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14  
15 UNITED STATES DISTRICT COURT  
16 CENTRAL DISTRICT OF CALIFORNIA  
17  
18

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

21 Plaintiff,

22 v.

23 PELOTON INTERACTIVE, INC., a New  
24 York corporation; and PELOTON  
25 INDOOR CYCLING NY, INC., a New  
26 York corporation,

27 Defendants.  
28

Case No.: 2:16-cv-2407-MWF-GJS

**FIRST AMENDED COMPLAINT  
FOR PATENT INFRINGEMENT**

**[Demand For Jury Trial]**

HON. MICHAEL W. FITZGERALD  
UNITED STATES DISTRICT JUDGE

HON. GAIL J. STANDISH  
UNITED STATES MAGISTRATE JUDGE

1 Plaintiff ICON Health & Fitness, Inc. (“ICON” or “Plaintiff”) hereby complains  
2 against defendants Peloton Interactive, Inc. and Peloton Indoor Cycling NY, Inc.  
3 (collectively “Peloton” or “Defendants”) for the causes of action alleged as follows:

4 **THE PARTIES**

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

8 2. On information and belief, Peloton Interactive, Inc. is a corporation with its  
9 headquarters and its principle place of business located at 158 W 27th Street, New York,  
10 New York 10001.

11 3. On information and belief, Peloton Indoor Cycling NY, Inc. is a corporation  
12 duly organized and existing under the laws of the State of New York, with its  
13 headquarters and its principle place of business located at 158 W 27th Street New York,  
14 New York 10001.

15 **JURISDICTION AND VENUE**

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

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

20 6. This Court has personal jurisdiction over Peloton because Peloton has  
21 purposely availed itself of the privileges and benefits of the laws of the State of  
22 California and has committed acts of patent infringement within this judicial district.

23 7. ICON alleges on information and belief that Peloton has sold or contracted  
24 for the sale of infringing goods within the State of California; and within this District, to  
25 ICON’s injury, which relate to the claims asserted by ICON, and out of which ICON’s  
26 claims, in part, arise.

27 8. On information and belief, Peloton operates retail locations throughout  
28 California, including stores in Los Angeles County, Orange County, and Marin County.

1           9.     On information and belief, Peloton is the owner of the website located at  
2 www.pelotoncycle.com, which is available to persons within the State of California.

3           10.    On information and belief, Peloton advertises, markets, sells, and offers its  
4 products through its website, www.pelotoncycle.com, the advertising, marketing, selling,  
5 and offerings of which are available to the purchasing public in the State of California.

6           11.    On information and belief, the content provided by Peloton through its  
7 products is available to persons within the State of California.

8           12.    This Court's exercise of personal jurisdiction over Peloton is consistent with  
9 the Constitutions of the United States and the State of California.

10          13.    Venue is proper in this judicial district pursuant to 28 U.S.C. §§ 1391 and  
11 1400.

## 12                                   **FACTUAL BACKGROUND**

### 13                                   **ICON'S PATENT PORTFOLIO**

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

16          15.    ICON came to its position of technological leadership through innovation  
17 and substantial investment in research, development and acquisition of cutting-edge  
18 technologies. As a result of its endeavors, many of the technological innovations created  
19 and owned by ICON are protected by a valuable and diverse intellectual property  
20 portfolio that includes patents, trademarks, trade dress, and copyrights.

21          16.    Many of ICON's technological innovations and acquisitions are protected  
22 by, *inter alia*, a portfolio of utility and design patents, including United States Patent Nos.  
23 6,701,271 (the "'271 Patent"); 6,749,537 (the "'537 Patent"); 6,808,472 (the "'472  
24 Patent"); 6,601,016 (the "'016 Patent"); and 7,556,590 (the "'590 Patent") (collectively  
25 the "Asserted Patents").

26          17.    The '271 Patent was filed on May 17, 2001 and issued on March 2, 2004.  
27 ICON is the owner by assignment of the '271 Patent. ICON has not licensed Peloton to  
28

1 practice the '271 Patent, and Peloton does not have any right or authority to license others  
2 to practice the '271 Patent.

3 18. The '537 Patent was filed on October 16, 2000 and issued on June 15, 2004.  
4 ICON is the owner by assignment of the '537 Patent. ICON has not licensed Peloton to  
5 practice the '537 Patent, and Peloton does not have any right or authority to license others  
6 to practice the '537 Patent.

7 19. The '472 Patent was filed on October 16, 2000 and issued on October 6,  
8 2004. ICON is the owner by assignment of the '472 Patent. ICON has not licensed  
9 Peloton to practice the '472 Patent, and Peloton does not have any right or authority to  
10 license others to practice the '472 Patent.

11 20. The '016 Patent was filed on April 28, 2000 and issued on July 29, 2003.  
12 ICON is the owner by assignment of the '016 Patent. ICON has not licensed Peloton to  
13 practice the '016 Patent, and Peloton does not have any right or authority to license others  
14 to practice the '016 Patent.

15 21. The '590 Patent was filed on May 8, 2006 and issued on July 7, 2009. ICON  
16 is the owner by assignment of the '590 Patent. ICON has not licensed Peloton to practice  
17 the '590 Patent, and Peloton does not have any right or authority to license others to  
18 practice the '590 Patent.

19 **PELTON'S INFRINGEMENT OF THE ASSERTED PATENTS**

20 22. On information and belief, Peloton is in the business of manufacturing and  
21 selling exercise equipment, among other things, with online streaming and online fitness  
22 data storage and analysis capabilities. In particular, Peloton provides exercise bikes with  
23 systems and applications that allow users to stream, track, upload, analyze, compare, and  
24 share fitness-related data and content.

25 23. On information and belief, Peloton's exercise bikes include a computing  
26 device to provide content to its users and to track its users' fitness-related data. The  
27 computing device utilizes a network connection to allow its users to interconnect and to  
28 allow communication between Peloton's one or more servers and its users.

1           24. On information and belief, Peloton produces live and prerecorded content  
2 from its New York and Chicago exercise/recording studios to be streamed to its users,  
3 who may access the content from Peloton's exercise bikes. Peloton allows and induces  
4 users to communicate with Peloton's one or more servers to access its live and  
5 prerecorded content. Participation in the live or prerecorded content is tracked and  
6 produces related fitness data.

7           25. On information and belief, Peloton allows and induces users to upload  
8 tracked fitness-related data from their Peloton exercise bikes to Peloton's servers, access  
9 data uploaded from other users to the Peloton servers, share data with other Peloton users,  
10 generate reports associated with the data, or otherwise evaluate and interact with the data  
11 by way of the included computing device or other communication devices (e.g.,  
12 smartphones, personal computers).

13           26. ICON alleges upon information and belief that Peloton imports, makes, uses,  
14 sells, or offers for sale within the United States and within the State of California, either  
15 directly or through established distribution channels, fitness-related devices, including  
16 exercise bikes designated as the "Peloton Bike."

17           27. On information and belief, Peloton has sold products that infringe the  
18 Asserted Patents including, but not limited to, the Peloton Bike.

19                           **FIRST CLAIM FOR RELIEF**

20                           (Infringement of the '537 Patent)

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

23           29. Peloton has infringed and continues to infringe one or more claims of the  
24 '537 Patent by making, using, selling, offering for sale within the United States, or  
25 importing into the United States products, systems, or services, including, but not limited  
26 to, the Peloton Bike and its appurtenant products and services, which embody one or  
27 more of the claims of the '537 Patent, or by contributing to the infringement, inducing  
28

1 others to infringe, or carrying out acts constituting infringement of the '537 Patent under  
2 35 U.S.C. § 271.

3 30. On information and belief, the Peloton Bike and its appurtenant products and  
4 services infringe at least claim 27 of the '537 Patent. In order to provide content to  
5 Peloton Bike users, Peloton produces multimedia content from its New York and  
6 Chicago exercise/recording studios and transmits this content to a server system that  
7 manages the content, which ultimately sends the content to Peloton Bike users. This  
8 multimedia content includes video data, which is reproduced at Peloton's server system  
9 and the Peloton Bikes.

10 31. Peloton has induced and continues to induce others to infringe one or more  
11 claims of the '537 Patent by the manufacture, use, sale, offer for sale, importation, and  
12 instruction provided in connection with the Peloton Bike and its appurtenant products and  
13 services.

14 32. On information and belief, Peloton has, and has had, the specific intent to  
15 induce others to infringe one or more claims of the '537 Patent by the aforesaid conduct.

16 33. Peloton has contributed and continues to contribute to the infringement of  
17 one or more claims of the '537 Patent by the manufacture, use, sale, offer for sale and  
18 importation of the Peloton Bike and its appurtenant products and services. Such devices,  
19 systems, and services constitute a material part of the invention and are not staple articles  
20 or commodities of commerce suitable for substantial noninfringing uses. Peloton knows  
21 that such devices, systems, and services constitute a material part of the invention.

22 34. The conduct of Peloton as set forth hereinabove gives rise to a cause of  
23 action for infringement of the '537 Patent, pursuant to at least 35 U.S.C. §§ 271 and 281.

24 35. On information and belief, Peloton has sold infringing products, such as the  
25 Peloton Bike and its appurtenant products and services, despite an objectively high  
26 likelihood that its actions constitute infringement.  
27  
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1           36. Peloton's acts of infringement have caused damage to ICON, and ICON is  
2 entitled to recover the damages sustained as a result of Peloton's wrongful acts in an  
3 amount subject to proof at trial.

4           37. Peloton's infringement of the '537 Patent will continue to damage ICON's  
5 business, causing irreparable harm, for which there is no adequate remedy at law, unless  
6 it is enjoined by this Court.

7           38. Upon information and belief, Peloton has willfully infringed the '537 Patent,  
8 entitling ICON to increased damages under 35 U.S.C. § 284 and to attorneys' fees and  
9 costs incurred in prosecuting this action under 35 U.S.C. § 285. The '537 Patent was  
10 cited in an Information Disclosure Statement dated March 4, 2014 during the prosecution  
11 of U.S. Patent No. 9,174,085 to John P. Foley (the "Peloton Patent"), which is assigned to  
12 Peloton. Peloton has also previously engaged ICON in discussions regarding the potential  
13 licensing of ICON's patent portfolio, including the Asserted Patents.

14           39. By reason of the foregoing, ICON is entitled to relief against Peloton,  
15 pursuant to at least 35 U.S.C. §§ 283–85.

16                           **SECOND CLAIM FOR RELIEF**

17                                   (Infringement of the '472 Patent)

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

20           41. Peloton has infringed and continues to infringe one or more claims of the  
21 '472 Patent by making, using, selling, offering for sale within the United States, or  
22 importing into the United States products, systems, or services, including, but not limited  
23 to, the Peloton Bike and its appurtenant products and services, which embody one or  
24 more of the claims of the '472 Patent, or by contributing to the infringement, inducing  
25 others to infringe, or carrying out acts constituting infringement of the '472 Patent under  
26 35 U.S.C. § 271.

27           42. On information and belief, the Peloton Bike and its appurtenant products and  
28 services infringe at least claim 5 of the '472 Patent. Each Peloton Bike includes an



1 exercise bike with an associated tablet computer that monitors the operation of the  
2 exercise bike and maintains a communication linkage with Peloton's exercise/recording  
3 studios and server system in order to exchange user performance data, instructional  
4 content, software updates, and other content.

5 43. Peloton has induced and continues to induce others to infringe one or more  
6 claims of the '472 Patent by the manufacture, use, sale, offer for sale, importation, and  
7 instruction provided in connection with the Peloton Bike and its appurtenant products and  
8 services.

9 44. On information and belief, Peloton has, and has had, the specific intent to  
10 induce others to infringe one or more claims of the '472 Patent by the aforesaid conduct.

11 45. Peloton has contributed and continues to contribute to the infringement of  
12 one or more claims of the '472 Patent by the manufacture, use, sale, offer for sale and  
13 importation of the Peloton Bike and its appurtenant products and services. Such devices,  
14 systems, and services constitute a material part of the invention and are not staple articles  
15 or commodities of commerce suitable for substantial noninfringing uses. Peloton knows  
16 that such devices, systems, and services constitute a material part of the invention.

17 46. The conduct of Peloton as set forth hereinabove gives rise to a cause of  
18 action for infringement of the '472 Patent, pursuant to at least 35 U.S.C. §§ 271 and 281.

19 47. On information and belief, Peloton has sold infringing products, such as the  
20 Peloton Bike and its appurtenant products and services, despite an objectively high  
21 likelihood that its actions constitute infringement.

22 48. Peloton's acts of infringement have caused damage to ICON, and ICON is  
23 entitled to recover the damages sustained as a result of Peloton's wrongful acts in an  
24 amount subject to proof at trial.

25 49. Peloton's infringement of the '472 Patent will continue to damage ICON's  
26 business, causing irreparable harm, for which there is no adequate remedy at law, unless  
27 it is enjoined by this Court.  
28



1           50. Upon information and belief, Peloton has willfully infringed the '472 Patent,  
2   entitling ICON to increased damages under 35 U.S.C. § 284 and to attorneys' fees and  
3   costs incurred in prosecuting this action under 35 U.S.C. § 285. The '472 Patent was  
4   cited in an Information Disclosure Statement dated March 4, 2014 during the prosecution  
5   of the Peloton Patent. Peloton has also previously engaged ICON in discussions  
6   regarding the potential licensing of ICON's patent portfolio, including the Asserted  
7   Patents.

8           51. By reason of the foregoing, ICON is entitled to relief against Peloton,  
9   pursuant to at least 35 U.S.C. §§ 283–85.

10                                   **THIRD CLAIM FOR RELIEF**

11                                   (Infringement of the '016 Patent)

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

14           53. Peloton has infringed and continues to infringe one or more claims of the  
15   '016 Patent by making, using, selling, offering for sale within the United States, or  
16   importing into the United States products, systems, or services, including, but not limited  
17   to, the Peloton Bike and its appurtenant products and services, which embody one or  
18   more of the claims of the '016 Patent, or by contributing to the infringement, inducing  
19   others to infringe, or carrying out acts constituting infringement of the '016 Patent under  
20   35 U.S.C. § 271.

21           54. On information and belief, the Peloton Bike and its appurtenant products and  
22   services infringe at least claim 53 of the '016 Patent. Each Peloton Bike includes an  
23   exercise bike with an associated tablet computer that monitors fitness-related activity  
24   performed on the exercise bike, as well as the real-time fitness-related activity of other  
25   Peloton Bike users on their own respective Peloton Bikes. The fitness-related data  
26   recorded by each Peloton Bike is first transmitted to Peloton's server system before being  
27   sent to other Peloton Bike users, and each set of data is associated with a particular user's  
28   profile to differentiate among users. The data is reproduced on the tablets of Peloton

1 Bikes in the form of, among other things, a leaderboard to enable competition and  
2 comparison among users.

3 55. Peloton has induced and continues to induce others to infringe one or more  
4 claims of the '016 Patent by the manufacture, use, sale, offer for sale, importation, and  
5 instruction provided in connection with the Peloton Bike and its appurtenant products and  
6 services.

7 56. On information and belief, Peloton has, and has had, the specific intent to  
8 induce others to infringe one or more claims of the '016 Patent by the aforesaid conduct.

9 57. Peloton has contributed and continues to contribute to the infringement of  
10 one or more claims of the '016 Patent by the manufacture, use, sale, offer for sale and  
11 importation of the Peloton Bike and its appurtenant products and services. Such devices,  
12 systems, and services constitute a material part of the invention and are not staple articles  
13 or commodities of commerce suitable for substantial noninfringing uses. Peloton knows  
14 that such devices, systems, and services constitute a material part of the invention.

15 58. The conduct of Peloton as set forth hereinabove gives rise to a cause of  
16 action for infringement of the '016 Patent, pursuant to at least 35 U.S.C. §§ 271 and 281.

17 59. On information and belief, Peloton has sold infringing products, such as the  
18 Peloton Bike and its appurtenant products and services, despite an objectively high  
19 likelihood that its actions constitute infringement.

20 60. Peloton's acts of infringement have caused damage to ICON, and ICON is  
21 entitled to recover the damages sustained as a result of Peloton's wrongful acts in an  
22 amount subject to proof at trial.

23 61. Peloton's infringement of the '016 Patent will continue to damage ICON's  
24 business, causing irreparable harm, for which there is no adequate remedy at law, unless  
25 it is enjoined by this Court.

26 62. Upon information and belief, Peloton has willfully infringed the '016 Patent,  
27 entitling ICON to increased damages under 35 U.S.C. § 284 and to attorneys' fees and  
28 costs incurred in prosecuting this action under 35 U.S.C. § 285. Peloton previously

1 engaged ICON in discussions regarding the potential licensing of ICON's patent  
2 portfolio, including the Asserted Patents.

3 63. By reason of the foregoing, ICON is entitled to relief against Peloton,  
4 pursuant to at least 35 U.S.C. §§ 283–85.

#### 5 **FOURTH CLAIM FOR RELIEF**

6 (Infringement of the '590 Patent)

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

9 65. Peloton has infringed and continues to infringe one or more claims of the  
10 '590 Patent by making, using, selling, offering for sale within the United States, or  
11 importing into the United States products, systems, or services, including, but not limited  
12 to, the Peloton Bike and its appurtenant products and services, which embody one or  
13 more of the claims of the '590 Patent, or by contributing to the infringement, inducing  
14 others to infringe, or carrying out acts constituting infringement of the '590 Patent under  
15 35 U.S.C. § 271.

16 66. On information and belief, the Peloton Bike and its appurtenant products and  
17 services infringe at least claim 1 of the '590 Patent. Each Peloton Bike includes an  
18 exercise bike with an associated tablet computer communicatively connected to the  
19 exercise bike. The exercise bike communicates data in a first protocol to a device that  
20 translates the data into a protocol compatible with the tablet computer. The tablet  
21 computer transmits this data to Peloton's server system, where data from multiple  
22 Peloton Bikes is compiled and compared to produce content such as leaderboards and  
23 comparison charts. This content is produced from data gathered from different users who  
24 participated in exercise sessions at different times and dates. Peloton maintains a  
25 communication link among Peloton Bike users and Peloton's server systems to enable  
26 users to access this content and to communicate with one another.

27 67. Peloton has induced and continues to induce others to infringe one or more  
28 claims of the '590 Patent by the manufacture, use, sale, offer for sale, importation, and

1 instruction provided in connection with the Peloton Bike and its appurtenant products and  
2 services.

3 68. On information and belief, Peloton has, and has had, the specific intent to  
4 induce others to infringe one or more claims of the '590 Patent by the aforesaid conduct.

5 69. Peloton has contributed and continues to contribute to the infringement of  
6 one or more claims of the '590 Patent by the manufacture, use, sale, offer for sale and  
7 importation of the Peloton Bike and its appurtenant products and services. Such devices,  
8 systems, and services constitute a material part of the invention and are not staple articles  
9 or commodities of commerce suitable for substantial noninfringing uses. Peloton knows  
10 that such devices, systems, and services constitute a material part of the invention.

11 70. The conduct of Peloton as set forth hereinabove gives rise to a cause of  
12 action for infringement of the '590 Patent, pursuant to at least 35 U.S.C. §§ 271 and 281.

13 71. On information and belief, Peloton has sold infringing products, such as the  
14 Peloton Bike and its appurtenant products and services, despite an objectively high  
15 likelihood that its actions constitute infringement.

16 72. Peloton's acts of infringement have caused damage to ICON, and ICON is  
17 entitled to recover the damages sustained as a result of Peloton's wrongful acts in an  
18 amount subject to proof at trial.

19 73. Peloton's infringement of the '590 Patent will continue to damage ICON's  
20 business, causing irreparable harm, for which there is no adequate remedy at law, unless  
21 it is enjoined by this Court.

22 74. Upon information and belief, Peloton has willfully infringed the '590 Patent,  
23 entitling ICON to increased damages under 35 U.S.C. § 284 and to attorneys' fees and  
24 costs incurred in prosecuting this action under 35 U.S.C. § 285. The '590 Patent was  
25 cited in an Information Disclosure Statement dated March 4, 2014 during the prosecution  
26 of the Peloton Patent. Peloton has also previously engaged ICON in discussions  
27 regarding the potential licensing of ICON's patent portfolio, including the Asserted  
28 Patents.

1           75. By reason of the foregoing, ICON is entitled to relief against Peloton,  
2 pursuant to at least 35 U.S.C. §§ 283–85.

3                                   **FIFTH CLAIM FOR RELIEF**

4                                   (Infringement of the '271 Patent)

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

7           77. Peloton has infringed and continues to infringe one or more claims of the  
8 '271 Patent by making, using, selling, offering for sale within the United States, or  
9 importing into the United States products, systems, or services, including, but not limited  
10 to, the Peloton Bike and its appurtenant products and services, which embody one or  
11 more of the claims of the '271 Patent, or by contributing to the infringement, inducing  
12 others to infringe, or carrying out acts constituting infringement of the '271 Patent under  
13 35 U.S.C. § 271.

14           78. On information and belief, the Peloton Bike and its appurtenant products and  
15 services infringe at least claim 80 of the '271 Patent. Peloton bikes collect and transmit  
16 data concerning physical characteristics of users, which is sent to Peloton's servers.  
17 Peloton then uses that data to calculate and evaluate certain performance related  
18 parameters of users. Peloton also provides a notification of that evaluation and selects an  
19 option based on that evaluation and the collected data.

20           79. Peloton has induced and continues to induce others to infringe one or more  
21 claims of the '271 Patent by the manufacture, use, sale, offer for sale, importation, and  
22 instruction provided in connection with the Peloton Bike and its appurtenant products and  
23 services.

24           80. On information and belief, Peloton has, and has had, the specific intent to  
25 induce others to infringe one or more claims of the '271 Patent by the aforesaid conduct.

26           81. Peloton has contributed and continues to contribute to the infringement of  
27 one or more claims of the '271 Patent by the manufacture, use, sale, offer for sale and  
28 importation of the Peloton Bike and its appurtenant products and services. Such devices,

1 systems, and services constitute a material part of the invention and are not staple articles  
2 or commodities of commerce suitable for substantial noninfringing uses. Peloton knows  
3 that such devices, systems, and services constitute a material part of the invention.

4 82. The conduct of Peloton as set forth hereinabove gives rise to a cause of  
5 action for infringement of the '271 Patent, pursuant to at least 35 U.S.C. §§ 271 and 281.

6 83. On information and belief, Peloton has sold infringing products, such as the  
7 Peloton Bike and its appurtenant products and services, despite an objectively high  
8 likelihood that its actions constitute infringement.

9 84. Peloton's acts of infringement have caused damage to ICON, and ICON is  
10 entitled to recover the damages sustained as a result of Peloton's wrongful acts in an  
11 amount subject to proof at trial.

12 85. Peloton's infringement of the '271 Patent will continue to damage ICON's  
13 business, causing irreparable harm, for which there is no adequate remedy at law, unless  
14 it is enjoined by this Court.

15 86. Upon information and belief, Peloton has willfully infringed the '271 Patent,  
16 entitling ICON to increased damages under 35 U.S.C. § 284 and to attorneys' fees and  
17 costs incurred in prosecuting this action under 35 U.S.C. § 285. Peloton previously  
18 engaged ICON in discussions regarding the potential licensing of ICON's patent  
19 portfolio, including the Asserted Patents.

20 87. By reason of the foregoing, ICON is entitled to relief against Peloton,  
21 pursuant to at least 35 U.S.C. §§ 283–85.

22 **PRAYER FOR RELIEF**

23 WHEREFORE, ICON prays for judgment against Peloton as follows:

24 A. A judgment finding Peloton liable for infringement of one or more of the  
25 claims of the Asserted Patents;

26 B. Orders of this Court temporarily, preliminarily, and permanently enjoining  
27 Peloton, its agents, servants, and any and all parties acting in concert with any of them,  
28

1 from directly or indirectly infringing in any manner any of the claims of the Asserted  
2 Patents, pursuant to at least 35 U.S.C. § 283;

3 C. An award of damages to ICON for infringement of the Asserted Patents, in  
4 an amount to be proved at trial, pursuant to all applicable law, including at least 35  
5 U.S.C. § 284;

6 D. An award of treble damages to ICON , pursuant to all applicable law,  
7 including at least 35 U.S.C. § 284;

8 E. A declaration that this case is an exceptional case;

9 F. An award of ICON's costs in bringing this action, pursuant to all applicable  
10 law, including at least 35 U.S.C. § 384;

11 G. An award of ICON's attorneys' fees in this action, pursuant to all applicable  
12 law, including at least 35 U.S.C. § 285;

13 H. Imposition of a constructive trust on, and an order requiring a full  
14 accounting of, the sales made by Peloton as a result of its wrongful or infringing acts  
15 alleged herein;

16 I. Pre-judgment interest, pursuant to at least 35 U.S.C. § 284;

17 J. Post-judgment interest, pursuant to at least 28 U.S.C. § 1961(a); and

18 K. An award of any other and further relief as the Court deems just and  
19 equitable.

### 20 **DEMAND FOR JURY**

21 ICON demands TRIAL BY JURY of all causes and issues so triable.

22 DATED: June 8, 2016

Larry R. Laycock  
David R. Wright  
Tyson K. Hottinger  
MASCHOFF BRENNAN LAYCOCK  
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