a Déjà vu**

126. On information and belief, Respondent Love Boutique-Vista, LLC is a limited liability company organized under the laws of California, does business as Déjà vu, and maintains its principal place of business at 2130 Industrial Court, Vista, CA 92081.

127. A true and correct copy of the Dun and Bradstreet report for Love Boutique-Vista, LLC is attached as Exhibit 45.

128. On information and belief, Love Boutique-Vista, LLC operates the website, “www.loveboutiqueonline.com”.

129. On information and belief, Respondent Love Boutique-Vista, LLC imports and/or sells after importation infringing kinesiotherapy devices, and components thereof, to be worn by a woman including vibrators, sexual health and wellness items, and novelty items *See* Exhibit 10.

130. Love Boutique-Vista, LLC is not licensed to utilize Standard Innovation’s patented technology to import and/or sell after importation infringing products that use Standard Innovation’s patented technologies. Love Boutique-Vista, LLC is not paying a royalty to Standard Innovation.

**a. Déjà vu Accused Products**

131. On information and belief, Love Boutique-Vista, LLC sells Accused Products made by Bushman Products. Examples of Love Boutique-Vista, LLC’s Accused Products include Bushman Products’ The Screaming O Ogee.

**b. Proof of Importation**

132. On information and belief, Love Boutique-Vista, LLC sells one or more of the Accused Products in the United States after importation as evidenced by an online purchase verification and accompanying purchase affidavit from a private investigator indicating an online purchase from <http://dejavuonline.com> of an Accused Product (*i.e.*, Bushman Products’ The Screaming O Ogee) that is being shipped from California. Importation is further evidenced by screenshots of its website taken in October 2011 offering the Accused Product for sale in the U.S. *See* Exhibit 46. The units offered for sale on the website shown in Exhibit 10 and purchased identify China as the country of origin.

## **8. Respondent Toys in Babeland LLC**

133. On information and belief, Respondent Toys in Babeland LLC is a limited liability company organized under the laws of the State of Washington, and maintains its principal place of business at 707 East Pike Street, Seattle, WA 98122.

134. A true and correct copy of the Dun and Bradstreet report for Toys in Babeland LLC is attached as Exhibit 47.

135. On information and belief, Toys in Babeland LLC operates the website, “www.babeland.com.”

136. On information and belief, Respondent Toys in Babeland LLC imports and/or sells after importation infringing kinesiotherapy devices, and components thereof, to be worn by a woman including vibrators, sexual health and wellness items, and novelty items. *See* Exhibits 4 and 5.

137. Toys in Babeland LLC is not licensed to utilize Standard Innovation’s patented technology to import and/or sell after importation infringing products that use Standard Innovation’s patented technologies. Toys in Babeland LLC is not paying a royalty to Standard Innovation.

### **a. Babeland Accused Products**

138. On information and belief, Toys in Babeland LLC sells Accused Products made by Lelo. Examples of Toys in Babeland LLC’s Accused Products include the following: Lelo’s Insignia Tiani and Lelo’s PicoBong Mahana.

### **b. Proof of Importation**

139. On information and belief, Toys in Babeland LLC sells one or more of the Accused Products in the United States after importation as evidenced by an online purchase verification

and accompanying purchase affidavit from a private investigator indicating an online purchase from <http://store.babeland.com> of two Accused Products (*i.e.*, Lelo's Insignia Tiani and Lelo's Picobong Mahana) that is being shipped from Seattle, Washington. Importation is further evidenced by screenshots of its website taken in October 2011 offering the Accused Products for sale in the U.S. *See* Exhibit 48. The units offered for sale on the website shown in Exhibits 4 and 5 and purchased identify China as the country of origin.

## **VI. UNLAWFUL AND UNFAIR ACTS OF RESPONDENTS**

140. As detailed herein, on information and belief, all Respondents import, sell for importation, and/or sell after importation into the United States certain kinesiotherapy devices, and components thereof, to be worn by a woman that infringe one or more of the Asserted Patents.

### **A. Infringement of United States Patent No. 7,931,605**

141. On information and belief, Respondents Lelo, Bushman Products, Nalpac Enterprises, Ltd., E.T.C., Inc., Williams Trading Co., Inc., Honey's Place, Inc., Lover's Lane & Co., PHE, Inc., Castle Megastore Group, Inc., Shamrock 51 Management Company, Inc. d/b/a Fairvilla.com, Peekay Inc., Marsoner, Inc. d/b/a Fascinations, Love Boutique-Vista, LLC d/b/a Déjà vu, and Toys in Babeland LLC sell for importation, import, and/or sell after importation into the United States certain kinesiotherapy devices, and components thereof, to be worn by a woman that infringe one or more claims of the '605 patent. The identification of a specific model or type of certain kinesiotherapy devices, and components thereof, to be worn by a woman is not intended to limit the scope of the Investigation, and any remedy should extend to all infringing kinesiotherapy devices, and components thereof, to be worn by a woman.

## LELO

142. On information and belief, Lelo Accused Products that infringe the '605 patent, literally and/or by doctrine of equivalents, include, but are not limited to the Lelo's Insignia Tiani and Lelo's PicoBong Mahana.

143. On information and belief, Respondents Lelo, Nalpac Enterprises, Ltd., E.T.C., Inc., Williams Trading Co., Inc., and Honey's Place, Inc. are distributors of Lelo's Insignia Tiani and PicoBong Mahana.

144. On information and belief, Respondents Lover's Lane & Co., PHE, Inc.; Castle Megastore Group, Inc., Shamrock 51 Management Company, Inc. d/b/a Fairvilla.com; and Toys in Babeland LLC are retailers of Lelo's Insignia Tiani and PicoBong Mahana.

145. A claim chart showing infringement of claims 1-7, 9-21, 23,24, 33-40, 42-54, 56, 57, 66-73, and/or 75-87, 89, and 90 of the '605 patent by Lelo's Insignia Tiani is attached as Exhibit 49.

146. A claim chart showing infringement of claims 1-7, 12-19, 24, 33, 35-40, 45-49, 52-54, 57, 66-73, 78-82, 85-87, and/or 90 of the '605 patent by Lelo's PicoBong Mahana is attached as Exhibit 50.

147. Lelo actively and knowingly sells for importation, imports, and/or sells after importation in the United States certain kinesiotherapy devices, and components thereof, to be worn by a woman that infringe at least claim 1 of the '605 patent.

148. Respondents have been selling Accused Products knowing that there are no legitimate non-infringing uses of the Accused Products. The Accused Products are not staple articles of commerce and do not have a substantial non-infringing use.



149. Lelo is aware, or has been made aware by this Complaint, of the '605 patent and its applicability to the infringing products.

Natural Contours Europe

150. On information and belief, Natural Contours Accused Products that infringe the '605 patent literally and/or by doctrine of equivalents include, but are not limited to the Natural Contours le Duet.

151. On information and belief, Respondent E.T.C., Inc. and/or PHE, Inc. is a distributor of Natural Contours le Duet.

152. On information and belief, Respondents PHE, Inc. d/b/a Adam & Eve, and Shamrock 51 Management Company, Inc. d/b/a Fairvilla.com are retailers of Natural Contours le Duet.

153. A claim chart showing infringement of claims 1-7, 9-19, 23, 24, 33-40, 42-49, 52-54, 56, 57, 66-73, 75-82, 85-87, 89, and/or 90 of the '605 patent by Natural Contour's le Duet is attached as Exhibit 51.

154. Natural Contours Europe actively and knowingly sells for importation, imports, and/or sells after importation in the United States certain kinesiotherapy devices, and components thereof, to be worn by a woman that infringe at least claim 1 of the '605 patent.

155. Respondents have been selling Accused Products knowing that there are no legitimate non-infringing uses of the Accused Products. The Accused Products are not staple articles of commerce and do not have a substantial non-infringing use.

156. Natural Contours Europe is aware, or has been made aware by this Complaint, of the '605 patent and its applicability to the infringing products.

Momentum Management, LLC a.k.a. Bushman Products

157. On information and belief, Bushman Accused Products that infringe the '605 patent, literally and/or by doctrine of equivalents, include, but are not limited to Bushman Products' The Screaming O Ogee.

158. On information and belief, Respondents Bushman Products, Nalpac Enterprises, Ltd., E.T.C., Inc., and Honey's Place, Inc. are distributors of The Screaming O Ogee.

159. On information and belief, Respondents Lover's Lane & Co., PHE, Inc. d/b/a Adam & Eve, Shamrock 51 Management Company, Inc. d/b/a Fairvilla.com, Peekay Inc., Marsoner, Inc. d/b/a Fascinations, and Love Boutique-Vista, LLC d/b/a Déjà vu are retailers of The Screaming O Ogee.

160. A claim chart showing infringement of claims 1, 3-7, 9, 11-19, 23, 24, 26, 33, 34, 36-40, 42, 44-49, 52-54, 56-57, 59, 66, 67, 69-73, 75, 77-82, 85-87, 89, 90, and/or 92 of the '605 patent by Bushman Products' The Screaming O is attached as Exhibit 52.

161. Bushman Products actively and knowingly sells for importation, imports, and/or sells after importation in the United States certain kinesiotherapy devices, and components thereof, to be worn by a woman that infringe at least claim 1 of the '605 patent.

162. Respondents have been selling Accused Products knowing that there are no legitimate non-infringing uses of the Accused Products. The Accused Products are not staple articles of commerce and do not have a substantial non-infringing use.

163. Bushman Products is aware, or has been made aware by this Complaint, of the '605 patent and its applicability to the infringing products.

Evolved Novelties, Inc.

164. On information and belief, Evolved Accused Products that infringe the '605 patent, literally and/or by doctrine of equivalents, include, but are not limited to the Evolved Novelties' Bendable You Too.

165. On information and belief, Respondents Nalpac Enterprises, Ltd., E.T.C., Inc., and Honey's Place, Inc. are distributors of Evolved Novelties' Bendable You Too.

166. On information and belief, Respondents PHE, Inc. d/b/a Adam & Eve, and Shamrock 51 Management Company, Inc. d/b/a Fairvilla.com are retailers of Evolved Novelties' Bendable You Too.

167. A claim chart showing infringement of claims 1, 3-7, 9, 11-19, 24, 33, 36-40, 42, 44-49, 52-54, 57, 66-67, 69-73, 75, 77-82, 85-87, and/or 90 of the '605 patent by Evolved Novelties' Bendable You Too is attached as Exhibit 53.

168. Evolved Novelties, Inc. actively and knowingly sells for importation, imports, and/or sells after importation in the United States certain kinesiotherapy devices, and components thereof, to be worn by a woman that infringe at least claim 1 of the '605 patent.

169. Respondents have been selling Accused Products knowing that there are no legitimate non-infringing uses of the Accused Products. The Accused Products are not staple articles of commerce and do not have a substantial non-infringing use.

170. Evolved Novelties, Inc. is aware, or has been made aware by this Complaint, of the '605 patent and its applicability to the infringing products.

**B. Infringement of United States Design Patent No. D605,779**

171. On information and belief, Respondents Lelo, Bushman Products, Nalpac Enterprises, Ltd., E.T.C., Inc., Williams Trading Co., Inc., Honey's Place, Inc., Lover's Lane &

Co., PHE, Inc. d/b/a Adam & Eve, Castle Megastore Group, Inc., Shamrock 51 Management Company, Inc. d/b/a Fairvilla.com, Peekay Inc., Marsoner, Inc. d/b/a Fascinations, Love Boutique-Vista, LLC d/b/a Déjà vu, and Toys in Babeland LLC sell for importation and/or sell after importation into the United States certain kinesiotherapy devices, and components thereof, to be worn by a woman that infringe the claim of the '779 patent. The identification of a specific model or type of certain kinesiotherapy devices, and components thereof, to be worn by a woman is not intended to limit the scope of the Investigation, and any remedy should extend to all infringing kinesiotherapy devices, and components thereof, to be worn by a woman.

Lelo

172. On information and belief, Lelo Accused Products that infringe the '779 patent, literally and/or by doctrine of equivalents, include, but are not limited to the Insignia Tiani.

173. On information and belief, Respondents Lelo, Nalpac Enterprises, Ltd., E.T.C., Inc., Williams Trading Co., Inc., and Honey's Place, Inc. are distributors of Lelo's Insignia Tiani.

174. On information and belief, Respondents Lover's Lane & Co., PHE, Inc. d/b/a Adam & Eve, Castle Megastore Group, Inc., Shamrock 51 Management Company, Inc. d/b/a Fairvilla.com, and Toys in Babeland LLC are retailers of Lelo's Insignia Tiani.

175. A claim chart showing infringement the claim of the '779 patent by Lelo's Insignia Tiani is attached as Exhibit 54.

176. Lelo actively and knowingly sells for importation, imports, and/or sells after importation in the United States certain kinesiotherapy devices, and components thereof, to be worn by a woman that infringe the claim of the '779 patent.

177. Respondents have been selling Accused Products knowing that there are no legitimate non-infringing uses of the Accused Products. The Accused Products are not staple articles of commerce and do not have a substantial non-infringing use.

178. Lelo is aware, or has been made aware by this Complaint, of the '779 patent and its applicability to the infringing products.

Momentum Management, LLC a.k.a. Bushman Products

179. On information and belief, Bushman Products' Accused Products that infringe the '779 patent, literally and/or by doctrine of equivalents, include, but are not limited to its The Screaming O Ogee.

180. On information and belief, Respondents Bushman Products, Nalpac Enterprises, Ltd., E.T.C., Inc., and Honey's Place, Inc. are distributors of Bushman Products' The Screaming O Ogee.

181. On information and belief, Respondents Lover's Lane & Co., PHE, Inc. d/b/a Adam & Eve, Shamrock 51 Management Company, Inc. d/b/a Fairvilla.com, Peekay Inc., Marsoner, Inc. d/b/a Fascinations, and Love Boutique-Vista, LLC d/b/a Déjà vu are retailers of The Screaming O Ogee.

182. A claim chart showing infringement of the claim of the '779 patent by Bushman Products' The Screaming O is attached as Exhibit 55.

183. Bushman Products actively and knowingly sells for importation, imports, and/or sells after importation in the United States certain kinesiotherapy devices, and components thereof, to be worn by a woman that infringe the claim of the '779 patent.

184. Respondents have been selling Accused Products knowing that there are no legitimate non-infringing uses of the Accused Products. The Accused Products are not staple articles of commerce and do not have a substantial non-infringing use.

185. Bushman Products is aware, or has been made aware by this Complaint, of the '779 patent and its applicability to the infringing products.

**VII. TARIFF CLASSIFICATION UNDER THE HARMONIZED TARIFF SCHEDULE**

186. On information and belief, the infringing certain kinesiotherapy devices, and components thereof, to be worn by a woman have been imported into the United States under at least subheading 9019.10.20.

187. The forgoing is illustrative and is not intended to restrict the scope of any remedy sought by Complainant.

**VIII. RELATED LITIGATION**

188. Standard Innovation is filing, contemporaneously with the filing of this complaint, a complaint with the United States District Court for the Southern District of Texas asserting infringement of the '605 patent against LELoi AB, LELO Inc., and LELO.

**IX. DOMESTIC INDUSTRY**

189. An industry exists in the United States as required by subsection (a)(2) and (a)(3) of Section 337 relating to Standard Innovation's sexual kinesiotherapy devices, and components thereof, to be worn by a woman.

**A. Standard Innovation's Practice of the Asserted Patent**

190. The '605 and '779 patents are practiced by Standard Innovation.

### The '605 Patent

191. Standard Innovation practices at least claims 1-7, 9-21, 23, 24, 26, 33-40, 42-54, 56, 57, 59, 66-73, 75-87, 89, 90, and 92 of the '605 patent as shown in the claim chart in Exhibit 56. Standard Innovation products practicing the '605 patent include the We-Vibe<sup>®</sup> (We-Vibe, We-Vibe II, and We-Vibe 3).

### The '779 Patent

192. Standard Innovation practices the claim of the '779 patent as shown in the claim chart in Exhibit 57. Standard Innovation products practicing the '779 patent include the We-Vibe<sup>®</sup> (We-Vibe, We-Vibe II, and We-Vibe 3).

## **B. United States Economic Activity Relating to the Asserted Patents**

193. A domestic industry exists in the United States with respect to the articles protected by each of the Asserted Patents pursuant to 19 U.S.C. § 1337(a)(3)(A), (B) and/or (C). *See* Confidential Exhibit 58.

194. Standard Innovation has made significant investments within the U.S. in the exploitation of each of the Asserted Patents including, *inter alia*, research and development, manufacturing activities, educational seminar and training activities, licensing and distribution agreement negotiation activities, distribution/administration and logistics activities, and significant U.S. investments and expenditures in research and development, manufacturing supply contracts, educational seminars, training, warehouse space, and employment of labor and capital related to articles protected by the Asserted Patents including, *inter alia*, research and development, educational seminars, logistics, customer service, warranty fulfillment, distribution, training, promotion, sales, and marketing. Confidential Exhibit 58 is a declaration by Anne Finlayson regarding Standard Innovation's domestic industry, detailing Standard

Innovation's significant domestic investments in the exploitation of, or related to, each of the Asserted Patents and articles protected by the Asserted Patents. These domestic activities are likely to increase in the future as a result of Standard Innovation's increasing U.S. sales of kinesiotherapy devices, as well as Standard Innovation's expansion of its product offerings in the U.S. market, such as its remote-controlled stimulation device product line. *See* Confidential Exhibit 58.

195. Standard Innovation began making U.S. commercial sales of the We-Vibe<sup>®</sup> product line in 2008. Since that date, Standard Innovation has sold a significant number of We-Vibe<sup>®</sup> units in the U.S. accounting for millions of dollars in sales. Further, as shown in Confidential Exhibit 58, Standard Innovation's sales this year are even greater than prior years. Standard Innovation has conducted significant product research and development in the U.S. and entered into manufacturing supply agreements with companies headquartered in the U.S. to produce the current We-Vibe<sup>®</sup> units and to continue developing new We-Vibe products. The research and development activities include cooperative efforts with U.S. companies headquartered in New Jersey, Delaware, Florida, New York, Ohio, California, and Minnesota. These Standard Innovation partners explore, develop, and design critical source materials necessary to manufacture Standard Innovation's products. In addition, Standard Innovation commissioned product research and development studies in the U.S., which are used to determine product improvements and future developments of Standard Innovation's products. The manufacturing supply agreements include chip technology and services from companies in Arizona and California that are critical to Standard Innovation's products. To facilitate logistical support for the We-Vibe product in the U.S., Standard Innovation has maintained up to two warehouses for the Domestic Industry products in Ogdensburg, NY totaling 13,000 sq. ft., containing We-Vibe<sup>®</sup>



products, chargers for We-Vibe<sup>®</sup> products, point of purchase displays, banners, buttons, and retailer kits that include point of purchase banners, display stands, posters, promotional cards, and buttons. Standard Innovation maintains a significant amount of inventory (in both quantity and value) in the warehouse facility in Ogdensburg, NY and has expenditures related to the warehouse facility. *See Confidential Exhibits 58 and 59.*

196. Standard Innovation has devoted significant investments to protection of intellectual property rights, negotiation of licensing and regional distribution agreements, educational training and seminars, research and development activities, logistics, distribution, warranty fulfillment, sales, and marketing efforts in the United States. Moreover, approximately 15% of the Complainants' world-wide work force is based in the U.S. as of September 30, 2011, a significant investment in the employment of labor and capital associated with products practicing the '605 and '779 patents. The Confidential Declaration of Anne Finlayson details Standard Innovation's salary expenditures for the U.S. employees as well as expenditures for U.S. or worldwide employees working on products practicing the '605 patent and expenses related to protection of intellectual property rights, logistics, manufacturing supply contracts for components, research and development, education training and seminars, distribution, administrative activities, sales, and marketing efforts in the United States. As the Confidential Declaration details, educational seminar and training activities were held by Standard Innovations directly and Standard Innovation is engaged in relationships with experts in the self-help and sexual wellness arena to facilitate additional educational activities as domestic industry in the U.S. Further, Standard Innovation negotiated toward an intellectual property rights licensing agreement with a company in California *See Confidential Exhibit 58.* Since the inception of Standard Innovation (US) Corp., Standard Innovation has provided research and

development information, know-how, and continued technical support to Standard Innovation (US) Corp. Employees from Standard Innovation work in conjunction with the employees in the U.S. to provide assistance, research, product development feedback, and educational training in support of the Domestic Industry Products. *See Confidential Exhibit 58.*

197. Standard Innovation's domestic marketing activities for Standard Innovation's products includes its U.S. webstore at [www.we-vibe.com](http://www.we-vibe.com) accessible only in the United States (from an IP address originating in the U.S.) and product brochures. *See Exhibit 60.* Standard Innovation has retained a publicist in the U.S. who promotes the We-Vibe<sup>®</sup> product. Standard Innovation regularly participates in U.S. trade shows such as ANME Show, CURVExpo, Adult Entertainment Expo, and AVN Novelty Expo including the July 2007 AVN Novelty Expo in Los Angeles, California where the We-Vibe<sup>®</sup> prototype was first revealed to the public and product development activities are performed. Standard Innovation is quite proud that the We-Vibe<sup>®</sup> was included in the gift bags presented to stars and celebrities at the American Academy of Motion Picture Arts and Sciences ("the Oscars") in 2009 and 2010 and the National Football League ("NFL") Superbowl in 2010. Standard Innovation has also entered into regional agreements with several U.S. product distribution entities and directly with several U.S. retail entities that have brought and continue to bring the patented technology to the U.S. market. *See Confidential Exhibit 61.* Standard Innovation makes regular customer support visits to its distributors and key U.S. retailers and provides e-mail and phone support for its other U.S. customers to provide assistance, warranty fulfillment, and training in support of the Domestic Industry products. *See Confidential Exhibit 58.*

**X. GENERAL EXCLUSION ORDER**

198. A general exclusion order is necessary to prevent the circumvention of an exclusion order limited to the named Respondents.

199. There is a widespread pattern of infringement of the Asserted Patents by imported kinesiotherapy devices, and components thereof, to be worn by a woman and it is difficult to identify the source of infringing products. On information and belief, infringing kinesiotherapy devices, and components thereof, to be worn by a woman are routinely imported into the United States, sold for importation into the United States, and/or sold within the United States after importation by numerous unknown entities and from numerous origins, including Canada, China, and Japan. For example, Standard Innovation has identified some infringing kinesiotherapy devices, and components thereof, to be worn by a woman were manufactured or assembled in China based on their country of original marking, but Standard Innovation has not been able to determine the name of the manufacturer, distributor, and/or retailers due to the apparently fleeting nature of the companies that make and sell the infringing kinesiotherapy devices, and components thereof, to be worn by a woman. Examples of companies that sell the Accused Products but that Standard Innovation cannot identify include companies with websites such as Pleasure Galaxie, Sensual Moments, Pillow Game, U4ria, Between the Sheets, Love Dreamer, Fun Wares, Va Va Voom, etc. *See* Exhibit 62.

200. Business conditions suggest that foreign manufacturers other than the Respondents may attempt to enter the United States market with infringing products. There is an established and growing demand in the United States for kinesiotherapy devices, and components thereof, to be worn by a woman, and there are well-established marketing and distribution networks for these products, which are typically sold through internet websites or local retail stores.

201. The kinesiotherapy devices, and components thereof, to be worn by a woman that are imported into the United States by a number of foreign manufacturers, including NANMA Manufacturing Company, Ltd. are sold in the United States by a number of different domestic companies under a number of different brands. A limited exclusion order may prevent some domestic companies from selling infringing kinesiotherapy devices, and components thereof, to be worn by a woman, but the nature of the industry and the ease of manufacturing infringing kinesiotherapy devices, and components thereof, to be worn by a woman, and the existing channels of distribution for such products suggest that new companies and new brands would take their place.

202. There are many producers of plastic molded products, particularly in Asia, that could readily and inexpensively retool their production facilities to produce infringing kinesiotherapy devices, and components thereof, to be worn by a woman to replace the Respondents should the Commission enter only limited relief.

**XI. RELIEF REQUESTED**

203. WHEREFORE, by reason of the foregoing, Complainants respectfully request that the United States International Trade Commission:

(a) Institute an investigation, pursuant to Section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. §1337(a)(1)(B)(i) and (b)(1), with respect to violations of Section 337 based upon the importation into the United States, the sale for importation, and/or the sale within the United States after importation of Respondents' Accused Products that infringe, induce the infringement, and/or contribute to the infringement of one or more of claims 1-7, 9-21, 23, 24, 26, 33-40, 42-54, 56, 57, 59, 66-73, 75-87, 89, 90, and 92 of the '605 patent and/or the claim of the '779 patent;

(b) Schedule and conduct a hearing on said unlawful acts and determine that there has been a violation of Section 337;

(c) Issue a general exclusion order pursuant to 19 U.S.C. § 1337(d)(2), or in the alternative, a limited exclusion order directed to each named Respondent (and its subsidiaries, affiliates, and entities under its control), excluding from entry into the United States or admission into Foreign Trade Zones in the United States of all kinesiotherapy devices, and components thereof, to be worn by a woman that infringe one or more claims of the Asserted patents;

(d) Issue a permanent exclusion order forbidding entry into the United States of certain kinesiotherapy devices, and components thereof, to be worn by a woman, including, but not limited to, vibrators, sexual health and wellness items, and novelty items that infringe claims 1-7, 9-21, 23, 24, 26, 33-40, 42-54, 56, 57, 59, 66-73, 75-87, 89, 90, and 92 of the '605 patent and/or the claim of the '779 patent;

(e) Issue permanent cease and desist orders, pursuant to 19 U.S.C. § 1337(f), directing Respondents, their affiliates, and others acting on behalf of Respondents, to cease and desist from importing, marketing, advertising, demonstrating, warehousing inventory for distribution, offering for sale, selling distributing, licensing or use of certain kinesiotherapy devices, and components thereof, to be worn by a woman, including but not limited to, vibrators, sexual health and wellness items, and novelty items in the United States or transferring outside of the United States, that infringe one or more of the asserted claims of Standard Innovation's '605 patent and/or the '779 patent;

(f) Order that any importation during the presidential review period be made subject to a bond sufficient to protect the Complainants from any injury; and

(g) Grant such other and further relief as the Commission deems just and proper based upon the facts as determined by the investigation and authority of the Commission.

Date: June 1, 2012

Respectfully submitted,

/s/Robert P. Lord

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COUNSEL FOR COMPLAINANTS  
STANDARD INNOVATION (US) CORP. AND  
STANDARD INNOVATION CORPORATION

**VERIFICATION BY COMPLAINANTS**

I, Anne Finlayson, am the CFO of Standard Innovation Corporation and am duly authorized to sign this Amended Complaint on behalf of Standard Innovation Corporation and Standard Innovation (US) Corp.

1. I have read a redacted version of the Amended Complaint under Section 337 of the Tariff Act Of 1930, as Amended, and am aware of its contents. In accordance with the provisions of 19 C.F.R. §§ 210.4 and 210.12(a), I hereby declare that the following statements are true:

2. To the best of my knowledge, information and belief, formed after an inquiry reasonable under the circumstances, the allegations and other factual contentions in the complaint have evidentiary support or, if specifically so identified, are likely to have evidentiary support after a reasonable opportunity for further investigation or discovery.

3. The claims and other legal contentions in the complaint are warranted by existing law or by a non-frivolous argument for the extension, modification, or reversal of existing law or the establishment of new law.

4. The complaint is not being presented for any improper purpose, such as to harass or to cause unnecessary delay or needlessly increase in the cost of the investigation.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on

June 1 / 2012

  
\_\_\_\_\_  
Anne Finlayson  
CFO, Standard Innovation Corporation