

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

In the Matter of

CERTAIN PERCUSSIVE MASSAGE
DEVICES

INVESTIGATION No. 337-TA-_____

**COMPLAINT UNDER SECTION 337
OF THE TARIFF ACT OF 1930, AS AMENDED**

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EXHIBIT LIST

Exhibit #	Description
Exhibit No. 1	Certified Copy ¹ of U.S. Patent No. 10,561,574
Exhibit No. 2	Certified Copy of U.S. Patent No. D855,822
Exhibit No. 3	Certified Copy of U.S. Patent No. D886,317
Exhibit No. 4	Certified Copy of Assignment of U.S. Patent No. 10,561,574
Exhibit No. 5	Certified Copy of Assignment of U.S. Patent No. D855,822
Exhibit No. 6	Certified Copy of Assignment of U.S. Patent No. D886,317
Exhibit No. 7	Domestic Industry Chart re U.S. Pat. No. 10,561,574 and Hyperice's Hypervolt
Exhibit No. 8	Domestic Industry Chart re U.S. Pat. No. D855,822 and Hyperice's Hypervolt
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¹ Certified copies of all patents-in-suit and related assignments have been ordered and will be provided after they are obtained by Petitioner. Non-certified copies are included with this initial filing.

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Exhibit No. 60	Fu Si – Claim Chart Detailing Infringement of ‘574 Patent
Exhibit No. 61	Shenzhen Qifeng Technology Co. – Claim Chart Detailing Infringement of ‘574 Patent

Exhibit No. 62	WODFitters – Claim Chart Detailing Infringement of ‘822 Patent
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Exhibit No. 94	Rechar and Ning Chen (AM8) – Evidence of Physical Address

Exhibit No. 95	Opove and Shenzhen Shufang (AM9) – Offer for Sale
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Exhibit No. 101	Rechar and Ning Chen (AM8) – Claim Chart Detailing Infringement of ‘317 Patent
Exhibit No. 102	Opove and Shenzhen Shufang (AM9) – Claim Chart Detailing Infringement of ‘317 Patent
Exhibit No. 103	Rechar and Ning Chen (AM8) – Order and Shipment Information
Exhibit No. 104	Opove and Shenzhen Shufang (AM9) – Order and Shipment Information

APPENDICES

Appendix Number	Description
Appendix No. 1	Patent prosecution history of U.S. Patent No. 10,561,574
Appendix No. 2	Cited references for prosecution history of U.S. Patent No. 10,561,574
Appendix No. 3	Patent prosecution history of U.S. Patent No. D855,822
Appendix No. 4	Cited references for prosecution history of U.S. Patent No. D855,822
Appendix No. 5	Patent prosecution history of U.S. Patent No. D886,317
Appendix No. 6	Cited references for prosecution history of U.S. Patent No. D886,317

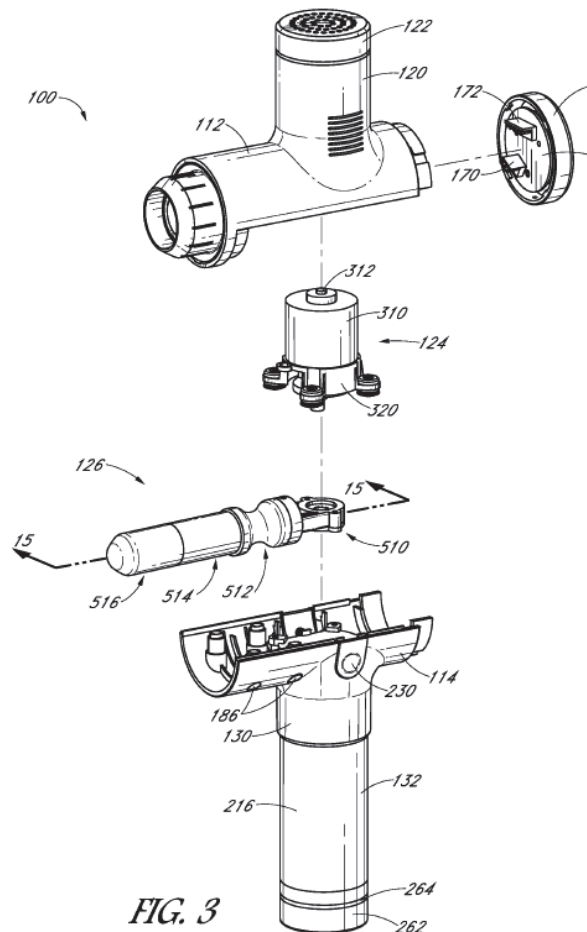
I. INTRODUCTION

1. This Complaint is filed by Hyper Ice, Inc. (“Hyperice” or “Complainant”) pursuant to Section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337 (“Section 337”). Hyperice respectfully requests that the United States International Trade Commission (the “Commission”) institute an investigation related to the unlawful sale for importation into the United States, importation into the United States, and/or the sale within the United States after importation of certain percussive massage devices by the following entities (collectively, the “Proposed Respondents”).

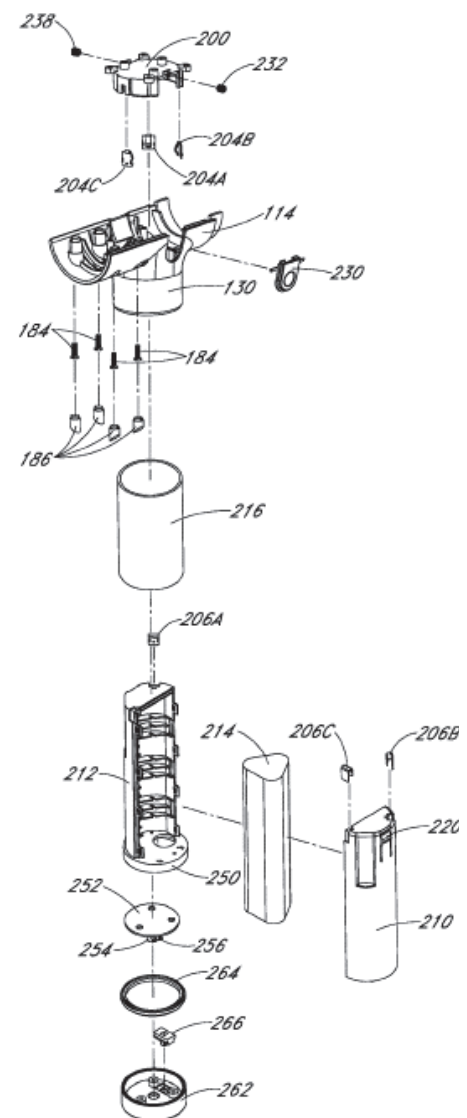
1. Addaday LLC
2. Performance Health Systems, LLC
3. WODFitters
4. Massimo Motor Sports, LLC
5. Kinghood International Logistics Inc.
6. Manybo Ecommerce Ltd.
7. Shenzhen Let Us Win-Win Technology Co., Ltd.
8. Shenzhen Infein Technology Co., Ltd.
9. Hong Kong Yongxu Capital Management Co., Ltd.
10. Laiwushiyu Xinuan Trading Co., Ltd.
11. Shenzhen QingYueTang E-commerce Co., Ltd.
12. Shenzhen Shiluo Trading Co., Ltd.
13. Kula eCommerce Co., Ltd.
14. Fu Si
15. Shenzhen Qifeng Technology Co., Ltd.
16. Rechar, Inc.
17. Ning Chen
18. Opove
19. Shenzhen Shufang E-Commerce Co., Ltd.

2. The Proposed Respondents have engaged in unfair acts in violation of Section 337(a)(1)(B) through and in connection with the importation into the United States, sale for importation, and/or sale within the United States after importation of Proposed Respondents’ percussive massage devices that infringe Claims 1-9, 14, and/or 15 of Hyperice’s U.S. Patent No. 10,561,574 (“the ‘574 Patent”) (*see Exhibit 1*), literally and/or under the doctrine of equivalents,

and/or Hyperice’s U.S. Patent No. D855,822 (“the ‘822 Patent”) (*see Exhibit 2*), and/or Hyperice’s U.S. Patent No. D886,317 (“the ‘317 Patent”) (*see Exhibit 3*) (collectively the “Hypervolt Patents”)), as specified in further detail below. The following are figures of one embodiment of the inventions detailed in the ‘574 Patent:



‘574 Patent Fig. 3



‘574 Patent Fig. 9

The two asserted design patents are identical except that certain lines that are solid in the '822 Patent are replaced with broken lines in the '317 Patent. These broken lines form no part of the claimed design. For clarity in the table below, the broken lines are shown in maroon, the claimed lines are shown in blue, and the contour lines are shown in yellow:

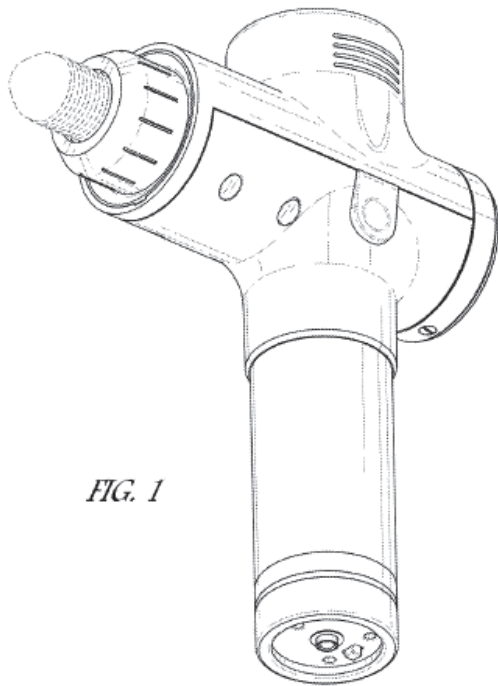


FIG. 1

'822 Patent Fig. 1

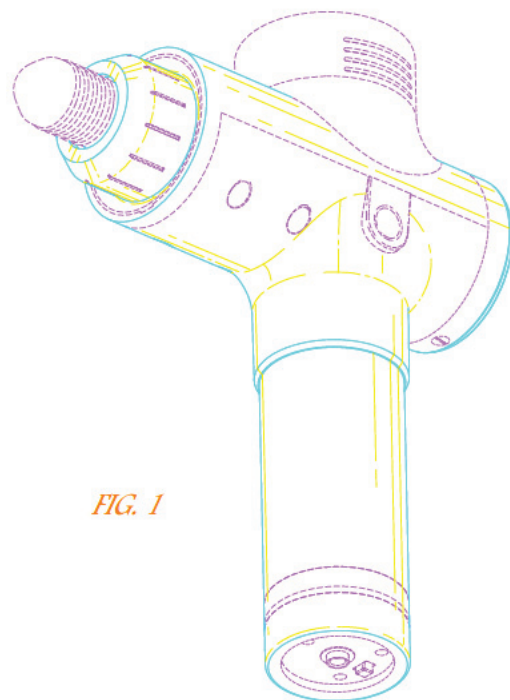


FIG. 1

'317 Patent Fig. 1

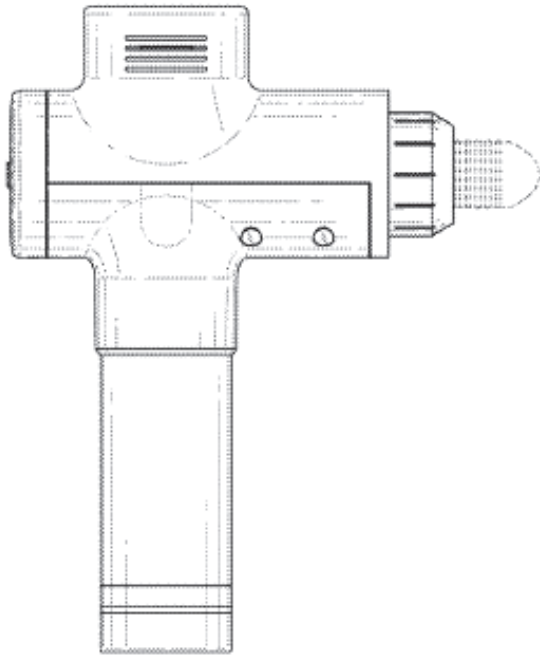


FIG. 3

‘822 Patent Fig. 3

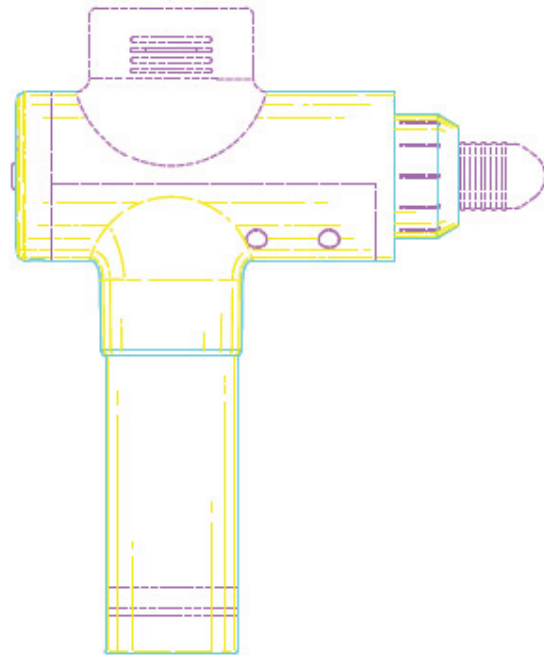


FIG. 3

‘317 Patent Fig. 3

3. To remedy Proposed Respondents’ continuing and unlawful violation of Section 337, Hyperice hereby states pursuant to Commission Rules 210.12(a)(11) that it seeks, as permanent relief, a general exclusion order, pursuant to 19 U.S.C. § 1337(d), barring from entry into the United States all percussive massager devices that infringe the ‘574 Patent, the ’822 Patent, and/or the ‘317 Patent. In the alternative, Hyperice seeks a permanent limited exclusion order, specifically directed to each named Proposed Respondent, excluding from entry into the United States all of Proposed Respondents’ infringing products. Hyperice also seeks cease-and-desist orders, pursuant to 19 U.S.C. § 1337(f), prohibiting each named Proposed Respondent, and its subsidiaries, predecessors, affiliates, agents, successors, and assigns, from engaging in the unlawful sale for importation into the United States, and/or sale within the United States after importation, of percussive massager devices that infringe one or more claims of the ‘574 Patent, the ’822 Patent, and/or the ‘317 Patent. Further, Hyperice requests that the Commission impose a

bond upon Proposed Respondents' importation of infringing percussive massage devices during the 60-day presidential review period, pursuant to 19 U.S.C. § 1337(j), to prevent further injury to the domestic industry related to the '574 Patent, the '822 Patent, and the '317 Patent.

A. Complainant

4. Hyperice is a corporation incorporated under the laws of California, having its principle place of business at 525 Technology Drive, Suite 100, Irvine, CA 92618. Hyperice conducts research and development, design, sales, marketing, warranty, executive, and other business operations in Irvine, California.

5. Hyperice is a recovery and movement enhancement technology company specializing in ice compression, thermal, vibration, and percussion technology. Hyperice's products have benefitted thousands of amateur, collegiate, and professional athletes, including LeBron James, Lindsey Vonn, Kobe Bryant, Blake Griffin, Hope Solo, Adrian Peterson and Troy Polamalu. Hyperice's history dates back to 2010 when Hyperice introduced its patented ice compression product line. For the past ten years, Hyperice has researched, designed, developed, marketed, and sold various additional innovative and highly sought-after therapy and massage devices, including its Vyper line of vibrating fitness rollers; its Hypersphere line of vibration devices; and its Hypervolt percussive massage devices ("Hypervolt"), at issue in the instant action, used primarily by athletes for deep tissue massage and myofascial release. Hyperice is now a leading seller of percussive massage devices in the United States, and Hyperice's products are distributed throughout the United States and in over 50 countries.

6. Hyperice has received numerous awards for its innovative products, including a ranking on the 2019 Inc. 500 list as one of the fastest growing companies in the country.

Hyperice was also named the 2014 Global Brand of the Year from ISPO (International Sports Products Organization).

7. Hyperice has spent millions of dollars in registering, prosecuting, and protecting its intellectual property in the United States, and Hyperice has developed an extensive portfolio of patents to protect its innovations, including U.S. Patent Nos. 9,289,323; 9,889,066; 9,968,513; 10,252,116; 10,314,762; 10,492,984; 10,561,574; D811,614; D823,951; D843,522; D852,370; D855,822; D857,131; D874,015; and D886,317. This portfolio of patents stands apart from other percussive massage devices and related products based upon significant expenses made in research, development, innovation, and manufacturing. Hyperice has enjoyed a reputation of excellence among those familiar with the marketplace, due in part to the innovative nature and quality of the products that Hyperice manufactures and sells.

8. Hyperice is the sole owner of the '574 Patent, the '822 Patent, and the '317 Patent by assignments recorded with the United States Patent & Trademark Office. **See Exhibits 4-6.**

9. Hyperice's Hypervolt practices the claimed inventions of the '574 Patent, the '822 Patent, and the '317 Patent. **See Exhibits 7-9.**

10. Hyperice began selling the Hypervolt in February 2018. Confidential financial details regarding the Hypervolt are included in the Domestic Industry Statement filed herewith.

B. Proposed Respondents

(1) Addaday LLC

11. Proposed Respondent Addaday LLC (“Addaday”) imports into the United States, sells for importation, and/or sells within the United States after importation, the Biozoom product identified herein. The product is sold via its website (<https://www.addaday.com/products/biozoom>) (*see Exhibit 10*) and, upon information and belief, at various retail stores, including Fleet Feet, Forward Motion Sports, A Snail’s Pace, Bull City Running, and others.



12. On information and belief, Proposed Respondent Addaday is a domestic corporation with its principle place of business at 2500 Broadway, Building F, 125, Santa Monica, CA 90404. *See Exhibit 11.*

(2) Performance Health Systems, LLC

13. Proposed Respondent Performance Health Systems, LLC (“Performance Health”) imports into the United States, sells for importation, and/or sells within the United States after importation, the Power Plate Pulse product identified herein. The product is sold at least via its website (<https://powerplate.com/shop/targeted-vibration/power-plate-pulse>). *See Exhibit 12.*



14. On information and belief, Proposed Respondent Performance Health is a domestic corporation with its principle place of business at 401 Huehl Road, Suite 2A, Northbrook, IL 60062. *See Exhibit 13.*

(3) WODFitters

15. Proposed Respondent WODFitters imports into the United States, sells for importation, and/or sells within the United States after importation, the Massage Gun product identified herein. The product is sold at least via its website

(<https://www.wodfitters.com/collections/massage-tools>).² *See Exhibit 14.*



16. On information and belief, Proposed Respondent WODFitters is a domestic corporation with its principle place of business at 6281 Corder Ln., Lorton, VA 22079, and email address of kc@wodfitters.com. *See Exhibit 15.*

² The device pictured here was received based on an order placed online at www.wodfitters.com. *See Exhibit 80.* The received device appears slightly different than the device shown on the website. *See Exhibit 14.*