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Attorneys for Plaintiff,

ELEIKO GROUP AB

**UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION**

ELEIKO GROUP AB, a Swedish
corporation,

Plaintiff,

v.

RUDY A. KADLUB and **CHRIS D.
DUFFIN**, individually and dba **KABUKI
STRENGTH LAB**, and **ELITE
STRENGTH EQUIPMENT, LLC**,

Defendants

) Case No.

) **COMPLAINT FOR PATENT
INFRINGEMENT**

) **JURY TRIAL REQUESTED**

Plaintiff Eleiko Group AB ("Eleiko") complains as follows against Defendants Rudy A.

Kadlub and Chris D. Duffin, individually and doing business as Kabuki Strength Lab, and

against Defendant Elite Strength Equipment, LLC.

JURISDICTION AND VENUE

1.

This is a civil action for patent infringement pursuant to 35 U.S.C. § 284. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338.

2.

Defendants reside and transact business within this judicial district and are committing the acts complained of below within this judicial district. As a result, Defendants are subject to the jurisdiction of this Court.

3.

Venue is proper in this judicial district pursuant to 28 U.S.C. §1400(b) because Defendants reside in this district, maintain regular and established places of business in the district, and committed acts of infringement with the district.

THE PARTIES

4.

Eleiko is a Swedish corporation with its principal place of business at Klastorpsvägen 18, 302 62 Halmstad, Sweden.

5.

Eleiko alleges on information and belief that Defendant Rudy A. Kadlub is a resident of this district, with a principal place of business at 14350 SE Industrial Way, Clackamas, OR 97015.

6.

Eleiko alleges on information and belief that Defendant Chris D. Duffin is a resident of this district, with a principal place of business at 14350 SE Industrial Way, Clackamas, OR 97015.

7.

Eleiko alleges on information and belief that Defendants Kadlub and Duffin do business as Kabuki Strength Lab, with a principal place of business at 14350 SE Industrial Way, Clackamas, OR 97015.

8.

Eleiko alleges on information and belief that Defendant Elite Strength Equipment, LLC is an Oregon limited liability company with its principal place of business at 9420 SE Lawnfield Road, Clackamas, OR 97015. Eleiko alleges further on information and belief that Defendants Kadlub and Duffin are the sole members of Elite Strength Equipment, LLC.

9.

Eleiko alleges on information and belief that at all times relevant to this action, each Defendant was the agent of and acting on behalf of the other, and that Duffin and Kadlub personally directed the unlawful activities described below.

ELEIKO'S BUSINESS AND PATENTED PRODUCT

10.

Eleiko is an industry leader in weightlifting and strength training equipment, including high-end barbells. Eleiko sells its products throughout the world, including in the United States.

11.

In February 2019, Eleiko launched a revolutionary new product called the Öppen Deadlift Bar. This is an open bar for deadlifting, with counterweights that provide increased balance and facilitate the shifting of weights.

12.

On April 26, 2019, Eleiko filed with the United States Patent and Trademark Office Patent Application No. 16/395.751, titled "Open Barbell With Stand" (the "'751 Application"). The '751 Application claimed the benefit of an application filed in Sweden on December 6, 2018. It was published on August 15, 2019.

13.

The '751 Application matured into U.S. Patent No. 10,881,893, issued on January 5, 2021 (the "'893 Patent"). A copy of the '893 Patent is attached as Exhibit 1.

14.

Eleiko's Öppen Deadlift Bar is a commercial embodiment of the '893 Patent.

DEFENDANTS' WILLFUL INFRINGEMENT

15.

It did not take Defendants long to knock off the Öppen Deadlift Bar. Shortly after Eleiko launched its product, Defendants began advertising, and currently sell, what they call the "Trap Bar HD." This product, Defendants' own version of an open deadlift bar, appears to be intentionally modeled on the Eleiko product.

16.

Through counsel, on October 16, 2019 Eleiko sent a cease and desist letter to Kabuki Strength, explaining that its product met every element of Claim 1 of the '751 Application.

17.

Kabuki Strength Lab's counsel Kurt A. Rohlfs responded to Eleiko's demands in a letter dated October 31, 2019. Among other things, Mr. Rohlfs stated that his client would not discontinue sales of the accused product. He did not, however, deny that the accused product met every limitation of the '751 Application.

18.

After the '893 Patent issued, Eleiko again contacted Mr. Rohlfs, including a detailed claim chart demonstrating his clients' infringement of Claims 1 and 16 of the '893 Patent. Eleiko again demanded, among other things, that Defendants stop their infringing activities.

19.

Mr. Rohlfs responded on February 26, 2021, again refusing Eleiko's demands. In this letter, Mr. Rohlfs identified "Elite Strength" as the manufacturer of the accused products.

20.

Defendants have been on actual notice of Eleiko's provisional patent rights since at least October 16, 2019, and of its infringement of the issued '893 Patent since at least February 12, 2021. Despite their knowledge of Eleiko's patent rights, Defendants continue to make, use, sell, offer for sale, and/or import into the United States at least one product that infringes at least one claim of the '893 Patent.

COUNT I

AGAINST ALL DEFENDANTS FOR PATENT INFRINGEMENT

21.

Eleiko repeats, realleges, and incorporates by reference the allegations of paragraphs 1 through 20 of this Complaint as though set forth fully here.

22.

Eleiko owns all right, title, and interest in and to the '893 Patent. The '893 is presumed valid.

23.

The '893 Patent claims a novel, open barbell configuration.

24.

Defendants have directly infringed, and continue to infringe, at least Claims 1 and 16 of the '893 Patent by making, using, selling, offering for sale, and/or importing into the United States at least one product that practices the invention claimed by the '893 Patent.

25.

For example, Defendants' Trap Bar HD meets each limitation of Claim 1 and Claim 16 of the '893 Patent.

26.

A claim chart explaining in detail Defendants' infringement of Claims 1 and 16 of the '893 Patent is attached as Exhibit 2 and incorporated by reference.

27.

Defendants have never requested, and Eleiko has never granted any of them, a license to practice the invention claimed by the '893 Patent.

28.

Defendants' infringement has damaged and, if not enjoined, will continue to damage, Eleiko in an amount according to proof. At a minimum, Eleiko is entitled to a reasonable royalty pursuant to 35 U.S.C. § 284.

29.

Defendants were repeatedly put on notice of their infringement, yet they refused to cease and desist. Their infringement was and is willful, entitling Eleiko to treble damages pursuant to 35 U.S.C. § 284.

30.

Defendants' conduct as alleged above renders this case exceptional. As a result, Eleiko is also entitled to an award of reasonable attorneys' fees pursuant to 35 U.S.C. § 285.

31.

Monetary damages are inadequate to make Eleiko whole. Accordingly, Eleiko also is entitled to preliminary and permanent injunctive relief against further infringement of the '893 Patent.

PRAYER FOR RELIEF

THEREFORE, Eleiko prays for relief against each Defendant as follows:

1. Judgment that each Defendant is liable for infringing at least one valid claim of the '893 Patent;
2. Compensatory damages in an amount according to proof, and in any event no less than a reasonable royalty;
3. A preliminary and permanent injunction against Defendants, their agents, servants, employees and attorneys, and those persons in active concert or participation with them prohibiting further infringement of any claim of the '893 Patent, and requiring them to destroy all inventory of infringing products and all molds used in their manufacture;
4. Treble damages for willful infringement pursuant to 35 U.S.C. § 284;
5. A finding that this case is exceptional and awarding Eleiko its reasonable attorneys' fees pursuant to 35 U.S.C. § 285;
6. Pre-judgment and post-judgment interest;
7. Costs of suit; and
8. Such other and additional relief the Court deems just and proper.

DATED this 20th day of May, 2021

ELLIOTT, OSTRANDER & PRESTON, P. C.

By: 

John D. Ostrander, OSB #87394, john@eoplaw.com
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Attorneys for Plaintiff **ELEIKO GROUP AB**

JURY TRIAL

Plaintiff Eleiko Group AB demands a trial by jury of all issues triable pursuant to Rule 38 of the Federal Rules of Civil Procedure.

DATED this 20th day of May, 2021

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