IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

Civil Action No.: 2:24-cv-3944

FAST IP, LLC;
HANDSFREE LABS LICENSING, LLC; and
KIZIK DESIGN, LLC,;

Plaintiffs,

v.

TISHKOFF ENTERPRISES, LLC d/b/a DREW SHOE,;

Defendant.

COMPLAINT AND JURY DEMAND

Plaintiffs FAST IP, LLC; HandsFree Labs Licensing, LLC; and Kizik Design, LLC (collectively "Plaintiffs" or "Kizik") file this Complaint for patent infringement against Defendant Tishkoff Enterprises, LLC ("Defendant" or "Drew Shoe"), and in support thereof, allege as follows:

NATURE OF THE ACTION

1. This is an action for patent infringement arising under the Patent Act, 35 U.S.C. §§ 1, et seq.

2. Drew Shoe is offering for sale and selling imitation hands-free footwear products that infringe Kizik's patents in connection with marketing and advertising materials that have been directly and intentionally created to mimic the overall look and feel of Kizik's brand and marketing approach. Drew Shoe's recently-announced line of infringing hands-free footwear

products are not manufactured or licensed by Kizik, nor is Drew Shoe connected or affiliated with, or authorized by, Kizik in any way.

PARTIES, JURISDICTION AND VENUE

3. Plaintiff FAST IP, LLC ("FAST IP") is a Utah limited liability company having its principal place of business at 1172 West 700 North, Suite 200, Lindon, Utah 84042. FAST IP is the owner of the Kizik Patents, as alleged below.

4. Plaintiff HandsFree Labs Licensing, LLC ("HandsFree Labs") is a Utah limited liability company having its principal place of business at 1172 West 700 North, Suite 200, Lindon, Utah 84042. HandsFree Labs is an affiliate of, and licenses the Kizik Patents from, FAST IP.

5. Plaintiff Kizik Design, LLC ("Kizik Design") is a Utah limited liability company having its principal place of business at 1172 West 700 North, Suite 200, Lindon, Utah 84042. Kizik Design is an affiliate of, and licenses the Kizik Patents from, HandsFree Labs, and sells hands-free footwear under the well-known Kizik® brand.

6. On information and belief, Defendant Tishkoff Enterprises, LLC is an Ohio corporation having its principal place of business at 252 Quarry Road SE, Lancaster, Ohio 43130.

7. The Court has subject matter jurisdiction over this case pursuant to 28 U.S.C. §§ 1331 and 1338(a) and (b). This case presents well-pleaded federal questions arising under the Patent Act, 35 U.S.C. §§ 1, et seq.

8. The exercise of *in personam* jurisdiction over Drew Shoe comports with the laws of the State of Ohio and the constitutional requirements of due process because Drew Shoe

and/or its agents are incorporated in the State of Ohio and has a principal place of business in the Southern District of Ohio, and transacts business and/or offers to transact business within Ohio.

9. Specifically, Drew Shoe advertises, offers for sale, sells, and distributes footwear, including footwear products advertised as "hands-free footwear," throughout the United States, including within the State of Ohio.

10. Venue is proper in the Southern District of Ohio pursuant to 28 U.S.C. § 1391(b) and (d), 28 U.S.C. § 1400(b), and 28 U.S.C. § 94(a)(2), as Drew Shoe has a regular and established place of business in this District and a substantial part of the events or omissions giving rise to Kizik's claims occurred within this District and division.

FACTUAL ALLEGATIONS

KIZIK'S HANDS-FREE FOOTWEAR TECHNOLOGIES

11. Kizik is the footwear industry's leading hands-free footwear brand, boasting more than 200 pending and granted patents. Powered by relentless innovation and a state-of-the art footwear research and development lab, Kizik is a catalyst that opens a big, bold, frictionless world that gives its customers freedom to go, see, do and explore—to find magic in motion. Offering a perfect blend of practicality, comfort, and style, Kizik caters to modern individuals who seek footwear that adapts seamlessly to their active lifestyles, eliminating the hassle of tying shoes and enhancing daily convenience for all. For some individuals, including those with mobility issues relating to age, disability or injury, Kizik's hands-free footwear is life-changing. In other words, Kizik's hands-free footwear truly is for everyone.

12. Kizik traces its roots back to when serial inventor and innovative Ogio International founder Mike Pratt – based on his experience with technology and materials – saw the need for a solution for putting on and removing shoes without the need to use hands. From

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that vision, Mike began to build a collection of hands-free technology-driven footwear. From there, Kizik was created, and the company has been actively applying hands-free technologies to a broad range of uses. Since its inception, Kizik has invested more than one hundred million dollars researching, creating, and promoting its hands-free technologies. Kizik's hands-free technologies are one major market differentiator and the lifeblood of the enterprise. In fact, every shoe that Kizik makes and sells is a hands-free shoe.

13. Known as the "Ultimate Hands-Free Experience," Kizik's unique and innovative hands-free footwear features a number of hands-free technologies, including the Cage®, Internal Cage™, Flex Arc™, External Flex Arc™, and Unified™ hands-free technologies. The patented Kizik® Cage® technology, in particular, comprises a compressible lattice structure at the heel of Kizik® branded footwear that is flexible enough to allow the user to easily step into the shoe, while also strong enough to rebound upward to retain the user's foot even after being compressed downward time after time. Examples of the Kizik hands-free footwear incorporating the Cage® technology are shown below:

14. Kizik® footwear is currently sold through a wide range of distribution channels, including Kizik® footwear stores, department stores, specialty footwear stores, sporting goods

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stores, and outdoor retailers. Kizik distributes its products through over 800 store locations domestically and has sold or shipped products into over 100 countries worldwide. In addition, Kizik sells its footwear online through its website at *www.kizik.com*, on Amazon, and through other e-commerce retailers. In the past several years, Kizik's sales have increased dramatically as a result of consumer adoption of Kizik's revolutionary hands-free technologies.

15. Kizik's hands-free footwear has been an enormous success, with more than 3.5 million pairs of shoes sold since 2017. Kizik was recently ranked No. 407 on the 2024 Inc. 5000 list of fastest-growing private companies in America, with a blistering 3-year revenue growth of 1,090%. Indeed, many well-known consumers, including Michelle Obama, Elon Musk and Michael J. Fox, have been seen wearing Kizik® hands-free footwear.

THE KIZIK PATENTS

16. Key to the Kizik hands-free footwear success is their patented hands-free technologies, which are covered by numerous U.S. patents, including but not limited to U.S. Patent Nos. 10,638,810 (the "'810 Patent") and 10,973,279 (the "'279 Patent") (collectively, the "Kizik Patents").

17. Plaintiff FAST IP is the owner of the Kizik Patents. Plaintiff HandsFree Labs and Plaintiff Kizik Design are each licensees of the Kizik Patents.

18. On May 5, 2020, the U.S. Patent and Trademark Office issued U.S. Patent No. 10,638,810, entitled "Rapid-Entry Footwear Having A Compressible Lattice Structure," with FAST IP as the assignee. A true and correct copy of the '810 Patent is attached hereto as **Exhibit A**.

19. The '810 Patent claims various footwear pieces. The claimed invention consists of rapid-entry shoes that facilitate easy donning and doffing. In some cases, the rapid-entry

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shoes include a compressible lattice structure at the heel portion that allows for rapid entry into the shoes. The compressible lattice structure may bias the rapid-entry shoe from an open position toward a closed position. The open position may have an expanded shoe opening to facilitate reception of a foot of an individual wearing the rapid-entry shoe, while the closed position may have a smaller shoe opening to retain the foot within the rapid-entry shoe. In some embodiments, the compressible lattice structure of the rapid-entry shoes includes ribs and apertures. The ’810 Patent discloses several embodiments of the claimed invention, including models that include flanges and stabilizers positioned relative to the compressible lattice structure.

20. On April 13, 2021, the U.S. Patent and Trademark Office issued U.S. Patent No. 10,973,279, entitled “Rapid-Entry Footwear Having A Compressible Lattice Structure,” with FAST IP as the assignee. A true and correct copy of the ’279 Patent is attached hereto as **Exhibit B**.

21. The ’279 Patent claims various footwear pieces. The claimed invention consists of rapid-entry shoes that facilitate easy donning and doffing. In some cases, the rapid-entry shoes include a compressible lattice structure at the heel portion that allows for rapid entry into the shoes. The compressible lattice structure may bias the rapid-entry shoe from an open position toward a closed position. The open position may have an expanded shoe opening to facilitate reception of a foot of an individual wearing the rapid-entry shoe, while the closed position may have a smaller shoe opening to retain the foot within the rapid-entry shoe. In some embodiments, the compressible lattice structure of the rapid-entry shoes includes ribs and apertures. The ’279 Patent discloses several embodiments of the claimed invention, including

models in which the lattice structure is compressed downward such that the apertures are collapsed and the lattice structure is expanded such that the apertures are un-collapsed.

22. Kizik maintains and regularly updates a list of its hands-free footwear products that are protected by Kizik's U.S. patents. The page can be accessed at *https://kizik.com/patent*, which URL is prominently displayed on every Kizik® shoe box. Each of the Kizik Patents is identified as protecting multiple styles of Kizik® branded hands-free footwear.

DREW SHOE'S INFRINGING ACTIVITIES

23. Drew Shoe manufactures, uses, offers for sale, sells, and/or imports footwear, including hands-free footwear, throughout the United States, including within the State of Ohio.

24. Drew Shoe has recently embarked on a campaign to trade off of the goodwill and success embodied in Kizik's well-known hands-free footwear technologies.

25. For example, Drew Shoe recently launched a new line of hands-free footwear that infringes one or more independent claims of the Kizik Patents. This hands-free footwear line incorporates the use of a flexible lattice on the heel of the shoe, and includes at least the following footwear models: CONNOR, CORBIN, CALEB, BOBBIE, HOBBY, and HARMONY footwear models (the "Drew Shoe Infringing Products"). An example of the Drew Shoe Infringing Products is depicted below side-by-side with a one of the Kizik shoes implementing the Kizik® Cage® technology:

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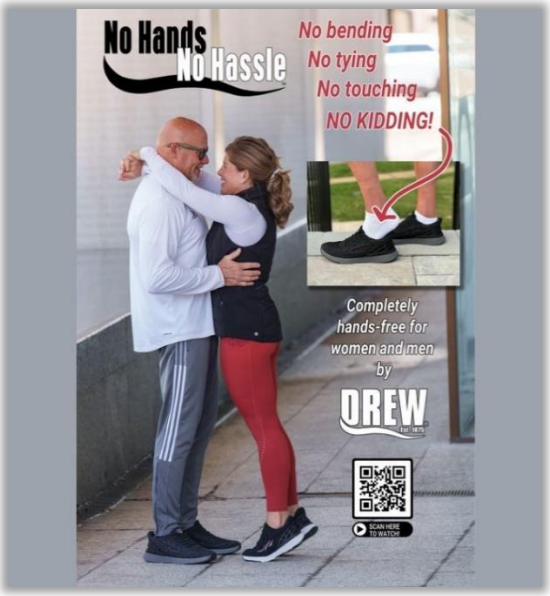
Kizik® Athens	Drew Shoe Infringing Product

26. The Drew Shoe Infringing Products are included in the Drew Shoe "Spring/Summer 2025" Catalog and are knock-offs of well-known and patented Kizik technologies. On information and belief, Drew Shoe recently advertised, displayed, offered for sale and sold the Drew Shoe Infringing Products at the Atlanta Shoe Market trade show on or around August 10-12, 2024, as advertised on Drew Shoe's Facebook page:



27. Drew Shoe's intentional and bad faith conduct in developing the Drew Shoe Infringing Products is evident from the fact that the Drew Shoe Infringing Products are obvious imitations of well-known and successful Kizik technologies protected by the Kizik Patents. Indeed, many details of Kizik's hands-free footwear technologies, including Kizik's innovative hands-free Cage® technology, have been slavishly copied by Drew Shoe. Drew Shoe's intentional copying is additionally revealed in its copycat marketing activities, including advertising and selling its Drew Shoe Infringing Products with a similar look and feel to Kizik's original hands-free advertising. By way of example only, Drew Shoe's "LOOK MA! No Hands" advertising is substantially similar to Kizik's original hands-free advertising using its "Look Ma, No Hands" slogan:

Original Kizik Hands-Free Advertising	Copycat Drew Shoe Advertising

28. The Drew Shoe Infringing Products manufactured, used, offered for sale, sold, and/or imported by Drew Shoe are not manufactured by Kizik, nor is Drew Shoe associated or connected with Kizik, or licensed, authorized, sponsored, endorsed or approved by Kizik in any way.

29. As set forth below, Drew Shoe's importing, exporting and distribution of the Drew Shoe Infringing Products infringe the Kizik Patents, resulting in irreparable harm to Kizik for which Kizik lacks an adequate remedy at law.

FIRST CLAIM FOR RELIEF
Infringement of the '810 Patent – 35 U.S.C. § 1, et seq.

30. Plaintiffs hereby incorporate each of the preceding paragraphs as if fully set forth herein.

31. Drew Shoe has manufactured, used, offered for sale, sold, and/or imported, and continues to manufacture, use, offer to sell, and/or import shoes, including but not limited to the Drew Shoe Infringing Products, that infringe the '810 Patent.

32. As a result of Drew Shoe's infringement of Kizik's rights in the '810 Patent, Kizik has suffered and will continue to suffer damages.

33. Drew Shoe's infringement of the '810 Patent has been with full knowledge of the '810 Patent and Kizik's rights therein.

34. Drew Shoe's willful infringement of Kizik's rights in the '810 Patent warrants an award of treble damages under 35 U.S.C. § 284 and makes this an exceptional case warranting an award of Kizik's reasonable attorney's fees and costs under 35 U.S.C. § 285.

35. As a result of Drew Shoe's continuing infringement of Kizik's rights in the '810 Patent, Kizik is suffering irreparable harm. If Drew Shoe's infringing conduct is not enjoined, Kizik will continue to suffer irreparable harm, and otherwise has no adequate remedy at law. As a result, Kizik is entitled to injunctive relief pursuant to 35 U.S.C. § 283.

SECOND CLAIM FOR RELIEF
Infringement of the '279 Patent – 35 U.S.C. § 1, et seq.

36. Plaintiffs hereby incorporate each of the preceding paragraphs as if fully set forth

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herein.

37. Drew Shoe has manufactured, used, offered for sale, sold, and/or imported, and continues to manufacture, use, offer to sell, and/or import shoes, including but not limited to the Drew Shoe Infringing Products, that infringe the ’279 Patent.

38. As a result of Drew Shoe’s infringement of Kizik’s rights in the ’279 Patent, Kizik has suffered and will continue to suffer damages.

39. Drew Shoe’s infringement of the ’279 Patent has been with full knowledge of the ’279 Patent and Kizik’s rights therein.

40. Drew Shoe’s willful infringement of Kizik’s rights in the ’279 Patent warrants an award of treble damages under 35 U.S.C. § 284 and makes this an exceptional case warranting an award of Kizik’s reasonable attorney’s fees and costs under 35 U.S.C. § 285.

41. As a result of Drew Shoe’s continuing infringement of Kizik’s rights in the ’279 Patent, Kizik is suffering irreparable harm. If Drew Shoe’s infringing conduct is not enjoined, Kizik will continue to suffer irreparable harm, and otherwise has no adequate remedy at law. As a result, Kizik is entitled to injunctive relief pursuant to 35 U.S.C. § 283.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs pray for entry of judgment granting:

A. A permanent injunction restraining Defendant, its officers, agents, servants, employees, and attorneys, and those persons acting in concert with Defendant, and each of them, from making, using, selling, offering to sell, and/or importing any shoe or similar product that infringes the ’810 Patent and the ’279 Patent;

B. An award to Plaintiffs of their actual damages, in the form of a reasonable royalty, in an amount according to proof;

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C. Declare that Defendant's infringement and other wrongful acts herein alleged be determined deliberate, willful, and in conscious disregard of Plaintiffs' rights 35 U.S.C. § 284;

D. A declaration that this case is exceptional, and, in conjunction therewith, an award of reasonable attorney's fees and costs pursuant to 35 U.S.C. § 285;

E. An award of treble damages against Defendant pursuant to 35 U.S.C. § 284 as a result of Defendant's deliberate and willful infringement in conscious disregard of Plaintiffs' rights;

F. For an order that Defendant be directed to file with this Court and serve on Plaintiffs within a period of time to be determined by the Court after the service of any injunction order, a report in writing, under oath, setting forth in detail the manner and form in which Defendant has complied with the injunction;

G. Pre-judgment and post-judgment interest as allowed by law; and

H. Such other and further equitable and legal relief as this Court deems just and proper.

JURY DEMAND

Plaintiffs hereby demand a trial by jury on all issues so triable.

Respectfully submitted this 16th day of September, 2024.

/s/ *Paul A. Wolfla*
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