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Attorneys for Plaintiff

ICON HEALTH & FITNESS, INC.

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH  
NORTHERN DIVISION**

ICON HEALTH & FITNESS, INC., a  
Delaware corporation,

Plaintiff,

v.

STRAVA, INC., a Delaware corporation,

Defendants.

**COMPLAINT**

Civil Action No. 1:11-cv-00175-CW

Judge Clark Waddoups

(Jury Demanded)

Plaintiff ICON HEALTH & FITNESS, INC. (“ICON” or “Plaintiff”) hereby complains against defendant STRAVA, INC., (“Strava” or “Defendant”) for the causes of action alleged as follows:

### **THE PARTIES**

1. ICON is a corporation duly organized and existing under the laws of the State of Delaware, with its principal place of business located at 1500 South 1000 West, Logan, Utah 84321.

2. On information and belief, Strava is a corporation organized and existing under the laws of the State of Delaware, with its principal place of business located at 901 Mission Street, San Francisco, California 94103.

### **JURISDICTION AND VENUE**

3. This is a civil action arising under the patent laws of the United States, including but not limited to 35 U.S.C. § 271.

4. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338.

5. This Court has personal jurisdiction over Strava because Strava has purposely availed itself of the privileges and benefits of the laws of the State of Utah and has committed acts of patent infringement within this judicial district.

6. Venue is proper in this judicial district pursuant to 28 U.S.C. §§ 1391 and 1400.

### **FACTUAL BACKGROUND**

#### **ICON's Patents**

7. ICON is an award-winning innovator in the field of exercise equipment and it markets and sells a variety of consumer products.

8. ICON came to its position of technological leadership through innovation and substantial investment in research, development and acquisition of cutting edge technologies. As

a result of its endeavors, many of the technological innovations created and owned by ICON are protected by a valuable and diverse intellectual property portfolio that includes patents, trademarks, trade dress, and copyrights.

9. Many of ICON's technological innovations and acquisitions are protected, *inter alia*, by a portfolio of utility and design patents, including United States Patent Nos. 7,789,800 (the "'800 Patent"), a true and correct copy of which is attached hereto as Exhibit A, and 6,701,271 (the "'271 Patent"), a true and correct copy of which is attached hereto as Exhibit B (collectively the "Asserted Patents").

10. ICON is the owner by assignment of the '800 Patent.

11. ICON is the owner by assignment of the '271 Patent.

**Strava's Infringement of the Asserted Patents**

12. On information and belief, Strava is in the business of mobile and online fitness data storage and analysis. In particular, Strava provides mobile and online applications, systems, and devices that allow users to track, upload, analyze, compare, and share fitness data.

13. On information and belief, Strava uses portable user devices and systems, such as smartphones, dedicated global positioning system ("GPS") units, heart rate monitors, and other fitness sensors, to track users' fitness data. Strava then receives the tracked fitness data at a database where it is analyzed. Strava provides information regarding the tracked fitness data and analysis back to the users by way of the users' portable devices or other communication devices (e.g., personal computers).

14. On information and belief, Strava also sells and/or offers to sell portable user devices and systems, such as portable GPS units (e.g., wrist-worn and bike-mount GPS units)

and heart rate monitors (e.g., heart rate straps, etc.). These devices allow Strava to sense and track users' biological parameters (e.g., heart rate, movements, speed, distance traveled, etc.) during fitness activities. Various of these devices also include memory for storing data associated with sensed biological parameters and physical activity data.

15. On information and belief, Strava operates, maintains, and/or controls a number of online and mobile applications through which Strava tracks users' fitness data, receives tracked fitness data, and provides the users with information regarding their fitness activities. These online and mobile applications include, without limitation, a website with the domain name [www.strava.com](http://www.strava.com) (the "Website") and smartphone compatible mobile applications that track users' fitness data and automatically upload the tracked fitness data to the Website.

**FIRST CLAIM FOR RELIEF  
(Infringement of the '800 patent)**

16. By this reference ICON realleges and incorporates the foregoing paragraphs as though fully set forth herein.

17. Strava has directly infringed and continues to directly infringe the '800 patent under 35 U.S.C. § 271(a) by making, using, selling, offering for sale within the United States, or importing into the United States products, systems, and/or services that infringe the '800 patent.

18. Strava has also indirectly infringed and continues to indirectly infringe the '800 patent under 35 U.S.C. §§ 271(b) and/or (c) by actively inducing infringement of and/or contributorily infringing the '800 patent. At least as early as its receipt of notice of this action, Strava has had knowledge of the '800 patent, Strava has had and continues to have the specific intent to induce its customers to infringe the '800 patent, and Strava's customers do in fact infringe the '800 patent, of which infringement Strava knows or should have known. In addition,

Strava provides products, devices, systems, and/or services that are especially made to be used, and are in fact used by Strava's users, in a way that infringes the '800 patent, and that have no substantial non-infringing uses.

19. Strava's acts of infringement have caused damage to ICON, and ICON is entitled to recover the damages sustained as a result of Strava's wrongful acts in an amount subject to proof at trial. Strava's infringement of ICON's rights under the '800 patent will continue to damage ICON's business, causing irreparable harm, for which there is no adequate remedy at law, unless it is enjoined by this Court.

20. On information and belief, at least as early as Strava's first notice of this action, Strava has willfully infringed the '800 patent, entitling ICON to increased damages under 35 U.S.C. § 284 and to attorneys' fees and costs incurred in prosecuting this action under 35 U.S.C. § 285.

**SECOND CLAIM FOR RELIEF  
(Infringement of the '271 patent)**

21. By this reference ICON realleges and incorporates the foregoing paragraphs as though fully set forth herein.

22. Strava has directly infringed and continues to directly infringe the '271 patent under 35 U.S.C. § 271(a) by making, using, selling, offering for sale within the United States, or importing into the United States products, systems, and/or services that infringe the '271 patent.

23. Strava has also indirectly infringed and continues to indirectly infringe the '271 patent under 35 U.S.C. §§ 271(b) and/or (c) by actively inducing infringement of and/or contributorily infringing the '271 patent. At least as early as its receipt of notice of this action, Strava has had knowledge of the '271 patent, Strava has had and continues to have the specific

intent to induce its customers to infringe the '271 patent, and Strava's customers do in fact infringe the '271 patent, of which infringement Strava knows or should have known. In addition, Strava provides products, devices, systems, and/or services that are especially made to be used, and are in fact used by Strava's users, in a way that infringes the '271 patent, and that have no substantial non-infringing uses.

24. Strava's acts of infringement have caused damage to ICON, and ICON is entitled to recover the damages sustained as a result of Strava's wrongful acts in an amount subject to proof at trial. Strava's infringement of ICON's rights under the '271 patent will continue to damage ICON's business, causing irreparable harm, for which there is no adequate remedy at law, unless it is enjoined by this Court.

25. On information and belief, at least as early as Strava's first notice of this action, Strava has willfully infringed the '271 patent, entitling ICON to increased damages under 35 U.S.C. § 284 and to attorneys' fees and costs incurred in prosecuting this action under 35 U.S.C. § 285.

#### **PRAYER FOR RELIEF**

WHEREFORE, ICON prays for judgment as follows:

A. A judgment finding Strava liable for infringement of one or more of the claims of the '800 Patent;

B. A judgment finding Strava liable for infringement of one or more of the claims of the '271 Patent;

C. Orders of this Court temporarily, preliminarily, and permanently enjoining Strava, its agents, servants, and any and all parties acting in concert with any of them, from directly or

indirectly infringing in any manner any of the claims of the '800 Patent and '271 Patent, pursuant to at least 35 U.S.C. § 283;

D. An award of damages adequate to compensate ICON for Strava's infringement of the '800 Patent, in an amount to be proven at trial;

E. An award of damages adequate to compensate ICON for Strava's infringement of the '271 Patent, in an amount to be proven at trial;

F. A trebling of the damage award to ICON;

G. A declaration that this case is exceptional;

H. An award of ICON's attorneys' fees in this action;

I. An award of pre- and post-judgment interest on all damages awarded; and

J. An award of any other and further relief as the Court deems just and equitable.

#### **DEMAND FOR JURY TRIAL**

ICON demands trial by jury on all claims and issues so triable.

DATED: December 9, 2011.

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By: /s/ David R. Wright  
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