



**Toloco T11 Pro Massage Gun (AM8)**

**Opove M3 Pro Massage Gun (AM9)**

58. Proposed Respondents’ Accused Products are a relatively small sample, representative of the hundreds or thousands of products that infringe the ‘574 Patent, the ‘822 Patent, and/or the ‘317 Patent. Such products are offered on individual websites, and also on sales platforms such as Alibaba.com, Amazon.com, eBay.com, Wish.com, and numerous other websites and online platforms. *See, e.g., Exhibits 22, 27, 42, and 43.* Hyperice seeks a general exclusion order for all such products that infringe, as detailed below.

### **III. THE ‘574 PATENT**

59. The ‘574 Patent is generally directed to a therapeutic handheld percussive massage device for applying percussive massage to a person’s body.

#### **A. Ownership of the ‘574 Patent**

60. The ‘574 Patent, entitled “Battery-Powered Percussive Massage Device,” was duly and legally issued on February 18, 2020, and is owned by Hyperice through assignment

from Messrs. Marton and Katz. *See Exhibit 4.* A copy of the ‘574 Patent is attached hereto as **Exhibit 1.**

**B. Licenses Regarding the ‘574 Patent**

61. Hyperice has not licensed the ‘574 Patent.

**C. Foreign Patents and Applications Corresponding to the ‘574 Patent**

62. A listing of all foreign patents and foreign patent applications corresponding to the ‘574 Patent is provided as **Exhibit 44.** Hyperice is not aware of any other foreign counterpart patents or foreign counterpart applications corresponding to the ‘574 Patent that have issued, are pending, or have been denied, abandoned or withdrawn.

**D. Non-Technical Description of the Patented Invention<sup>4</sup>**

63. The ‘574 Patent is generally directed to a therapeutic handheld percussive massage device for applying percussive massage to a person’s body. Percussive massage, which is also referred to as tapotement, is the rapid, percussive tapping, slapping and cupping of an area of the human body. The patented device includes a main enclosure, a motor with a rotatable shaft, a reciprocating assembly in the main enclosure that reciprocates a piston, a massage head removably attached to the piston, and a battery assembly extending from the main enclosure.

**E. Post-Grant Administrative Review**

64. The ‘574 Patent has not been subject of any post-grant administrative review (*e.g., ex parte* reexamination or *inter partes* review).

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<sup>4</sup> These non-technical descriptions are for illustrative purposes only. Nothing contained within this Complaint is intended to express, either implicitly or explicitly, any position regarding the proper construction or scope of any claim of the patents-in-suit.

**F. Expiration Date**

65. The '574 Patent has an expiration date of February 22, 2038.

**IV. THE '822 PATENT**

66. The '822 Patent claims an ornamental design for a percussive massage device.

**A. Ownership of the '822 Patent**

67. The '822 Patent, entitled "Percussive Massage Device," was duly and legally issued on August 6, 2019, and is owned by Hyperice through assignment from Messrs. Marton and Katz. *See Exhibit 5.* A copy of the '822 Patent is attached hereto as **Exhibit 2**.

**B. Licenses Regarding the '822 Patent**

68. Hyperice has not licensed the '822 Patent.

**C. Foreign Patents and Applications Corresponding to the '822 Patent**

69. A listing of all foreign patents and foreign patent applications corresponding to the '822 Patent is provided as **Exhibit 45**. Hyperice is not aware of any other foreign counterpart patents or foreign counterpart applications corresponding to the '822 Patent that have issued, are pending, or have been denied, abandoned or withdrawn.

**D. Non-Technical Description of the Patented Invention**

70. The '822 Patent claims an ornamental design for a percussive massage device.

**E. Post-Grant Administrative Review**

71. The '822 Patent has not been subject of any post-grant administrative review (*e.g., ex parte* reexamination or *inter partes* review).

**F. Expiration Date**

72. The '822 Patent has an expiration date of August 6, 2034.

## **V. THE ‘317 PATENT**

73. The ‘317 Patent claims an ornamental design for a percussive massage device.

### **A. Ownership of the ‘317 Patent**

74. The ‘317 Patent, entitled “Percussive Massage Device,” was duly and legally issued on June 2, 2020, and is owned by Hyperice through assignment from Messrs. Marton and Katz. *See Exhibit 6.* A copy of the ‘317 Patent is attached hereto as **Exhibit 3**.

### **B. Licenses Regarding the ‘317 Patent**

75. Hyperice has not licensed the ‘317 Patent.

### **C. Foreign Patents and Applications Corresponding to the ‘317 Patent**

76. A listing of all foreign patents and foreign patent applications corresponding to the ‘317 Patent is provided as **Exhibit 46**. Hyperice is not aware of any other foreign counterpart patents or foreign counterpart applications corresponding to the ‘317 Patent that have issued, are pending, or have been denied, abandoned or withdrawn.

### **D. Non-Technical Description of the Patented Invention**

77. The ‘317 Patent claims an ornamental design for a percussive massage device.

### **E. Post-Grant Administrative Review**

78. The ‘317 Patent has not been subject of any post-grant administrative review (*e.g., ex parte* reexamination or *inter partes* review).

### **F. Expiration Date**

79. The ‘317 Patent has an expiration date of June 2, 2035.

## **VI. PROPOSED RESPONDENTS’ UNLAWFUL AND UNFAIR ACTS**

80. All of the Proposed Respondents unlawfully import into the United States, sell for importation, and/or sell within the United States after importation, percussive massage devices

that infringe the ‘574 Patent. **Exhibits 47-61, 97, and 98** contain claim charts that detail how the ‘574 Patent reads on each of the Proposed Respondents’ products. Based on information discovered through Hyperice’s investigation to date, at least the following products infringe at least the following listed claims of ‘574 Patent: Addaday Biozoom (Claims 1-3, 6-8, 14, 15) Performance Health Power Plate Pulse (Claims 1-8, 14, 15); WODFitters Massage Gun (Claims 1-7, 9, 14, 15); Massimo Massage Gun (Claims 1-7, 9, 14, 15); Kinghood Logistics Theradrill Massage Gun (Claims 1-7, 9, 14, 15); Manybo Massage Gun (Claims 1-7, 9, 14, 15); Shenzhen Let Us Win-Win Massage Gun (ALI1) (Claims 1-9, 14, 15); Shenzhen Infein Massage Gun (ALI2) (Claims 1-7, 9, 14, 15); Hong Kong Yongxu Massage Gun (AM1) (Claims 1-7, 14, 15); Laiwushiyu Massage Gun (AM2) (Claims 1-9, 14, 15); Shenzhen QingYueTang Massage Gun (AM3) (Claims 1-7, 9, 14, 15); Shenzhen Shiluo Massage Gun (AM4) (Claims 1-7, 9, 14, 15); Kula eCommerce Massage Gun (AM5) (Claims 1-7, 9, 14, 15); Fu Si Massage Gun (AM6) (Claims 1-7, 9, 14, 15); Shenzhen Qifeng Massage Gun (AM7) (Claims 1-3, 6-8, 14, 15); Toloco T11 Pro Massage Gun (AM8) (Claims 1-9, 14, 15 ); and Opove M3 Pro Massage Gun (AM9) (Claims 1-9, 14, 15 ). The following table also indicates which claims are infringed by each Proposed Respondent (an “X” indicates infringement):

<b>‘574 Patent Claims:</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>	<b>8</b>	<b>9</b>	<b>14</b>	<b>15</b>
Addaday Biozoom	X	X	X			X	X	X		X	X
Performance Health Power Plate Pulse	X	X	X	X	X	X	X	X		X	X
WODFitters Massage Gun	X	X	X	X	X	X	X		X	X	X
Massimo Massage Gun	X	X	X	X	X	X	X		X	X	X
Kinghood International Logistics (Theradrill)	X	X	X	X	X	X	X		X	X	X
Manybo Massage Gun	X	X	X	X	X	X	X		X	X	X

<b>‘574 Patent Claims:</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>	<b>8</b>	<b>9</b>	<b>14</b>	<b>15</b>
Shenzhen Let Us Win-Win Massage Gun (ALI1)	X	X	X	X	X	X	X	X	X	X	X
Shenzhen Infein Massage Gun (ALI2)	X	X	X	X	X	X	X		X	X	X
Hong Kong Yongxu Massage Gun (AM1)	X	X	X	X	X	X	X			X	X
Laiwushiyu Massage Gun (AM2)	X	X	X	X	X	X	X	X	X	X	X
Shenzhen QingYueTang Massage Gun (AM3)	X	X	X	X	X	X	X		X	X	X
Shenzhen Shiluo Massage Gun (AM4)	X	X	X	X	X	X	X		X	X	X
Kula eCommerce Massage Gun (AM5)	X	X	X	X	X	X	X		X	X	X
Fu Si Massage Gun (AM6)	X	X	X	X	X	X	X		X	X	X
Shenzhen Qifeng Massage Gun (AM7)	X	X	X			X	X		X	X	X
Toloco T11 Pro Massage Gun (AM8)	X	X	X	X	X	X	X	X	X	X	X
Opove M3 Pro Massage Gun (AM9)	X	X	X	X	X	X	X	X	X	X	X

81. In addition, several Proposed Respondents import into the United States, sell for importation, and/or sell within the United States after importation, percussive massage devices that infringe the ‘822 Patent. **Exhibits 62-66, 99, and 100** contain claim charts that show how the claimed design of the ‘822 Patent reads on the Proposed Respondents’ products. Based on information discovered through Hyperice’s investigation to date, at least the following of Proposed Respondents’ products infringe the ‘822 Patent: WODFitters Massage Gun; Manybo FBF Pulse Massage Gun; Shenzhen Let Us Win-Win Massage Gun (ALI1); Shenzhen Infein Massage Gun (ALI2); Laiwushiyu Massage Gun (AM2); Toloco T11 Pro Massage Gun (AM8); and Opove M3 Pro Massage Gun (AM9).



**WODFitters Massage Gun**



**Manybo FBF Pulse Gun**



**Shenzhen Let Us Win-Win Massage Gun (ALI1)**



**Shenzhen Infein Massage Gun (ALI2)**



**Laiwushiyu Massage Gun (AM2)**



**Toloco T11 Pro Massage Gun (AM8)**



**Opove M3 Pro Massage Gun (AM9)**

82. In addition, several Proposed Respondents unlawfully import into the United States, sell for importation, and/or sell within the United States after importation, percussive massage devices that infringe the '317 Patent. **Exhibits 67-77, 101, and 102** contain claim



charts that detail how the claimed design of the ‘317 Patent reads on the Proposed Respondents’ products. Based on information discovered through Hyperice’s investigation to date, at least the following of Proposed Respondents’ products infringe the ‘317 Patent: WODFitters Massage Gun; Massimo Massage Gun; Kinghood Logistics Theradrill Massage Gun; Manybo Massage Gun; Shenzhen Let Us Win-Win Massage Gun (ALI1); Shenzhen Infein Massage Gun (ALI2); Hong Kong Yongxu Massage Gun (AM1); Laiwushiyu Massage Gun (AM2); Shenzhen Shiluo Massage Gun (AM4); Kula eCommerce Massage Gun (AM5); Fu Si Massage Gun (AM6); Toloco T11 Pro Massage Gun (AM8); and Opove M3 Pro Massage Gun (AM9)



**WODFitters Massage Gun**



**Massimo Massage Gun**



**Shenzhen Let Us Win-Win Massage Gun (ALI1)**



**Shenzhen Infein Massage Gun (ALI2)**



**Theradrill**



**Hong Kong Yongxu Massage Gun (AM1)**



**Laiwushiyu Massage Gun (AM2)**



**Shenzhen Shiluo Massage Gun (AM4)**



**Kula eCommerce Massage Gun (AM5)**



**Fu Si Massage Gun (AM6)**



**Manybo FBF Pulse Gun**




**Toloco T11 Pro Massage Gun (AM8)**



**Opove M3 Pro Massage Gun (AM9)**

83. Numerous other parties sell devices online that clearly infringe the '574 Patent, the '822 Patent, and/or the '317 Patent. Hyperice has not named the parties as Proposed Respondents because Hyperice has been unable to locate physical addresses for the sellers. The

ease with which sellers can anonymously list products online – on either their own websites or platforms ranging from wish.com to Amazon.com to Walmart.com to eBay.com – and the ease with which the same sellers can change their seller names and postings, supports Hyperice’s request for a general exclusion order. *See, e.g., Exhibits 22, 27, 42, and 43.* The following are representative examples of the many products that infringe the ‘574 Patent, the ‘822 Patent, and/or the ‘317 Patent:

<p><a href="https://www.wish.com/search/hypervolt/product/5e4bd8dd98f89f0940dd904a?&amp;source=search&amp;position=4&amp;share=web">https://www.wish.com/search/hypervolt/product/5e4bd8dd98f89f0940dd904a?&amp;source=search&amp;position=4&amp;share=web</a><sup>5</sup></p>	
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<sup>5</sup> Note that this posting, and several other similar postings below, also infringe Hyperice’s copyrights by using Hyperice’s images, and many also infringe Hyperice’s registered trademarks. Hyperice has not been able to locate the physical address for any of the trademark infringers and, thus, has not named any as proposed respondents.

<https://senomex.com/>

## Classic



[https://www.alibaba.com/product-detail/health-care-products-cellulite-massager-muscle\\_62462105277.html?spm=a2700.galleryofferlist.0.0.c42c7541q8oIbU&s=p](https://www.alibaba.com/product-detail/health-care-products-cellulite-massager-muscle_62462105277.html?spm=a2700.galleryofferlist.0.0.c42c7541q8oIbU&s=p)



[https://www.amazon.com/Cordless-Handheld-Percussion-Featuring-Technology/dp/B07V5QNKHT/ref=sr\\_1\\_76?keywords=hypervolt&qid=1583278888&sr=8-76](https://www.amazon.com/Cordless-Handheld-Percussion-Featuring-Technology/dp/B07V5QNKHT/ref=sr_1_76?keywords=hypervolt&qid=1583278888&sr=8-76)



[https://www.amazon.com/Muscle-Massage-Gun-Athletic-Powerful-Recovery/dp/B07V676KHP/ref=sr\\_1\\_146\\_sspa?keywords=hypervolt&qid=1583274991&sr=8-146-spons&pssc=1&spLa=ZW5jcmlwdGVkUXVhbGlmaWVyPUEyM0VFVzFPVEgySVZTJmVuY3J5cHRlZElkPUEwMTUyNjgwMU9JNjBSjdBQlZTNCZlbnNyeXB0ZWRBZEIkPUewOTg2Mzk5MlFMRlU2RVVBVINJMCZ3aWRnZXROYW1lPXNwX2F0Zl9uZXh0JmFjdGlvbj1jbGlja1JlZGlyZWNoJmRvTm90TG9nQ2xpY2s9dHJ1ZQ==](https://www.amazon.com/Muscle-Massage-Gun-Athletic-Powerful-Recovery/dp/B07V676KHP/ref=sr_1_146_sspa?keywords=hypervolt&qid=1583274991&sr=8-146-spons&pssc=1&spLa=ZW5jcmlwdGVkUXVhbGlmaWVyPUEyM0VFVzFPVEgySVZTJmVuY3J5cHRlZElkPUEwMTUyNjgwMU9JNjBSjdBQlZTNCZlbnNyeXB0ZWRBZEIkPUewOTg2Mzk5MlFMRlU2RVVBVINJMCZ3aWRnZXROYW1lPXNwX2F0Zl9uZXh0JmFjdGlvbj1jbGlja1JlZGlyZWNoJmRvTm90TG9nQ2xpY2s9dHJ1ZQ==)





[https://www.amazon.com/MUYAO-O-Electric-Vibration-Frequency-Instrument/dp/B07Q24DQCS/ref=sr\\_1\\_164?keywords=hypervolt&qid=1583274991&sr=8-164](https://www.amazon.com/MUYAO-O-Electric-Vibration-Frequency-Instrument/dp/B07Q24DQCS/ref=sr_1_164?keywords=hypervolt&qid=1583274991&sr=8-164)



[https://www.amazon.com/Omnifas-Percussion-High-Intensity-Vibration-Rechargeable/dp/B07TSCV7WX/ref=sr\\_1\\_163?keywords=hypervolt&qid=1583274991&sr=8-163](https://www.amazon.com/Omnifas-Percussion-High-Intensity-Vibration-Rechargeable/dp/B07TSCV7WX/ref=sr_1_163?keywords=hypervolt&qid=1583274991&sr=8-163)





[https://www.amazon.com/Percussion-Massager-Handheld-Electric-Brushless/dp/B07WYY6T35/ref=sr\\_1\\_44?keywords=hypervolt&qid=1583277935&sr=8-44](https://www.amazon.com/Percussion-Massager-Handheld-Electric-Brushless/dp/B07WYY6T35/ref=sr_1_44?keywords=hypervolt&qid=1583277935&sr=8-44)



[https://www.amazon.com/Percussion-Massager-Handheld-Electric-Replaceable/dp/B07YN1WM38/ref=sr\\_1\\_6?keywords=hypervolt&qid=1583277789&sr=8-6](https://www.amazon.com/Percussion-Massager-Handheld-Electric-Replaceable/dp/B07YN1WM38/ref=sr_1_6?keywords=hypervolt&qid=1583277789&sr=8-6)



[https://www.amazon.com/TMGG-Handheld-Massager-Cordless-Rechargeable/dp/B07T24LXD7/ref=sr\\_1\\_155?keywords=hypervolt&qid=1583274991&sr=8-155](https://www.amazon.com/TMGG-Handheld-Massager-Cordless-Rechargeable/dp/B07T24LXD7/ref=sr_1_155?keywords=hypervolt&qid=1583274991&sr=8-155)



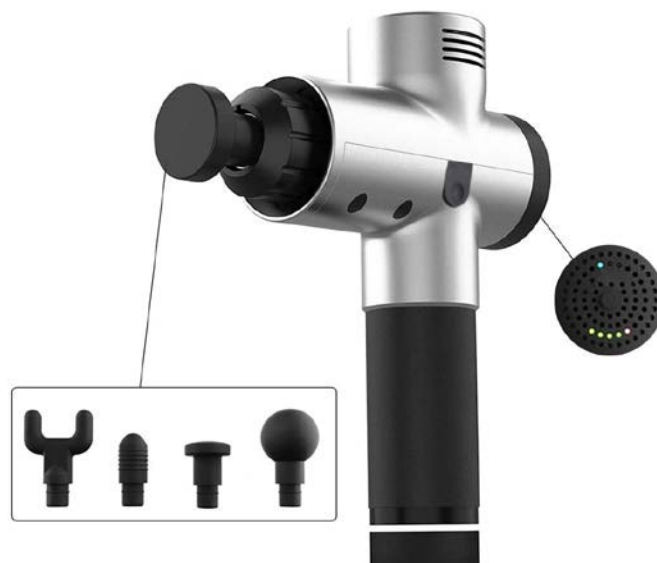
[https://www.amazon.com/WALLER-PAA-Percussion-Vibrating-Hypervolt/dp/B083JXJ5VV/ref=sr\\_1\\_159?keywords=hypervolt&qid=1583274991&sr=8-159](https://www.amazon.com/WALLER-PAA-Percussion-Vibrating-Hypervolt/dp/B083JXJ5VV/ref=sr_1_159?keywords=hypervolt&qid=1583274991&sr=8-159)



[https://www.amazon.com/WBM-Smart-Massage-Gun-Percussion/dp/B07ZH45HCB/ref=sr\\_1\\_12?keywords=hypervolt&qid=1583277935&sr=8-12](https://www.amazon.com/WBM-Smart-Massage-Gun-Percussion/dp/B07ZH45HCB/ref=sr_1_12?keywords=hypervolt&qid=1583277935&sr=8-12)



[https://www.amazon.com/YOJINKE-Percussion-Massager-Cordless-Adjustable/dp/B07Y84LQ63/ref=sr\\_1\\_54?keywords=hypervolt&qid=1583278888&sr=8-54](https://www.amazon.com/YOJINKE-Percussion-Massager-Cordless-Adjustable/dp/B07Y84LQ63/ref=sr_1_54?keywords=hypervolt&qid=1583278888&sr=8-54)



[https://www.amazon.com/Zerm%C3%A4tte-Cordless-Percussive-Therapeutic-Full-Body/dp/B07RT6VRX2/ref=sr\\_1\\_101?keywords=hypervolt&qid=1583279210&sr=8-101](https://www.amazon.com/Zerm%C3%A4tte-Cordless-Percussive-Therapeutic-Full-Body/dp/B07RT6VRX2/ref=sr_1_101?keywords=hypervolt&qid=1583279210&sr=8-101)



<https://www.hyper-phoenix.com/products/phoenix-silver>



<https://www.recovery-gun.com/products/recovery-gun%C2%AE-muscle-massage-gun>



<https://www.sculptlifestyle.com/collections/all/products/sculpt-massage-gun-essential>



<https://www.sculptlifestyle.com/collections/sculpt-massage-guns/products/sculpt-massage-gun-precision>



<https://www.walmart.com/ip/Massage-Gun-Percussion-Massager-Muscle-Relaxing-Vibrating-Like-Hypervolt/411810763>



<https://www.walmart.com/ip/Massage-Gun-Percussion-Massager-Muscle-Relaxing-Vibrating-Like-Hypervolt/954624740>



<https://www.walmart.com/ip/Massage-Gun-Percussion-Massager-Muscle-Relaxing-Vibrating-Like-Hypervolt/718528363>





<https://www.walmart.com/ip/4-Head-Massage-Gun-Massager-Muscle-Vibrating-Relaxing-Like-Hypervolt-Pain-Relief/644337800>



<https://www.wish.com/search/hypervolt/product/5da5b7355edc903a0090e168?&source=search&position=1>



<https://www.wish.com/search/hyper-volt/product/5dc912f8a24ee544a1f30635?&source=search&position=10>



<https://www.wish.com/search/hyper-volt/product/5e153de33170c0060846ca87?&source=search&position=0>



<https://www.wish.com/search/hypervolt/product/5e214b84c52d9109373d84a0?&source=search&position=5>



<https://www.wish.com/search/hypervolt/product/5e450cb06eb24f45e1c54264?&source=search&position=56>



<https://www.wish.com/search/hypervolt/product/5e450cc5ce6feb45d1f5d6cd?&source=search&position=19>



<https://www.wish.com/search/hypervolt/product/5e58aeb86e17b23b158414a0?&source=search&position=3>

4



<https://www.lossmini.com>

AND

<https://losimeet.com/products/copy-of-60-off-free-shippingmultifunctional-massage-gun?variant=32030520148073>

AND

<https://forspors.com/>



<https://surpass1.net/products/muscle-massager>

AND

[https://hotlightning.store/products/lowest-price-online-4-in-one-relieving-pain-3-speed-setting-body-deep-muscle-massager?\\_pos=1&\\_sid=a99bc2681&\\_ss=r](https://hotlightning.store/products/lowest-price-online-4-in-one-relieving-pain-3-speed-setting-body-deep-muscle-massager?_pos=1&_sid=a99bc2681&_ss=r)

AND

[https://prettybet.net/products/massager?\\_pos=1&\\_sid=de0c6fc9a&\\_ss=r](https://prettybet.net/products/massager?_pos=1&_sid=de0c6fc9a&_ss=r)

AND

<https://oppsads.net/products/muscle-massager>

AND

<https://lovelycool.net/products/muscle-massager>



<https://rejocora.com/products/electronic-fascia-guns-your-professional-masseur>



<https://www.usamegadeals.com/pages/thewavegun>



<p><a href="https://onephysion.com/">https://onephysion.com/</a></p>	
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84. All infringement at issue in this Complaint includes infringement (literally and/or under the doctrine of equivalents) under 35 U.S.C. §§ 271(a).

## **VII. SPECIFIC ACTS OF UNFAIR IMPORTATION AND SALE**

85. Hyperice has obtained in the United States representative samples of Proposed Respondents' Accused Products. As detailed below, all of the products are imported into the United States, as shown on the labels on the products themselves, the instruction manuals included with the products, the online product listings for the products, and/or the shipping records included with the products.

### **A. Addaday LLC**

86. On Nov. 26, 2019, an order was placed for an Addaday BioZoom Massage Gun, and the product was delivered to its final destination in the United States on December 3, 2019. *See Exhibit 78.* As of June 3, 2020, the Addaday BioZoom Massage Gun was still available for



purchase via its website (<https://www.addaday.com/products/biozoom>). **See Exhibit 10.** The Addaday BioZoom Massage Gun is made in China, as shown on the label below:



## B. Performance Health Systems, LLC

87. On November 26, 2019 an order was placed for a Power Plate Pulse, and the product was delivered to its final destination in the United States. **See Exhibit 79.** As of June 3, 2020, the Power Plate Pulse was still available for purchase via its website (<https://powerplate.com/shop/targeted-vibration/power-plate-pulse>), and it can also be ordered on Amazon.com (<https://www.amazon.com/Power-Plate-Portable-Handheld-Rechargeable/dp/B07Y3VZ1ZT?th=1>) and delivered within three days of the order. **See Exhibit 12.** The Power Plate Pulse is made in China, as shown on the label below:





### C. WODFitters

88. On March 9, 2020, an order was placed for the WODFitters Massage Gun; the product was delivered to its final destination in the United States on March 27, 2020. *See Exhibit 80.* As of June 3, 2020, the WODFitters Massage Gun was still available for purchase via its website (<https://www.wodfitters.com/collections/massage-tools>). *See Exhibit 14.* The WODFitters Massage Gun is made in China, as shown on the label below:



### D. Massimo Motor Sports, LLC

89. On April 9, 2020, an order was placed for the Massimo Massage Gun; the product was delivered to its final destination in the United States on April 16, 2020. *See Exhibit 81.* As of June 3, 2020, the Massimo Massage Gun was still available for purchase on Amazon.com ([https://www.amazon.com/Electric-Portable-Cordless-Percussion-Handheld/dp/B081KVKW46/ref=sr\\_1\\_5?dchild=1&keywords=M%2BMASSIMO%2BMOTOR&qid=1591073304&sr=8-5&th=1](https://www.amazon.com/Electric-Portable-Cordless-Percussion-Handheld/dp/B081KVKW46/ref=sr_1_5?dchild=1&keywords=M%2BMASSIMO%2BMOTOR&qid=1591073304&sr=8-5&th=1)). *See Exhibit 16.*

**E. Kinghood International Logistics Inc.**

90. On June 8, 2020, an order was placed for the Theradrill; the product was delivered to its final destination in the United States on June 12, 2020 *See Exhibit 82*. As of June 3, 2020, the Theradrill product was still available for purchase at least via its website (<https://theradrill.com/>) (*see Exhibit 18*), and the Theradrill ships from California anywhere in the United States in a few business days. *See Exhibit 18 at 16*.

**F. Manybo Ecommerce Ltd.**

91. On April 15, 2020, an order was placed for the FBF Pulse Gun; the product was shipped from Hong Kong and was delivered to its final destination in the United States on April 30, 2020. *See Exhibit 83*. As of June 3, 2020, the FBF Pulse Gun was still available for purchase at least via its website (<https://thefitbodyfactory.com/collections/pulse-collection>). *See Exhibit 20*.

**G. Shenzhen Let Us Win-Win Technology Co., Ltd.**

92. On May 22, 2020, an order was placed for the ALI1 Massage Gun; the product was shipped from Hong Kong and was delivered to its final destination in the United States on June 9, 2020. *See Exhibit 84*. As of June 3, 2020, the ALI1 Massage Gun product was still available for purchase at least via its Alibaba store ([https://www.alibaba.com/product-detail/New-Massage-Gun-Deep-Tissue-Percussion\\_62412578528.html?spm=a2700.galleryofferlist.0.0.c42c7541q8oIbU&fullFirstScreen=true](https://www.alibaba.com/product-detail/New-Massage-Gun-Deep-Tissue-Percussion_62412578528.html?spm=a2700.galleryofferlist.0.0.c42c7541q8oIbU&fullFirstScreen=true)). *See Exhibit 23*.

**H. Shenzhen Infein Technology Co., Ltd.**

93. On April 15, 2020, an order was placed for the ALI2 Massage Gun; the product was shipped from Hong Kong and was delivered to its final destination in the United States on

April 27, 2020 *See Exhibit 85*. As of June 3, 2020, the ALI2 Massage Gun product was still available for purchase at least via its Alibaba store. ([https://www.alibaba.com/product-detail/Muscle-Massage-Gun-HG-C03-16\\_62235929075.html?spm=a2700.wholesale.deiletai6.9.390476b88SwKkb](https://www.alibaba.com/product-detail/Muscle-Massage-Gun-HG-C03-16_62235929075.html?spm=a2700.wholesale.deiletai6.9.390476b88SwKkb)). *See Exhibit 25*.

**I. Hong Kong Yongxu Capital Management Co., Ltd.**

94. On March 6, 2020, an order was placed for the AM1 Massage Gun; the product was delivered to its final destination in the United States on March 7, 2020. *See Exhibit 86*. As of June 3, 2020, the AM1 Massage Gun was still available for purchase via the Amazon.com website ([https://www.amazon.com/PUNZYMO-Athletes-Percussion-Handheld-Changable/dp/B0838FKZKW/ref=sr\\_1\\_2?dchild=1&m=A13FCSMHXXH00EN&marketplaceID=ATVPDKIKX0DER&qid=1586188705&s=merchant-items&sr=1-2](https://www.amazon.com/PUNZYMO-Athletes-Percussion-Handheld-Changable/dp/B0838FKZKW/ref=sr_1_2?dchild=1&m=A13FCSMHXXH00EN&marketplaceID=ATVPDKIKX0DER&qid=1586188705&s=merchant-items&sr=1-2)) and it can be delivered in the United States within two days of the order. *See Exhibit 28 and Exhibit 86*. The AM1 Massage Gun is made in China, as shown on the label below:



**J. Laiwushiyu Xinuan Trading Company**

95. On March 6, 2020, an order was placed for the AM1 Massage Gun; the product was delivered to its final destination in the United States on March 7, 2020. *See Exhibit 87.* As of June 3, 2020, the AM2 Massage Gun was still available for purchase via the Amazon.com website ([https://www.amazon.com/Massage-Massager-Relaxer-Exercise-Vibration/dp/B07VS654G4/ref=sr\\_1\\_1?dchild=1&keywords=B07VS654G4&qid=1586369210&sr=8-1](https://www.amazon.com/Massage-Massager-Relaxer-Exercise-Vibration/dp/B07VS654G4/ref=sr_1_1?dchild=1&keywords=B07VS654G4&qid=1586369210&sr=8-1)) and it can be delivered in the United States within two days of the order. *See Exhibit 30 and Exhibit 87.*

**K. Shenzhen QingYueTang E-commerce Co., Ltd.**

96. On March 7, 2020, an order was placed for the AM3 Massage Gun; the product was delivered to its final destination in the United States on March 8, 2020. *See Exhibit 88.* As of March 7, 2020, the AM3 Massage Gun was available for sale via the Amazon.com website ([https://www.amazon.com/Massage-Percussion-Massager-6-Speed-Brushless/dp/B084V63DP7/ref=sr\\_1\\_1?dchild=1&keywords=B084V63DP7&qid=1586369971&sr=8-1](https://www.amazon.com/Massage-Percussion-Massager-6-Speed-Brushless/dp/B084V63DP7/ref=sr_1_1?dchild=1&keywords=B084V63DP7&qid=1586369971&sr=8-1)). *See Exhibit 32.* The product can be delivered in the United States within two days of the order. *See Exhibit 88.* The AM3 Massage Gun is made in China, as shown on the label:



**L. Shenzhen Shiluo Trading Co., Ltd.**

97. On March 7, 2020, an order was placed for the AM4 Massage Gun; the product was delivered to its final destination in the United States on March 9, 2020. *See Exhibit 89.* As of June 3, 2020, the AM4 Massage Gun was still available for purchase via the Amazon.com website ([https://www.amazon.com/awesafe-Portable-Percussion-Relieving-Stiffness/dp/B07WSF6ZNT/ref=sr\\_1\\_1?dchild=1&keywords=B07WSF6ZNT&qid=1586370128&sr=8-1](https://www.amazon.com/awesafe-Portable-Percussion-Relieving-Stiffness/dp/B07WSF6ZNT/ref=sr_1_1?dchild=1&keywords=B07WSF6ZNT&qid=1586370128&sr=8-1)) and it can be delivered in the United States within two-to-three days of the order. *See Exhibit 34 and Exhibit 89.* The AM4 Massage Gun is made in China, as shown on the label below:



**M. Kula eCommerce Co., Ltd.**

98. On March 7, 2020, an order was placed for the AM5 Massage Gun; the product was delivered to its final destination in the United States on March 9, 2020. *See Exhibit 90.* As of June 3, 2020, the AM5 Massage Gun was still available for purchase via the Amazon.com website ([https://www.amazon.com/ZANBO-Athletes-Percussion-Stiffness-Brushless/dp/B0813CKBQH/ref=sr\\_1\\_1?dchild=1&keywords=B0813CKBQH&qid=158637043](https://www.amazon.com/ZANBO-Athletes-Percussion-Stiffness-Brushless/dp/B0813CKBQH/ref=sr_1_1?dchild=1&keywords=B0813CKBQH&qid=158637043)



[6&sr=8-1](#)) and it can be delivered in the United States within two days of the order. *See*

**Exhibit 36 and Exhibit 90.**

**N. Fu Si**

99. On March 7, 2020, an order was placed for the AM6 Massage Gun; the product was delivered to its final destination in the United States on March 12, 2020. *See Exhibit 91.*

As of June 3, 2020, the AM6 Massage Gun was still available for purchase via the Amazon.com website ([https://www.amazon.com/Handheld-Percussion-Massager-Electric-Mebak/dp/B083FP3MZB/ref=sr\\_1\\_1?dchild=1&keywords=B083FP3MZB&qid=1586370648&sr=8-1](https://www.amazon.com/Handheld-Percussion-Massager-Electric-Mebak/dp/B083FP3MZB/ref=sr_1_1?dchild=1&keywords=B083FP3MZB&qid=1586370648&sr=8-1)) and it can be delivered within the United States within a few days of the order. *See*

**Exhibit 38.**

**O. Shenzhen Qifeng Technology Co., Ltd.**

100. On March 7, 2020, an order was placed for the AM7 Massage Gun; the product was delivered to its final destination in the United States on March 9, 2020. *See Exhibit 92.* As of June 3, 2020, the AM7 Massage Gun was still available for purchase via the Amazon.com website ([https://www.amazon.com/Booster-Canceling-Vibration-Generation-Percussion/dp/B07SN3R9QK/ref=sr\\_1\\_152?keywords=hypervolt&qid=1583274991&sr=8-152](https://www.amazon.com/Booster-Canceling-Vibration-Generation-Percussion/dp/B07SN3R9QK/ref=sr_1_152?keywords=hypervolt&qid=1583274991&sr=8-152)) and it can be delivered in the United States within two days of the order. *See Exhibit 40 and*

**Exhibit 92.** The AM7 Massage Gun is made in China, as shown on the label below:



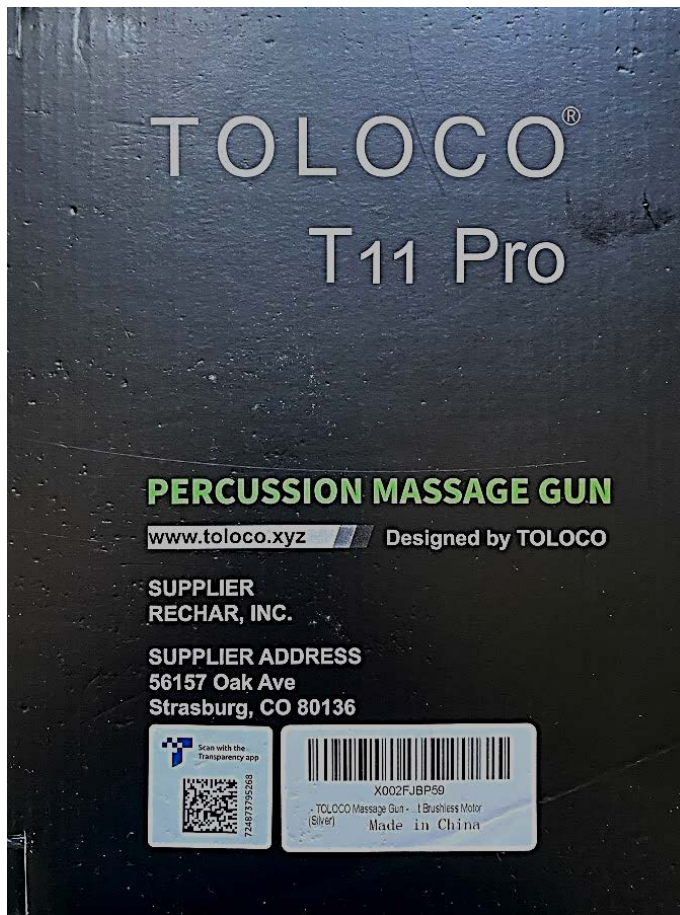
**P. Rechar, Inc. and Ning Chen (Toloco T11 Pro Massage Gun (AM8))**

101. On June 12, 2020, an order was placed for the Toloco T11 Pro Massage Gun (AM8); the product was delivered to its final destination in the United States on June 9, 2020.

**See Exhibit 103.** As of June 12, 2020, the product was available for purchase via the Amazon.com website

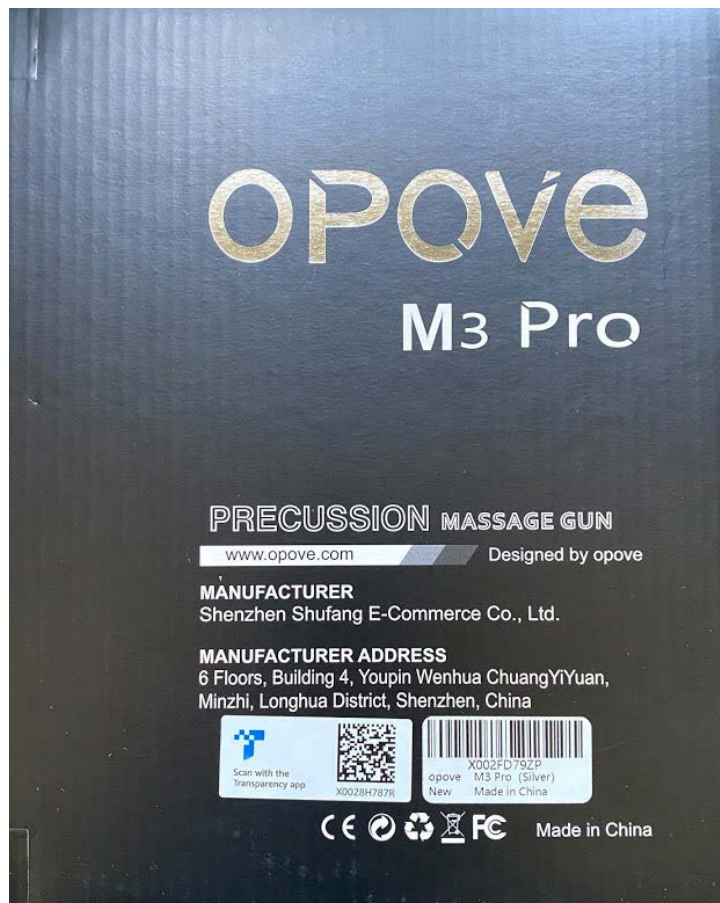
([https://www.amazon.com/gp/product/B083L8RNJR/ref=ppx\\_yo\\_dt\\_b\\_asin\\_title\\_o00\\_s00?ie=UTF8&psc=1](https://www.amazon.com/gp/product/B083L8RNJR/ref=ppx_yo_dt_b_asin_title_o00_s00?ie=UTF8&psc=1)) and via the [www.toloco.xyz](http://www.toloco.xyz) website (<https://www.toloco.xyz/product-page/toloco-massage-gun-t11-pro-upgraded-handheld-muscle-deep-tissue-muscle-massage>) and it can be delivered in the United States within two days of the order. **See Exhibit 93 and Exhibit 103.**

The AM8 Massage Gun is made in China, as shown on the label on its packaging:



**Q. Opove and Shenzhen Shufang E-Commerce Co., Ltd. (AM9)**

102. On June 12, 2020, an order was placed for the Opove M3 Pro Massage Gun (AM9); the product was delivered to its final destination in the United States on June 15, 2020. **See Exhibit 104.** As of June 12, 2020, the product was available for purchase via the Amazon.com website ([https://www.amazon.com/Pro-Percussion-Massager-Handheld-Brushless/dp/B07TVCF86M/ref=redir\\_mobile\\_desktop?ie=UTF8&aaxitk=aT0XET6m3ddVrrBTfxp5xQ&hsa\\_cr\\_id=5839351640601&ref=sbx\\_be\\_s\\_sparkle\\_mcd\\_asin\\_0](https://www.amazon.com/Pro-Percussion-Massager-Handheld-Brushless/dp/B07TVCF86M/ref=redir_mobile_desktop?ie=UTF8&aaxitk=aT0XET6m3ddVrrBTfxp5xQ&hsa_cr_id=5839351640601&ref=sbx_be_s_sparkle_mcd_asin_0)) and via the [www.opove.com](https://www.opove.com) website (<https://www.opove.com/products/opove-m3-pro-massage-gun>) and it can be delivered in the United States within 2-3 days of the order. **See Exhibit 95 and Exhibit 104.** The AM9 Massage Gun is made in China, as shown on the label on its packaging:





## **VIII. HARMONIZED TARIFF SCHEDULE INFORMATION**

103. On information and belief, the articles subject to this Complaint are classifiable under at least the following headings and subheadings of the Harmonized Tariff Schedule (“HTS”) of the United States: 9019.10.20 and 9019.10.40. These HTS identifications are illustrative and not exhaustive. The identifications are not intended to limit the scope of the Investigation, nor are they intended to restrict the scope of any exclusion order or other remedy ordered by the Commission.

## **IX. THE DOMESTIC INDUSTRY**

104. A domestic industry, as required and defined by 19 U.S.C. § 1337(a)(2)-(3), exists in the United States for the Hypervolt. *See Domestic Industry Statement*, filed herewith.

### **A. The Economic Prong**

105. An industry, as defined in Section 337(a)(3), exists in the United States with respect to Hyperice’s Hypervolt, which are protected by the Hypervolt Patents (*see Exhibits 7-9*), by virtue of Hyperice’s (A) significant investments in plant and equipment, and (B) significant employment of labor and capital. *See Domestic Industry Statement ¶¶ 5-7.*

106. Hyperice conducts significant, substantial, and extensive activities in the United States related to the Hypervolt’s domestic industry. *See Domestic Industry Statement ¶¶ 3, 5-7.* These activities include, but are not limited to, research and development, design, engineering, supply chain and operation management, sales, marketing, warranty, customer service, executive, intellectual property protection, and other business operations. *See Domestic Industry Statement ¶ 3.*

## **B. The Technical Prong**

107. Hyperice's Hypervolt – which was developed in the United States, and which is sold and supported in the United States – is within the Domestic Industry, and practices the claims of the '574 Patent and the claimed designs of the '822 Patent and the '317 Patent. *See Exhibits 7-9.*

## **X. RELATED LITIGATION**

108. Hyperice was involved in litigation in the United States District Court for the Central District of California with respect to the '822 Patent from January 17, 2020 to March 10, 2020. *See Hyper Ice, Inc. v. Yourniceday.com, et al.*, 8:2020-cv-00115 (C.D. Cal.). Hyperice voluntarily dismissed the litigation after it was unable to serve any of the Defendants, and yourniceday.com has subsequently ceased operating.

109. Hyperice was involved in litigation in the United States District Court for the Central District of California, with respect to the '822 Patent from September 16, 2019 to November 5, 2019. *See Addaday LLC v. Hyperice, Inc.*, No. 8:2019-cv-01760 (C.D. Cal.). The parties have settled that dispute. The instant action names Addaday as a Proposed Respondent because Addaday infringes the '574 Patent, as detailed above and in **Exhibit 47**.

## **XI. REQUEST FOR RELIEF**

WHEREFORE, Hyperice respectfully requests that the United States International Trade Commission:

1. Institute an immediate investigation pursuant to Section 337(b)(1) of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337, into the violation by the Proposed Respondents of Section 337 arising from the importation into the United States and/or sale within the United States after the importation of the Proposed Respondents' products that infringe the '574 Patent or the '822 Patent;

2. Schedule and conduct a hearing pursuant to Section 337(c), for purposes of receiving evidence and hearing argument concerning whether there has been a violation of Section 337 and, following the hearing, determine that there has been a violation of Section 337;

3. Issue a permanent general exclusion order (or, in the alternative, a limited exclusion order specifically directed to each named Proposed Respondent and their subsidiaries, affiliates, agents, successors, and assigns) pursuant to 19 U.S.C. § 1337(d) forbidding entry into the United States of any product that infringes the '574 Patent or the '822 Patent;

4. Issue a permanent cease-and-desist order, pursuant to 19 U.S.C. § 1337(f), directing the Proposed Respondents to cease and desist from the importation, sale, offer for sale, advertising, packaging or solicitation of any sale by the Proposed Respondents of products that infringe the '574 Patent or the '822 Patent;

5. Impose a bond upon the Proposed Respondents who continue to import infringing articles during the 60-day presidential review period per 19 U.S.C. § 1337(j); and

6. Grant all such other and further relief as it deems appropriate under the law, based upon the facts complained of herein and as determined by the investigation.

Dated: June 16, 2020

Respectfully Submitted,

By: /s/ Brian G. Arnold

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