

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

AQUAPAW BRANDS LLC,

Plaintiff,

v.

FED STORE, CHAIRLISH, DONALD' S STORE,  
GUANGZHOUZHIGE, PETS TRIP, REEPAR, SIA  
SMALL SHOP, XINJI, ALL-INCLUSIVE STORE,  
AMYHOME STORE STORE, CANDCO PET  
SUPPLIES STORE, CHILL STORE, CUTE PET  
SUPPLIES STORE, EVERYBODY PETS STORE,  
ENJOY LIFE HOUSEHOLD 888 STORE, FOR  
BETTER LIFE STORE, HERBALCANDYBOX  
STORE, HOME FOR PETS STORE, LIFE SIMPLE  
STORE, LINSHOMELIFE STORE, MANDOPET  
OFFICIAL STORE, NEIGHBOR'S X77 STORE,  
PETS CITY STORE, PETS TRIBE STORE,  
SHOP912513601 STORE, SHOP1102659544  
STORE, SILICONE WORLD STORE, TOP-  
FACTORY OUTLET STORE, UWEQZX STORE,  
XIAO XIAO QI STORE, CHENGDU COLD  
YILANG TRADING CO., LTD, CHENGDU  
TONGZHANGWEN TECHNOLOGY CO., LTD,  
SHENZHEN FUYU AUTO SUPPLIES CO., LTD,  
SHENZHEN HAOXING TRADING CO., LTD,  
WUHAN HUANZHAO E-COMMERCE CO., LTD,  
AUDWINE, CYGGLL, ELPETS HOME, FREEBUY  
PLAZA, HELLO LITTLE CUTE, HHEERDMM,  
LFJ SUPER FACTORY, LIYUAN HOME  
FURNISHING, LIZI FASHION HOME  
FURNISHING, MARRIOTT, YIN YIN PET HOME,  
YOUJU HOME PRODUCTS, YANDI CO.LTD,  
ZHONGHENGLAI, DOMCXRY, MKAIGUT, and  
SKINARTWORK

Defendants.

Civil Action No.

**FILED UNDER SEAL**

## **COMPLAINT FOR DAMAGES AND INJUNCTIVE RELIEF**

AQUAPAW BRANDS LLC, a Delaware limited liability company (“Plaintiff”), hereby sues Defendants, the Individuals, Partnerships, and Unincorporated Associations identified in the Caption and which are set forth in **Schedule “A”** hereto (collectively “Defendants”). Each of the Defendants has willfully infringed one or more of the claims of U.S. Patent No. 11,419,309 (“the Plaintiff’s Patent”) by offering for sale, selling, and distributing knock-off versions of Plaintiff’s Slow Treater<sup>®</sup> Brand dog soothing device (“Infringing Products”). In support of its claims, Plaintiff allege as follows:

### **NATURE OF THE ACTION**

1. Michael Scotese is an executive of the Plaintiff company, AQUAPAW BRANDS LLC, the 100% owner of all the assets of AQUAPAW LLC, the original company that developed and marketed the product at issue in this case (i.e., the Slow Treater<sup>®</sup>). The inventor of the Plaintiff’s patented product solved the challenging problem of bathing a dog. By placing peanut butter into the patented device, which includes rubber protuberances (“nubs”) in the center of the product, and affixing it with suction cups to the bathroom wall, the pet is enticed to jump into the tub where it can be bathed. The nubs on the device slow down the pet’s ability to get all the peanut butter out of the device and the licking at the peanut butter soothes the pet. The product is sold by Plaintiff under the brand name Slow Treater<sup>®</sup> (“Plaintiff’s Product”).

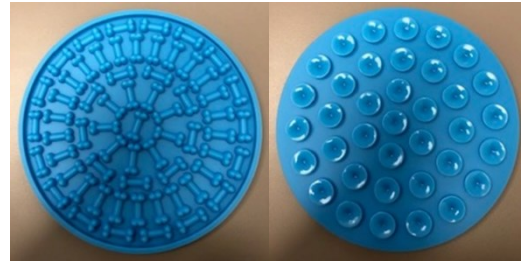
2. Defendants have offered for sale, sold, and distributed knock-off versions of the Plaintiff’s Product which infringe at least one claim of the Plaintiff’s Patent. Moreover, Defendants’ sale, distribution, and advertising of the Infringing Product are highly likely to cause

consumers to believe that Defendants are offering a genuine version of Plaintiff's Product when they are not.

3. Shown below are the example types of Infringing Product offered for sale by the Defendants<sup>1</sup>:



**PLAINTIFF'S PRODUCT**



**TYPE 1 INFRINGING PRODUCT**



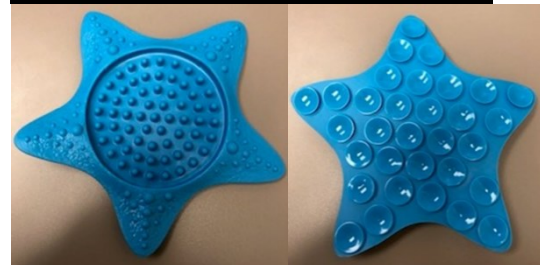
**PLAINTIFF'S PRODUCT**



**TYPE 2 INFRINGING PRODUCT**



**PLAINTIFF'S PRODUCT**



**TYPE 3 INFRINGING PRODUCT**

<sup>1</sup> Other Infringing Products appear in screenshots in Schedule "B" attached hereto. Some of the screenshots may show non-infringing products that are bundled with the Infringing Products.

4. As poorly designed and manufactured products, Defendants' Infringing Products may injure an unsuspecting pet that tries to ingest it; likewise, the flimsiness of the product may disappoint a customer who may give the product a bad review.

5. Defendants' Infringing Products are substantially inferior to the genuine product. With poorly designed and manufactured products, Defendants' Infringing Products create serious public safety risks and threaten to destroy the reputation of high quality that Plaintiff's Products have earned.

6. Plaintiff's Product is marketed and advertised extensively including on its website [aquapaw.com](http://aquapaw.com) and its storefront on [Amazon.com](http://Amazon.com). The unique features of Plaintiff's Product and the manner in which it is marketed and advertised, including the distinct photographs, the design, the instructions, the packaging, and the unique presentation of the product, all comprise Plaintiff's valuable intellectual property ("IP") and all have become distinct in consumer's minds such that consumers associate all of this IP with Plaintiff's Product. Screenshots from Plaintiff's Website and Amazon Store are attached as Complaint Exhibit 1.

7. The innovative features of Plaintiff's Product are the subject of U. S. Patent No. 11,419,309 entitled "Animal Feeder System and Method of Use." A copy of the patent is attached as Complaint Exhibit 2. The Plaintiff's Product is marked in accordance with the Patent Act.

8. On information and belief, Defendants' sale of Infringing Products gives rise to a plausible expectation that discovery will reveal that Defendants' actions all arise from the same transaction, occurrence, or series of transactions. Specifically, on information and belief, Defendants are actively participating in a conspiracy to distribute and sell Infringing Products. For example, Defendants, on information and belief, are working together to manufacture,

arrange the manufacture of and/or sell and otherwise distribute the Infringing Products.

Moreover, the Infringing Products all infringe on at least one claim of the Plaintiff's Patent.

9. Plaintiff therefore brings this action for Patent Infringement under 35 U.S.C. § 271, and The All-Writs Act, 28 U.S.C. § 1651(a).

### **JURISDICTION AND VENUE**

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

11. This Court may exercise personal jurisdiction over a non-resident of the State in which the Court sits to the extent authorized by the state's laws. Fed. R. Civ. P. 4(e). Pennsylvania authorizes personal jurisdiction over each Defendant pursuant to 42 Pa. Cons. Stat. § 5322 (a) which provides in pertinent part: "A tribunal of this Commonwealth may exercise personal jurisdiction over a person ... as to a cause of action or other matter arising from such person: (1) Transacting any business in this Commonwealth. Without excluding other acts which may constitute transacting business for the purpose of this paragraph: (ii) The doing of a single act in this Commonwealth for the purpose of thereby realizing pecuniary benefit ... (3) Causing harm or tortious injury by an act or omission in this Commonwealth. (4) Causing harm or tortious injury by an act or omission outside this Commonwealth ... (10) Committing any violation within the jurisdiction of the Commonwealth of any statute, home rule charter, local ordinance or resolution, or rule or regulation promulgated thereunder by any government unit or of any order of court or other government unit." In the alternative, Federal Rule of Civil Procedure 4(k) confers personal jurisdiction over the Defendants because, upon information and belief, Defendants regularly conduct, transact and/or solicit business in Pennsylvania and in this judicial district, and/or derive substantial revenue from their business transactions in

Pennsylvania and in this judicial district and/or otherwise avail themselves of the privileges and protections of the laws of the Commonwealth of Pennsylvania such that this Court's assertion of jurisdiction over Defendants does not offend traditional notions of fair play and due process, and/or Defendants' illegal counterfeiting and infringing actions caused injury to Plaintiff in Pennsylvania and in this judicial district such that Defendants should reasonably expect such actions to have consequences in Pennsylvania and in this judicial district, for example:

a. Upon information and belief, at all times relevant hereto, Defendants were and/or are systematically directing and/or targeting their business activities at consumers in the United States, including Pennsylvania, through on-line platforms with Merchant Storefronts (as defined *infra*), via on-line marketplace websites, such as Amazon.com, under the Seller IDs, as well as any and all as yet undiscovered accounts with Merchant Storefronts held by or associated with Defendants, their respective officers, employees, agents, servants and all persons in active concert or participation with any of them ("User Accounts"), through which consumers in the United States, including Pennsylvania, can view the one or more of Defendants' Merchant Storefronts that each Defendant operates, uses to communicate with Defendants regarding their listings for Infringing Products and to place orders for, receive invoices for and purchase Infringing Products for delivery in the U.S., including Pennsylvania, as a means for establishing regular business with the U.S., including Pennsylvania.

b. Upon information and belief, certain Defendants are sophisticated sellers, each operating one or more commercial businesses using their respective User Accounts through which Defendants, their respective officers, employees, agents, servants and all persons in active concert of participation with any of them, operate storefronts to

manufacture, import, export, advertise, market, promote, distribute, offer for sale and/or otherwise deal in products, including the Infringing Products, which are held by or associated with Defendants, their respective officers, employees, agents, servants and all persons in active concert or participation with any of them (“Merchant Storefront(s)”) in wholesale quantities at significantly below-market prices to consumers worldwide, including to those in the U.S., and specifically Pennsylvania.

c. Upon information and belief, Defendants’ Merchant Storefronts reflect multiple sales to consumers all over the world, including repeat sales to consumers in the U.S. and into this judicial district.

d. Upon information and belief, all Defendants accept payment in U.S. Dollars and offer shipping to the U.S., including to Pennsylvania.

e. Upon information and belief, at all times relevant, Defendants have transacted business with consumers located in the U.S., including Pennsylvania, for the sale and shipment of Infringing Products.

f. Upon information and belief, some Defendants are employing and benefiting from substantially similar, paid advertising and marketing and advertising strategies in order to make their Merchant Storefronts selling illegal goods appear more relevant and attractive to search result software across an array of search words, including but not limited to “SLOW” and, “FEEDER”. By their actions, Defendants are causing concurrent and indivisible harm to Plaintiff and the consuming public by (i) depriving Plaintiff of their right to fairly compete for space within the various on-line marketplace search results and reducing the visibility of the Plaintiff’s Product on various on-line marketplaces and/or diluting and driving down the retail market price for the Plaintiff’s

Product (ii) causing an overall degradation of the value of the goodwill associated with Plaintiff's Product; and (iii) increasing Plaintiff's overall cost to market its goods and educate consumers about its brand and products.

g. Upon information and belief, Defendants have cooperated, communicated their plans with one another, shared information, and coordinated their efforts, all in order to create an illegal marketplace operating in parallel to the legitimate marketplace of Plaintiff's and the legally authorized resellers of Plaintiff's genuine goods.

h. Upon information and belief, Defendants are concurrently targeting their infringing activities toward consumers and causing harm in Allegheny County, Pennsylvania.

i. Upon information and belief, Defendants likely reside and/or operate in foreign jurisdictions with lax trademark and patent enforcement systems and are cooperating by creating an illegal stream of infringing and counterfeit goods.

j. Upon information and belief, Defendants are aware of Plaintiff, its genuine Slow Treater<sup>®</sup> dog soothing device, and are aware that their illegal infringing actions alleged herein are likely to cause injury to Plaintiff in the United States, in Pennsylvania and in this judicial district specifically, as Plaintiff conducts substantial business in Pennsylvania.

k. Plaintiff is suffering irreparable and indivisible injury and suffered substantial damages as a result of Defendants' unauthorized and wrongful sale of infringing goods.

12. Venue is proper, *inter alia*, pursuant to 28 U.S.C. § 1391 because, for example:

- a. Upon information and belief, Defendants conduct, transact, and/or solicit business in this judicial district.
- b. Upon information and belief, Defendants or their agent(s) may be found in this district because personal jurisdiction is proper in this district.
- c. Upon information and belief, this is a judicial district in which a substantial part of the events or omissions giving rise to the infringement claims occurred, or a substantial part of the property that is the subject of the action is situated.
- d. Defendants not resident in the United States may be sued in this judicial district because personal jurisdiction is proper in this district.

### **THE PLAINTIFF**

13. Plaintiff, AquaPaw Brands LLC, is a Delaware limited liability company and has its principal place of business at 113 Cherry Street, PMB 89249, Seattle, Washington 98104-2205 US.

14. Plaintiff is, in part, engaged in the business of manufacturing and distributing throughout the world, including within this district, the Slow Treater<sup>®</sup> dog soothing device, through its website, aquapaw.com, its authorized storefront on amazon.com, and various retail establishments. Defendants, through the sale and offer to sell Infringing Products are directly, and unfairly, competing with Plaintiff's economic interest in the Commonwealth of Pennsylvania and causing Plaintiff harm within this jurisdiction.

15. Like many other brand owners, Plaintiff suffer ongoing daily and sustained violations of their rights at the hands of infringers, such as Defendants herein, who wrongfully reproduce Plaintiff's Products for the twin purposes of (i) duping and confusing the consuming

public and (ii) earning substantial profits from the sale of their Infringing Products. The natural and intended byproduct of Defendants' actions is the erosion and destruction of the goodwill associated with Plaintiff's Products and the destruction of the legitimate market sector in which Plaintiff operate.

16. The recent explosion of counterfeiting and infringement over the Internet, including through online marketplace platforms, has created an environment that requires brand owners, such as Plaintiff, to expend significant time and money across a wide spectrum of efforts in order to protect both consumers and Plaintiff from the ill effects of confusion and the erosion of the goodwill associated with Plaintiff's brand and products.

17. E-commerce sales, including through e-commerce stores like those of Defendants, have resulted in a sharp increase in the shipment of unauthorized products into the United States. *Ference Dec<sup>2</sup>*, Exhibit 1, Excerpts from Fiscal Year 2021 U.S. Customs and Border Protection ("CBP") Intellectual Property Seizure Statistics Report. Over 89% of all CBP intellectual property seizures were smaller international mail and express shipments (as opposed to large shipping containers). *Id.* More than half (51%) of CBP seizures originated from mainland China and Hong Kong. *Id.* Infringing and pirated products account for billions in economic losses, resulting in tens of thousands of lost jobs for legitimate businesses and broader economic losses, including lost tax revenue.

18. Third party service providers like those used by Defendants do not adequately subject new sellers to verification and confirmation of their identities, allowing infringers to "routinely

---

<sup>2</sup> Referring to Declaration of Stanley D. Ference III in Support of Temporary Restraining Order, filed herewith.

use false or inaccurate names and addresses when registering with these e-commerce platforms.” *Ference Dec.*, Exhibit 2, Daniel C.K. Chow, Alibaba, Amazon, and Infringing in the Age of the Internet, 40 NW. J. INT’L L. & BUS. 157, 186 (2020); see also, report on “Combating Trafficking in Infringing and Pirated Goods” prepared by the U.S. Department of Homeland Security’s Office of Strategy, Policy, and Plans (Jan. 24, 2020), attached as *Ference Dec.*, Exhibit 3 and finding that on “at least some e-commerce platforms, little identifying information is necessary for an infringer to begin selling” and recommending that “[s]ignificantly enhanced vetting of third-party sellers” is necessary. Infringers hedge against the risk of being caught and having their websites taken down from an e-commerce platform by preemptively establishing multiple virtual store-fronts. *Ference Dec.*, Exhibit 3, at p. 22. Since platforms generally do not require a seller on a third-party marketplace to identify the underlying business entity, infringers can have many different profiles that can appear unrelated even though they are commonly owned and operated. *Ference Dec.*, Exhibit 3 at p. 39. Further, “E-commerce platforms create bureaucratic or technical hurdles in helping brand owners to locate or identify sources of infringing and infringers.” *Ference Dec.*, Exhibit 2 at 186-187.

### **THE DEFENDANTS**

19. The Defendants are individuals and/or business entities of unknown makeup, each of whom, upon information and belief, either reside or operate in foreign jurisdictions, or (though not foreign) redistribute products from the same or similar sources in those foreign locations. Defendants have the capacity to be sued pursuant to Federal Rule of Civil Procedure 17(b). Defendants target their business activities toward consumers throughout the United States, including within this district, and conduct pervasive business through the operation of, at least, one fully interactive commercial Internet based e-commerce store via, at least one of the Internet

based online marketplaces Aliexpress.com, Amazon.com, eBay.com, Joybuy, Temu, Walmart.com, and Wish.com , all under the Seller IDs.

20. Upon information and belief, the Defendants use aliases in conjunction with the operation of their businesses as set forth in Schedule “A” hereto.

21. Defendants are the past and present controlling forces behind the sale of products infringing at least one claim of the Plaintiff’s Patent described herein using at least the Seller IDs.

22. Upon information and belief, Defendants were willfully advertising, offering for sale and selling goods infringing upon at least one claim of the Plaintiff’s Patent to consumers within the United States and this district through several fully interactive, commercial Internet websites and Internet based e-commerce stores operating under, at least, the storefronts, the Seller IDs, and any additional domain names, websites and corresponding website URLs or seller identifications and store URL aliases not yet known to Plaintiff. Defendants have purposefully directed some portion of their illegal activities towards consumers in the Commonwealth of Pennsylvania through the advertisement, offer to sell, sale, and/or shipment of Infringing Products into the Commonwealth.

23. Defendants have registered, established, or purchased, and maintained the on-line marketplace website storefronts and Seller IDs. Upon information and belief, Defendants have engaged in fraudulent conduct with respect to the registration of the storefronts and Seller IDs by providing false and/or misleading information to the Internet based e-commerce platforms where they offer for sale and/or sell, during the registration or maintenance process related to their respective Seller ID. Upon information and belief, Defendants have anonymously registered and maintained some of the Seller IDs for the sole purpose of engaging in illegal infringing activities.

24. Upon information and belief, Defendants will continue to register or acquire new seller identification aliases for the purpose of selling and offering for sale goods infringing at least one claim of the Plaintiff's Patent unless preliminarily and permanently enjoined.

25. Defendants' Internet-based businesses amount to nothing more than illegal operations established and operated in order to infringe the intellectual property rights of Plaintiff.

26. Defendants' business names, i.e., the Seller IDs, associated payment accounts, and any other alias seller identification names used in connection with the sale of goods infringing on at least one claim of the Plaintiff's Patent are essential components of Defendants' online activities and are the means by which Defendants further their infringement scheme and cause harm to Plaintiff.

### **COMMON FACTUAL ALLEGATIONS**

#### **Plaintiff and Its Slow Treater® brand Dog Soothing Device**

27. The Plaintiff's Product is designed to entice the pet to get into the bathtub and keep it there while distracted by the task of licking a treat from the feeder. The product is molded in FDA-approved food grade material. The top of the product includes multiple nubs and surrounded by a circular raised rim to hold the treat and slow the pet's ability to lick it out. Suction cups are disposed on the back of the product for fastening to the bathtub wall. The Plaintiff's Product retails for \$10.95:



28. The Plaintiff's Patent has never been assigned or licensed to any of the Defendants in this matter. Plaintiff has provided constructive notice of the Plaintiff's Patent by placing the patent number of the patent on the packaging of Plaintiff's Product.

29. Plaintiff's Product has been featured in videos or articles by numerous media outlets, including:

NBC's *The Today Show*

Buzz Feed: <https://www.buzzfeed.com/malloryannp/products-from-amazon-thatll-make-grooming-your-pet-so>

Buzz Feed: <https://www.buzzfeed.com/malloryannp/products-that-are-almost-too-damn-clever-2019>

Good Housekeeping: <https://www.goodhousekeeping.com/holidays/gift-ideas/g474/pet-gifts/?slide=8>

Pop Sugar: <https://www.popsugar.com/family/Aquapaw-Slow-Treater-Mat-Bathing-Dogs-45362700>

<https://tppm.com/p/27845/aquapaw/aquapaw-slow-treater/>

<https://www.purewow.com/family/how-to-give-a-dog-a-bath>

### **Defendants' Wrongful and Infringing Conduct**

30. Upon information and belief, Defendants are, through at least the Internet based e-commerce stores operating under the Seller IDs, promoting, selling, offering for sale, and distributing goods that willfully infringe at least one claim of the Plaintiff's Patent while marketing their knock-off products in a willful attempt to pass off their knock-off products as the genuine version of Plaintiff's Products.

31. Upon information and belief, Defendants' Infringing Products are of a quality substantially and materially different than that of Plaintiff's genuine goods. Defendants, upon information and belief, are actively using, promoting and otherwise advertising, distributing, selling, and/or offering for sale substantial quantities of their Infringing Products with the knowledge and intent that such goods will be mistaken for the genuine high-quality goods offered for sale by Plaintiff despite Defendants' knowledge that they are without authority to use the subject matter of the Plaintiff's Patent.

32. Defendants advertise their Infringing Products for sale to the consuming public via Internet based e-commerce stores on, at least, one Internet marketplace using at least the Seller IDs. In so advertising these goods, Defendants improperly and unlawfully infringe at least one claim of the Plaintiff's Patent without Plaintiff's permission.

33. As part of their overall infringement scheme, Defendants are, upon information and belief, concurrently employing and benefitting from substantially similar, advertising and marketing strategies based, in large measure, upon an illegal use of infringements of the Plaintiff's Patent in order to make their e-commerce stores selling illegal goods appear more relevant and attractive to consumers online. By their actions, Defendants are contributing to the

creation and maintenance of an illegal marketplace operating in parallel to the legitimate marketplace for Plaintiff's genuine goods. Defendants are causing, individual, concurrent and indivisible harm to Plaintiff and the consuming public by (i) depriving Plaintiff and other third parties of their right to fairly compete for space within search engine results and reducing the visibility of Plaintiff's genuine goods on the World Wide Web, (ii) causing actual consumer confusion, (iii) harm to Plaintiff's reputations, including tarnishing their status as the innovator in this market, (iv) an overall degradation of the value of the goodwill associated with the Plaintiff's brand, and (v) increasing Plaintiff's overall cost to market its goods and educate consumers about its brand via the Internet.

34. Plaintiff confirmed that Defendants were and/or are still currently offering for sale and/or selling Infringing Products for sale to the consuming public via Internet based e-commerce stores on, at least, one Internet marketplace using at least the Seller IDs and that Defendants provide shipping and/or have actually shipped Infringing Products to customers located within this judicial district.

35. There is no question that the Infringing Product itself and the manner in which it is marketed is designed to confuse and mislead consumers into believing that they are purchasing Plaintiff's Product or that the Infringing Product is otherwise approved by or sourced from Plaintiff, thereby trading on the goodwill and reputation of Plaintiff.

36. Upon information and belief, at all times relevant hereto, Defendants in this action had full knowledge of Plaintiff's ownership of the Plaintiff's Patent. Defendants' use of the patent is without Plaintiff's consent or authorization.

37. Defendants are engaging in the above-described illegal infringing activities knowingly and intentionally or with reckless disregard or willful blindness to Plaintiff's rights for the purpose of infringing the Plaintiff's Patent and trading on Plaintiff's goodwill and reputation. If Defendants' intentional infringing activities are not preliminarily and permanently enjoined by this Court, Plaintiff and the consuming public will continue to be harmed.

38. Defendants above identified infringing activities are likely to cause confusion, deception, and mistake in the minds of consumers before, during, and after the time of purchase. Moreover, Defendants' wrongful conduct is likely to create a false impression and deceive customers, the public, and the trade into believing there is a connection or association between Plaintiff's Products and Defendants' Infringing Products, which there is not.

39. Upon information and belief, Defendants' payment and financial accounts are being used by Defendants to accept, receive, and deposit profits from Defendants' infringing activities connected to their Seller IDs and any other alias e-commerce stores, photo albums, seller identification names, domain names, or websites being used and/or controlled by them.

40. Further, upon information and belief, Defendants are likely to transfer or secret their assets to avoid payment of any monetary judgment awarded to Plaintiff.

41. Plaintiff has no adequate remedy at law.

42. Plaintiff is suffering irreparable injury and have suffered substantial damages as a result of Defendants' unauthorized and wrongful infringement of at least one claim of the Plaintiff's Patent. If Defendants' infringing activities are not preliminarily and permanently enjoined by this Court, Plaintiff and the consuming public will continue to be harmed.

43. The harm and damages sustained by Plaintiff has been directly and proximately caused by Defendants' wrongful reproduction, use, advertisement, promotion, offers to sell, and sale of their Infringing Products.

**COUNT I – PATENT INFRINGEMENT (35 U.S.C. § 271 (a))**

44. The allegations in the above paragraphs are hereby incorporated by reference.

45. Plaintiff owns U. S. Patent No. 11,419,309 entitled “Animal Feeder System and Method of Use”. A copy of the patent is attached as Complaint **Exhibit 2**. The Plaintiff's Product is marked in accordance with the Patent Act.

46. The Accused Products Type 1 - 3 Products infringe at least Claim 1 of the Plaintiff's Product, as more fully detailed in **Exhibits 3a - 3c**, and **Schedule B**, respectively. As defined in the specification, a “nub” is defined as a protuberance (standard dictionary definition) or projection (“the plurality of nubs may project from the surface of the obverse side 14 of the body 12”) that is “configured to slow the rate at which an animal feeds from the feeding section 18.” A “nub” may assume any shape or size in the feeding section to slow the rate at which an animal feeds from the feeding section.

47. Defendants have infringed and continue to infringe the Plaintiff's Patent either directly or indirectly through acts of contributory infringement or inducement in violation of 35 U.S.C. § 271, by making, using, selling, importing and/or offering to sell Infringing Products, namely the knock-offs that infringe at least one claim of the Plaintiff's Patent.

48. Defendants' infringement, contributory infringement and/or inducement to infringe has injured Plaintiff and they, therefore, is entitled to recover damages adequate to compensate it for such infringement, but in no event less than a reasonable royalty.

49. Defendants' infringement, contributory infringement and/or inducement to infringe has been willful and deliberate because Defendants have notice of or knew of the Plaintiff's Patent and have nonetheless injured and will continue to injure Plaintiff, unless and until this Court enters an injunction, which prohibits further infringement and specifically enjoins further manufacture, use, sale, importation and/or offer for sale of products or services that come within the scope of the Plaintiff's Patent.

50. Based on Defendants' wrongful conduct, Plaintiff is entitled to injunctive relief as well as monetary damages and other remedies as provided by the Patent Act, including damages that Plaintiff has sustained and will sustain as a result of Defendants' illegal and infringing actions as alleged herein, enhanced discretionary damages and reasonable attorneys' fees and costs.

### **PRAYER FOR RELIEF**

WHEREFORE, Plaintiff demands judgment on all Counts of this Complaint and an award of equitable relief and monetary relief against Defendants as follows:

a. Entry of temporary, preliminary, and permanent injunctions pursuant to 35 U.S.C. § 283, and Federal Rule of Civil Procedure 65 enjoining Defendants, their agents, representatives, servants, employees, and all those acting in concert or participation therewith, from manufacturing or causing to be manufactured, importing, advertising or promoting, distributing, selling or offering to sell their Infringing Products;

c. Entry of an Order that, upon Plaintiff's request, any Internet marketplace website operators and/or administrators that are provided with notice of the injunction, including but not limited to the online marketplaces Aliexpress.com, Amazon.com, ebay.com, Joybuy, Temu.com,

Walmart.com and wish.com, identify any e-mail address known to be associated with Defendants' respective Seller ID, and cease facilitating access to any or all e-commerce stores through which Defendants engage in the promotion, offering for sale, and/or sale of Infringing Products.

d. Entry of an Order that, upon Plaintiff's request, any Internet marketplace website operators and/or administrators who are provided with notice of the injunction, including but not limited to the online marketplaces Aliexpress.com, Amazon.com, ebay.com, Joybuy, Temu.com, Walmart.com and wish.com, permanently remove any and all listings offering for sale Infringing Products via the e-commerce stores operating under the Seller IDs, including any and all listings linked to the same seller or linked to any other alias seller identification name being used and/or controlled by Defendants to promote, offer for sale and/or sell Infringing Products.

e. Entry of an Order that, upon Plaintiff's request, any Internet marketplace website operators and/or administrators who are provided with notice of the injunction, including but not limited to the online marketplaces Aliexpress.com, Amazon.com, ebay.com, Joybuy, Temu.com, Walmart.com and wish.com, immediately cease fulfillment of and sequester all goods of each Defendant or other Seller under a Seller ID offering for sale the Infringing Product in its inventory, possession, custody, or control, and surrender those goods to Plaintiff.

f. Entry of an order awarding Plaintiff damages adequate to compensate for the infringement of its patent, but in no event less than a reasonable royalty for the use made of the invention by the Defendants, together with interest and costs as fixed by the Court pursuant to 35 U.S.C. § 284 and that the award be trebled as provided for under 35 U.S.C. §284.

g. Entry of an Order finding that this case is exceptional and an award to Plaintiff of its attorney fees and costs as provided by for under 35 U.S.C. § 285.

h. Entry of an Order that, upon Plaintiff's request, any financial institutions, payment processors, banks, escrow services, money transmitters, including, but not limited to, Amazon Services, LLC d/b/a Amazon.com, and Amazon Payments, Inc. d/b/a Amazon Pay (collectively "Amazon"), Joybuy Marketplace operated by Jingdong E-Commerce (Trade) Hong Kong Co. , Ltd and JD E-Commerce America (collectively, "Joybuy"), Whaleco Inc., a Delaware Corporation, which is a wholly owned subsidiary of Pinduoduo Inc. which is owned by PDD Holdings (collectively, "Temu"), eBay, Inc. d/b/a ebay.com, Walmart Inc. and Wal-Mart.com USA, LLC, wish.com, Alibaba.com US LLC d/b/a Alibaba.com and Aliexpress.com ("Third Party Service Providers") and financial institutions, including but not limited to, Zhejiang Ant Small and Micro Financial Services Group Co., Ltd. AliPay (China) Internet Technology Co. Ltd., and Alipay.com Co., Ltd. (collectively referred to as "AliPay")<sup>3</sup>, Amazon Payments, Inc., Walmart Pay, PayPal, Inc. d/b/a paypal.com, and Context Logic, Inc. d/b/a wish.com ("Financial Institutions")<sup>4</sup>, and their related companies and affiliates, identify and restrain all funds, up to and including the total amount of judgment, in all financial accounts and/or sub-accounts used in connection with the Seller IDs or other domain names, alias seller identification names, or e-commerce store names or store URLs used by Defendants presently or in the future, as well as any other related accounts of the same customer(s) and any other accounts which transfer funds into the same financial institution account(s), to be surrendered to Plaintiff in partial satisfaction of the monetary judgment entered herein.

---

<sup>3</sup> WorldPay US, Inc. ("WorldPay") processes transactions on behalf of Alibaba and Alipay, which may appear as "Aliexpress" on a cardholder's credit card statement.

<sup>4</sup> Plaintiff acknowledges that it is seeking multiple forms of relief. Plaintiff will promptly provide supplemental briefing or oral argument on any issue should the Court request it.

- i. Entry of an award of pre- and post-judgment interest on the judgment amount.
- j. Entry of an order for any further relief as the Court may deem just and proper.

**DEMAND FOR JURY TRIAL**

Plaintiff respectfully demand a trial by jury on all claims.

Respectfully submitted,

Dated: August 15, 2023

/s/ Stanley D. Ference III

Stanley D. Ference III

Pa. ID No. 59899

courts@ferencelaw.com

Brian Samuel Malkin

Pa. ID No. 70448

bmalkin@ferencelaw.com

FERENCE & ASSOCIATES LLC

409 Broad Street

Pittsburgh, Pennsylvania 15143

(412) 741-8400 - Telephone

(412) 741-9292 - Facsimile







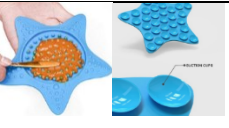


Attorneys for Plaintiff







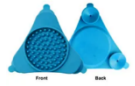



**Schedule “A”**  
**Defendants with Store Name and Seller ID**










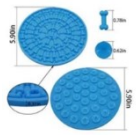

<b>Defendant Number</b>	<b>Defendant/Store Name</b>	<b>Seller ID</b>
1	Fed store	A3VPAI43B9RIYM
2	Chairlish	A2LAN0F2PND14D
3	Donald' s store	A3AJUJ4Z17FVT0
4	guangzhouzhige	A2OCBTQ0EXKRPB
5	Pets Trip	A2VMJREJNYN04Q
6	Reepar	A16F3EQKKUJT6X
7	Sia Small Shop	A28KUQ70XZWUCU
8	XINJI	A1RVL2FKR2TXPB
9	All-inclusive Store	1101682911
10	AmyHome Store Store	1101227009
11	Candco Pet Supplies Store	1101933766
12	Chill Store	1101548165
13	Cute Pet Supplies Store	1102712153
14	Everybody Pets Store	1101669974
15	Enjoy Life Household 888 Store	1101953564
16	For Better life Store	1102047078
17	Herbalcandybox Store	1102684546
18	Home For Pets Store	1102923779
19	LiFe Simple Store	1102826238
20	linsHomeLife Store	1101878772
21	Mandopet Official Store	1101398559
22	Neighbor's X77 Store	1101634699
23	Pets City Store	1101274840
24	Pets Tribe Store	1101303711
25	Shop912513601 Store	1101917678
26	Shop1102659544 Store	1102663503
27	Silicone World Store	1101827958
28	Top-Factory Outlet Store	1101947843
29	UWEQZX Store	1101946115
30	Xiao Xiao Qi Store	1101756068
31	Chengdu cold Yilang trading Co., LTD	9208
32	Chengdu Tongzhangwen Technology Co., LTD	11526




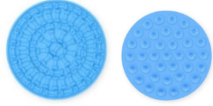






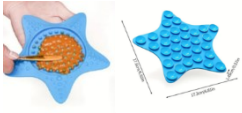

33	Shenzhen Fuyu auto supplies Co., LTD	9741
34	Shenzhen Haoxing trading Co., LTD	9742
35	Wuhan Huanzhao e-commerce Co., LTD	12639
36	Audwine	5815860113996
37	CYGGLL	4666292716978
38	ELPets Home	4373219265734
39	Freebuy plaza	634418210696994
40	Hello Little Cute	5881301377073
41	HHEERDMM	5003819853268
42	LFJ Super Factory	6137513793522
43	Liyuan Home Furnishing	4555101104965
44	LIZI fashion home furnishing	806476439073
45	MARRIOTT	634418210611077
46	Yin Yin Pet Home	634418210295681
47	Youju home products	4870674141177
48	YANDI Co.Ltd	101223880
49	Zhonghenglai	101226238
50	Domcxry	5f43977ee56ecf8620a36b4f
51	mkaigut	5f8404c33cc970c2e9ae5a6a
52	SkinArtwork	5468bf093dabbe66a2065025


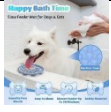

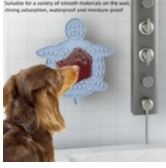






## Schedule “B” Defendant/Store Names and Infringing Products

Defendant No.	Defendant/Store Name	Screen shot
1	Fed store	
2	Chairlish	
3	Donald' s store	
4	guangzhouzhige	
5	Pets Trip	
6	Reepar	
7	Sia Small Shop	
8	XINJI	
9	All-inclusive Store	

10	AmyHome Store Store	
11	Candco Pet Supplies Store	
12	Chill Store	
13	Cute Pet Supplies Store	
14	Everybody Pets Store	
15	Enjoy Life Household 888 Store	
16	For Better life Store	
17	Herbalcandybox Store	
18	Home For Pets Store	
19	LiFe Simple Store	

20	linsHomeLife Store	
21	Mandopet Official Store	
22	Neighbor's X77 Store	
23	Pets City Store	
24	Pets Tribe Store	
25	Shop912513601 Store	
26	Shop1102659544 Store	
27	Silicone World Store	
28	Top-Factory Outlet Store	
29	UWEQZX Store	
30	Xiao Xiao Qi Store	

31	Chengdu cold Yilang trading Co., LTD	
32	Chengdu Tongzhangwen Technology Co., LTD	
33	Shenzhen Fuyu auto supplies Co., LTD	
34	Shenzhen Haoxing trading Co., LTD	
35	Wuhan Huanzhao e-commerce Co., LTD	
36	Audwine	
37	CYGGLL	
38	ELPets Home	
39	Freebuy plaza	
40	Hello Little Cute	 <p>Super Mixing Toy    Made of Recyclable Materials</p>
41	HHEERDMM	
42	LFJ Super Factory	

43	Liyuan Home Furnishing	
44	LIZI fashion home furnishing	
45	MARRIOTT	
46	Yin Yin Pet Home	
47	Youju home products	
48	YANDI Co.Ltd	
49	Zhonghenglai	
50	Domcxry	
51	mkaigut	
52	SkinArtwork	

**LISTING OF EXHIBITS**

- Exhibit 1 .....Screenshots from Plaintiff’s Website and Amazon Store
- Exhibit 2.....U.S. Patent No. 11,419,309
- Exhibit 3a.....Comparison of Type 1 Infringing Product to claim 1 of U.S. Patent No. 11,419,309
- Exhibit 3b.....Comparison of Type 2 Infringing Product to claim 1 of U.S. Patent No. 11,419,309
- Exhibit 3c.....Comparison of Type 3 Infringing Product to claim 1 of U.S. Patent No. 11,419,309

# **Exhibit 1**




# Screenshots of Plaintiff's Website

https://www.aquapaw.com/products/slow-treater

FREE 2-3 Day Shipping on Orders over \$30! - As Seen On SHARK TANK

**aquapaw** Shop Now About Us Contact Store Locator How-To Install Blog



## Aquapaw® Slow Treater®

\$10.95

[Add to cart](#)

This innovative treat feeder helps persuade pups to get in the tub and keep them there. Simply spread their favorite treat in its center and stick it to any smooth surface. The rubber nubs will help extend how long they will enjoy it.

- 100% Silicone
- Nubs slow down licking
- Wings for easy placement
- Tabs for easy removal
- Dishwasher safe/freezable
- Can be used anywhere!
- Patents Pending

REVIEWS


LIFETIME WARRANTY

ASK A QUESTION

Share Tweet Pin it


Order from our partners!

**DULUTH TRADING CO.**

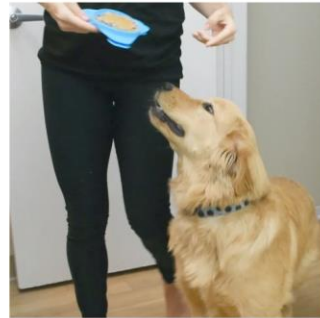


**The Ultimate Bath Time Distraction**  
We've tested the Slow Treater™ extensively, and found that if your pup loves what you're serving up in the Slow Treater™ enough, they will completely ignore the fact that they're being bathed.

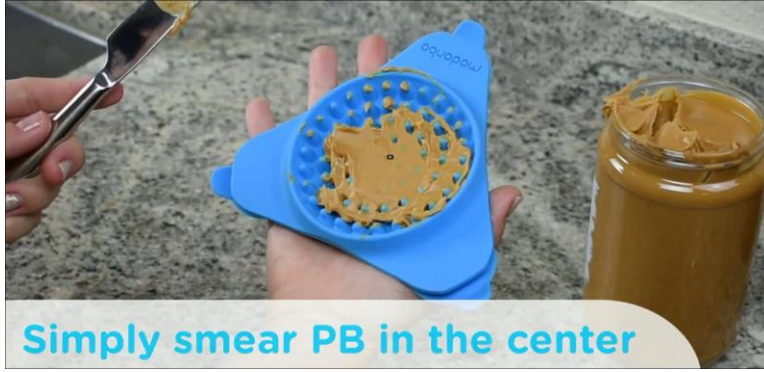
**Stackable and Freezable**  
Freezing your Slow Treater™ allows the amount of time it will take for your pet to lick off their treat, the quantity designed to be stackable and freeze safe, so you are always ready for 10's of meals.



**uncommongoods**



**Make Bath Time Fun**  
For many pets, bathing is a mental game. The Slow Treater™ can help you reduce the anxiety of your best friend and keep them entertained on something other than the fact they're being washed with soap against their will.



(12) **United States Patent**  
**Lentz et al.**

(10) **Patent No.:** **US 11,419,309 B2**  
(45) **Date of Patent:** **Aug. 23, 2022**

(54) **ANIMAL FEEDER AND METHOD OF USE**

USPC ..... 119/51.01, 51.03, 61.57  
See application file for complete search history.

(71) Applicant: **Aquapaw, LLC**, Campbell, CA (US)

(72) Inventors: **Daniel Lentz**, Campbell, CA (US);  
**Tom Zipprian**, San Francisco, CA (US)

(56) **References Cited**

U.S. PATENT DOCUMENTS

(73) Assignee: **Aquapaw Brands LLC**, Seattle, WA (US)

5,000,123 A \* 3/1991 Morse ..... A01K 5/0114  
119/61.54  
8,231,089 B2 \* 7/2012 Mills ..... A47J 47/16  
248/206.3  
8,919,288 B2 \* 12/2014 Ressemann ..... A61D 5/00  
119/61.5

(\* ) Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 U.S.C. 154(b) by 0 days.

2008/0289581 A1 11/2008 Cox, Jr. et al.  
2010/0275852 A1 11/2010 Lipscomb et al.  
2015/0068461 A1 3/2015 Lindskov et al.

(21) Appl. No.: **17/098,622**

\* cited by examiner

(22) Filed: **Nov. 16, 2020**

(65) **Prior Publication Data**

*Primary Examiner* — Richard T Price, Jr.

US 2021/0059212 A1 Mar. 4, 2021

(74) *Attorney, Agent, or Firm* — Ference & Associates LLC

**Related U.S. Application Data**

(63) Continuation-in-part of application No. 16/105,389, filed on Aug. 20, 2018, now Pat. No. 10,834,894.

(60) Provisional application No. 62/615,162, filed on Jan. 9, 2018.

(57) **ABSTRACT**

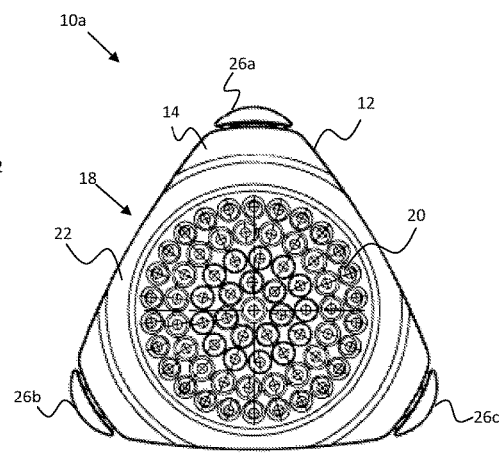
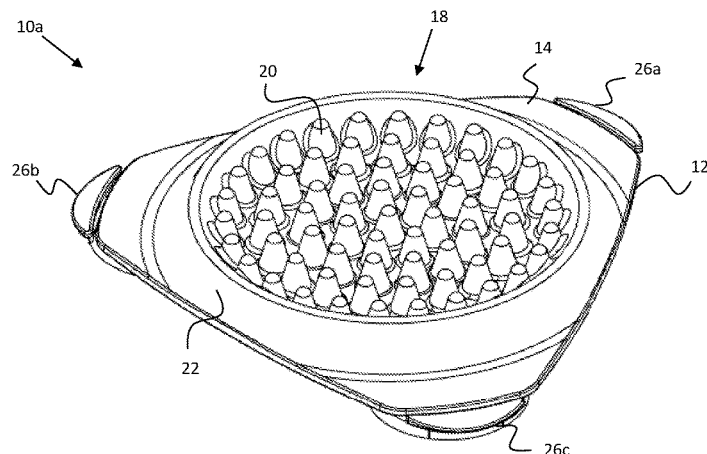
An animal feeder and method of use is described herein. The animal feeder is configured to distract, calm, or occupy an animal for an extended period of time. The animal feeder includes an elastomeric body having an obverse side and a reverse side. The obverse side includes a feeding section having a plurality of nubs. The plurality of nubs are configured to slow an animal's ability to lick food therefrom. On the reverse side is one or more suction cups to suction the animal feeder to a surface to secure the feeder system in a single location. The animal feeder further includes a guard extending laterally from the feeding section to keep the surface below the guard free from saliva, drool, or slobber from the animal.

(51) **Int. Cl.**  
**A01K 61/00** (2017.01)  
**A01K 5/01** (2006.01)  
**F16B 47/00** (2006.01)  
**A01K 15/02** (2006.01)

(52) **U.S. Cl.**  
CPC ..... **A01K 5/0135** (2013.01); **A01K 15/02** (2013.01); **F16B 47/00** (2013.01)

(58) **Field of Classification Search**  
CPC .... A01K 5/0135; A01K 15/02; A01K 5/0121; F16B 47/00

**17 Claims, 9 Drawing Sheets**



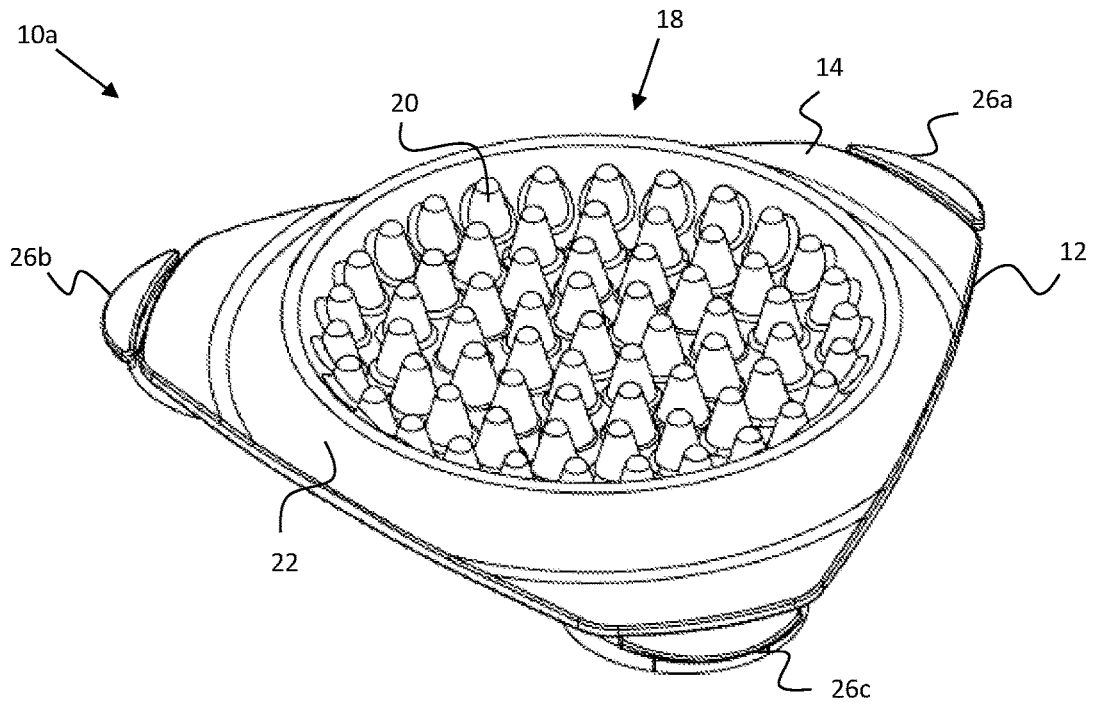


FIG. 1A

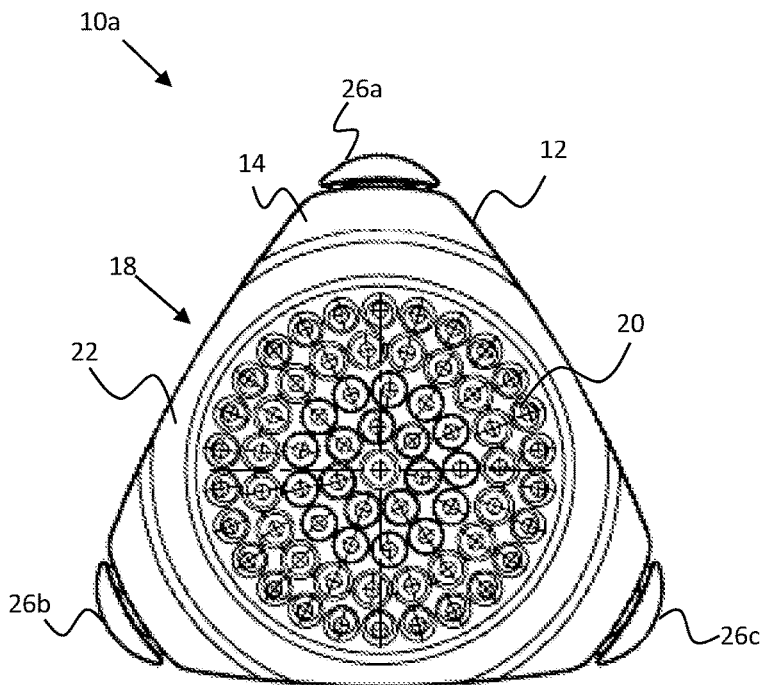


FIG. 1B

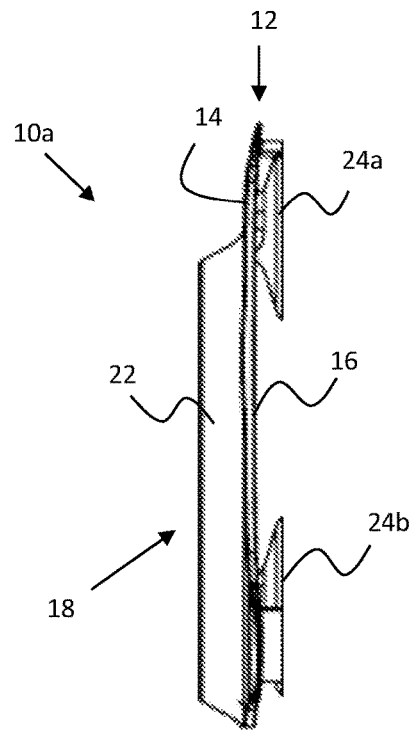


FIG. 1C

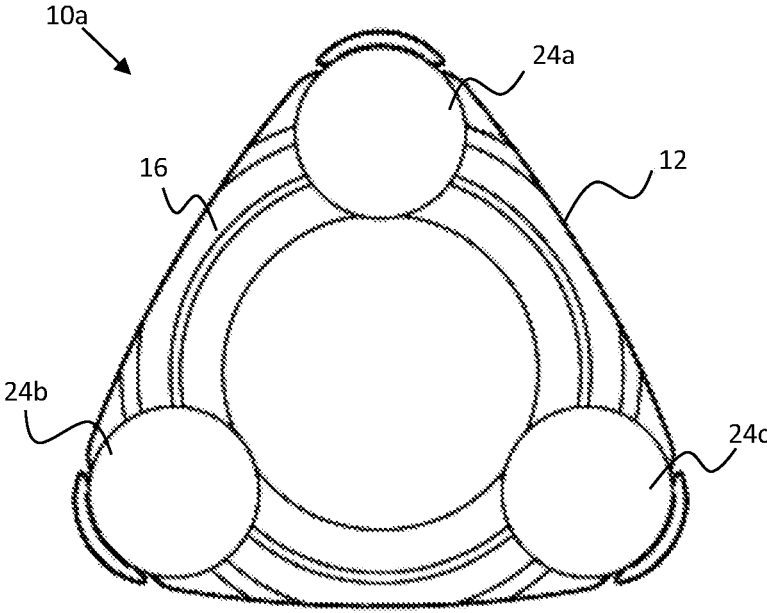


FIG. 1D

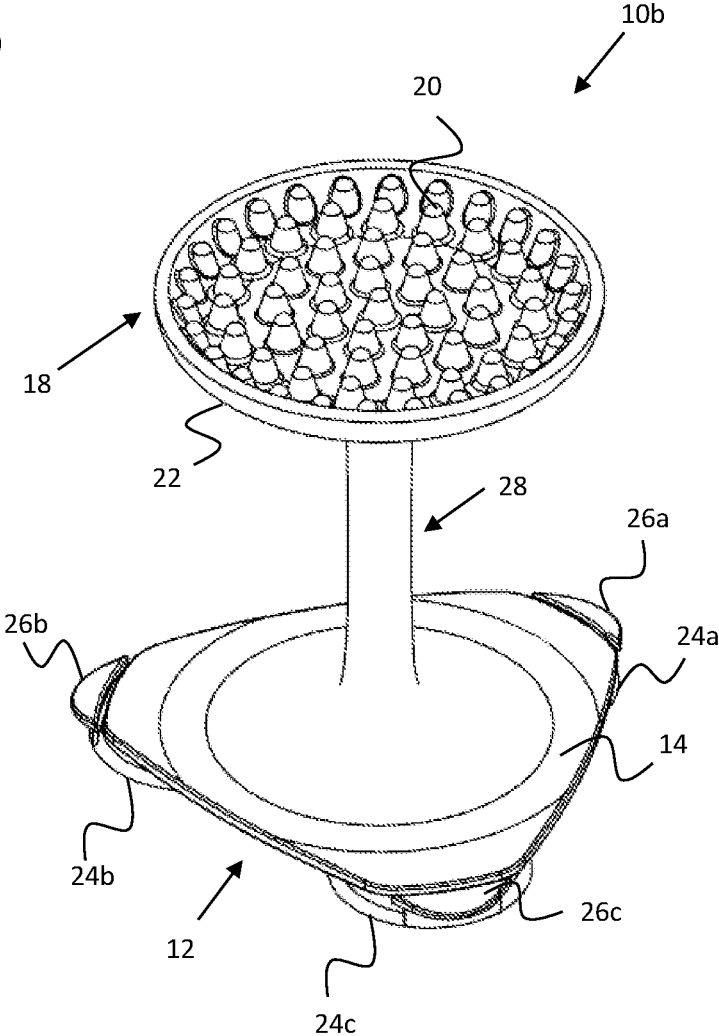


FIG. 2A

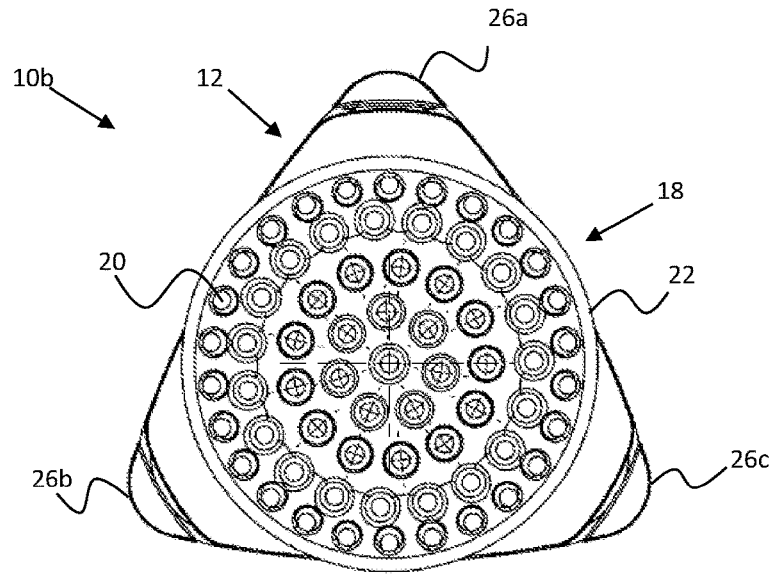


FIG. 2B

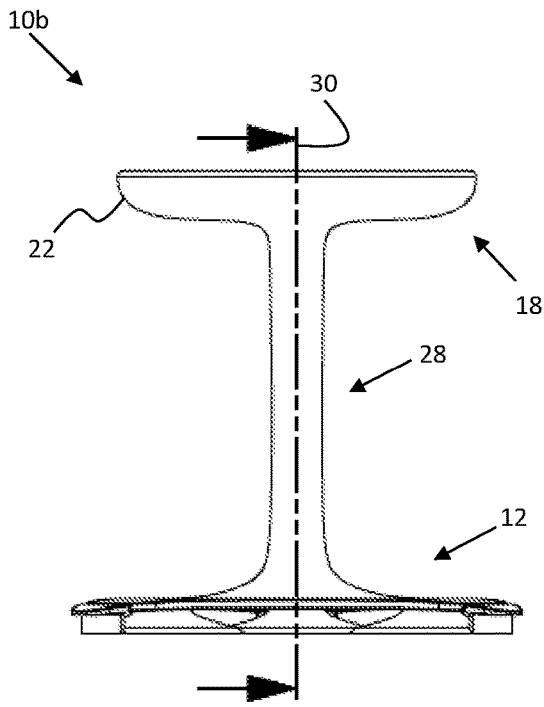


FIG. 2C

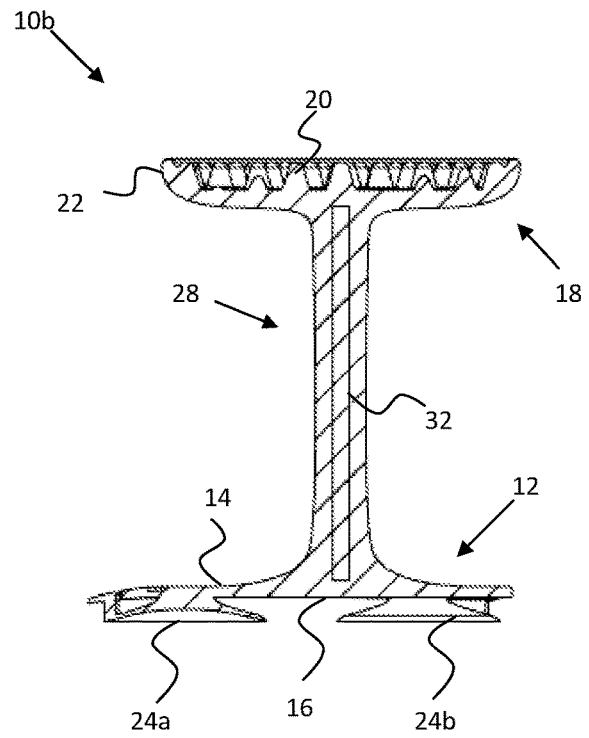


FIG. 2D

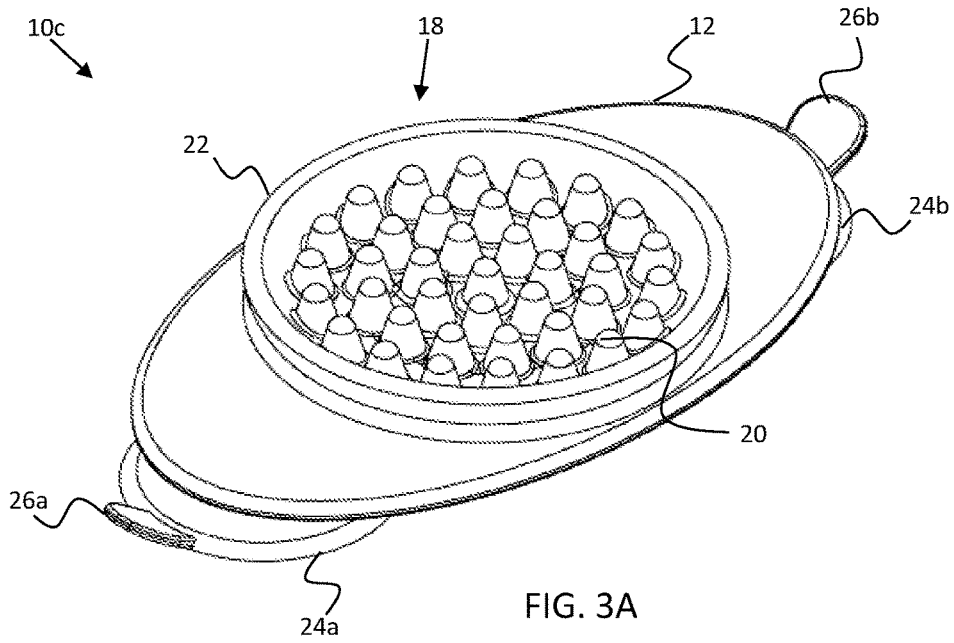


FIG. 3A

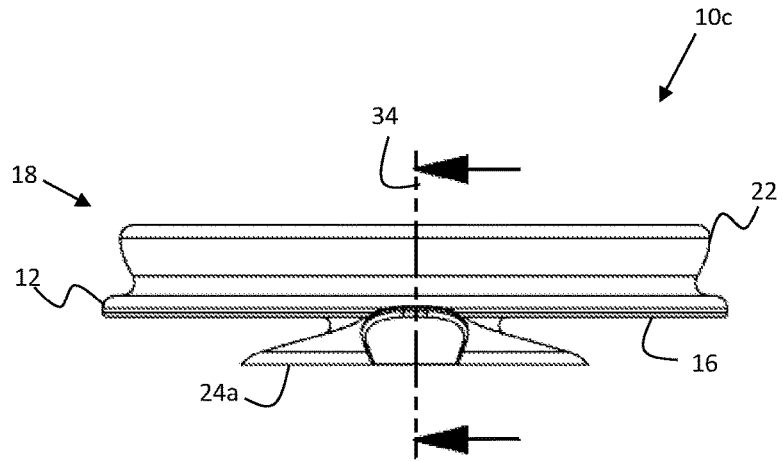


FIG. 3B

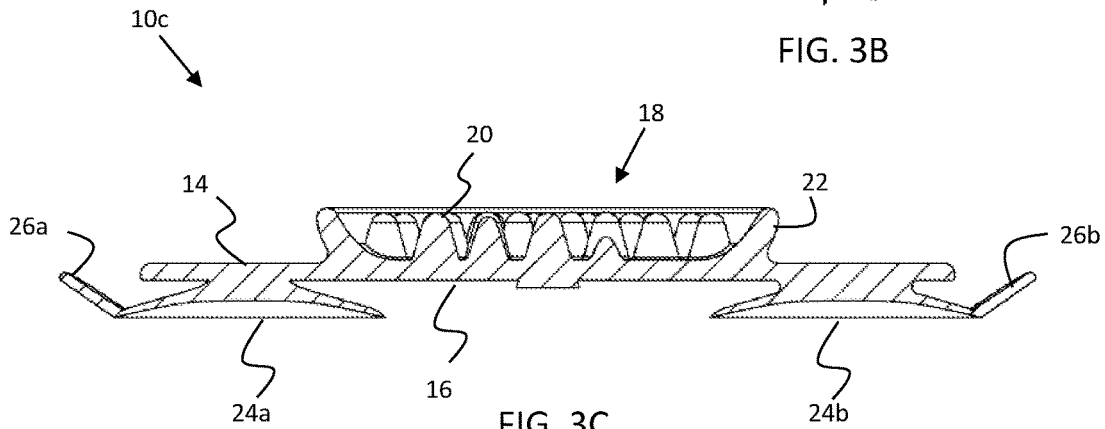


FIG. 3C

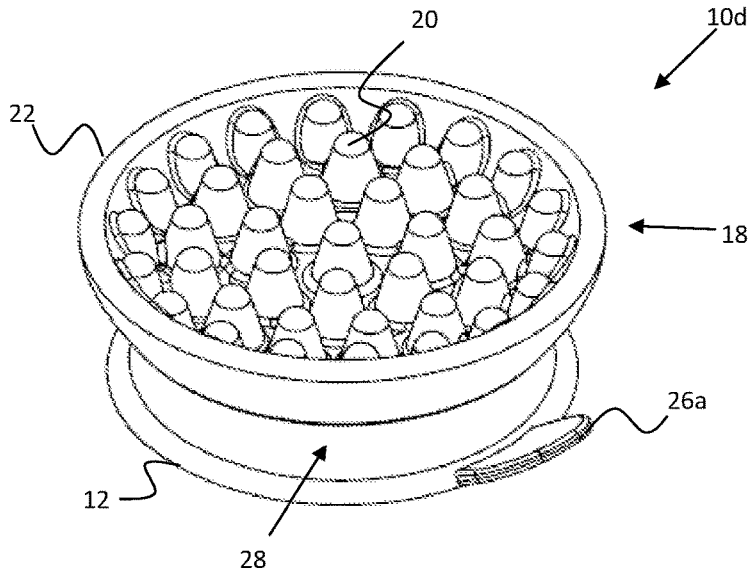


FIG. 4A

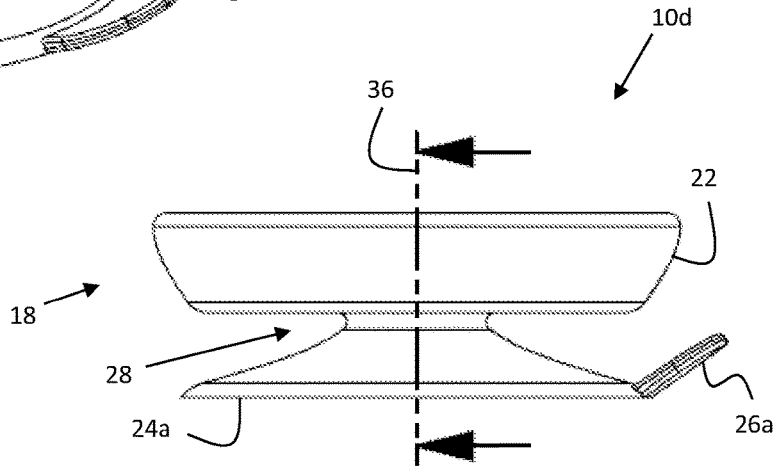


FIG. 4B

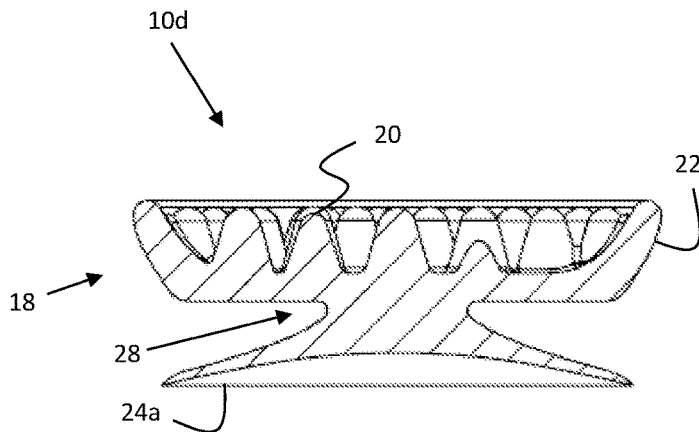
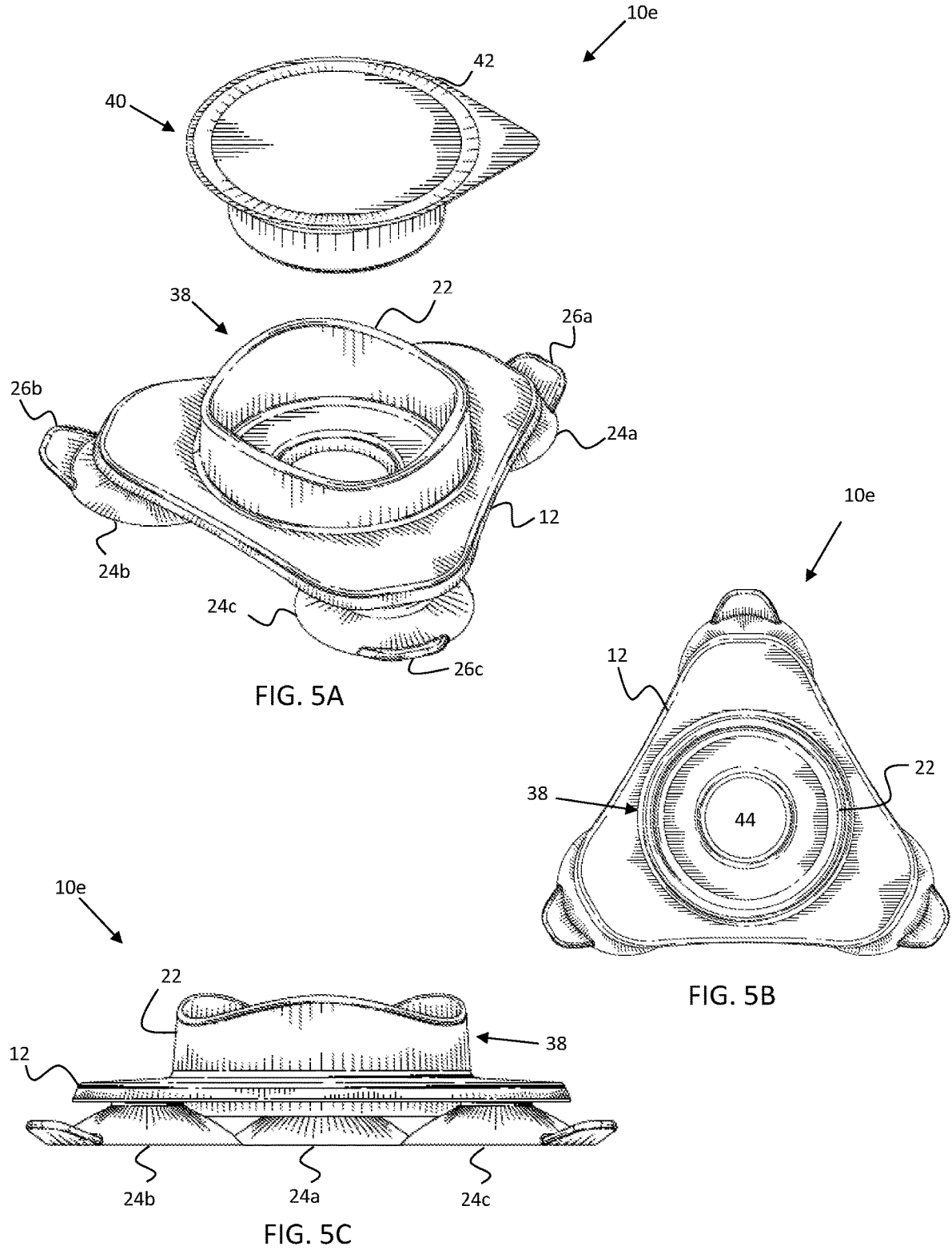


FIG. 4C



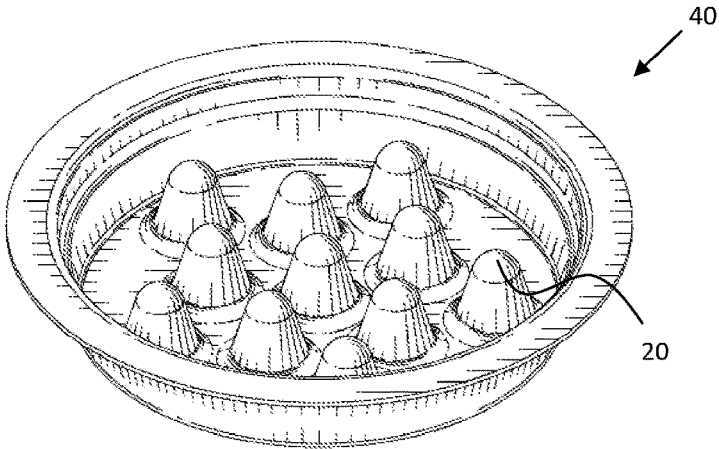


FIG. 6A

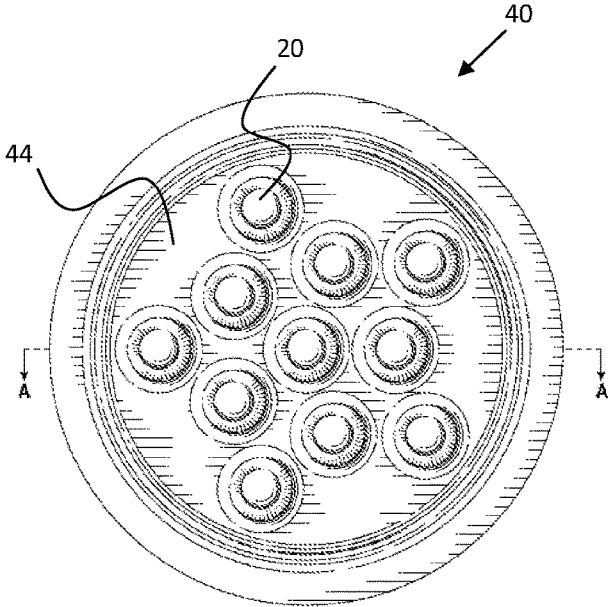


FIG. 6B

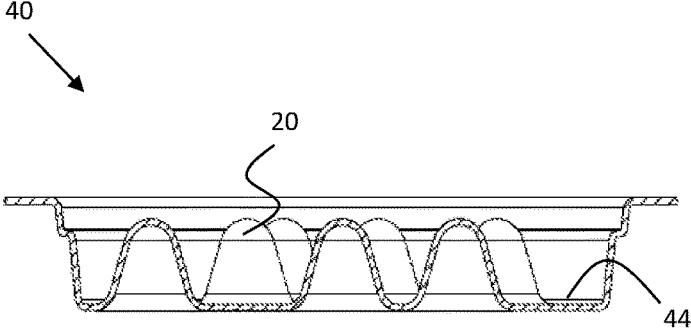


FIG. 6C

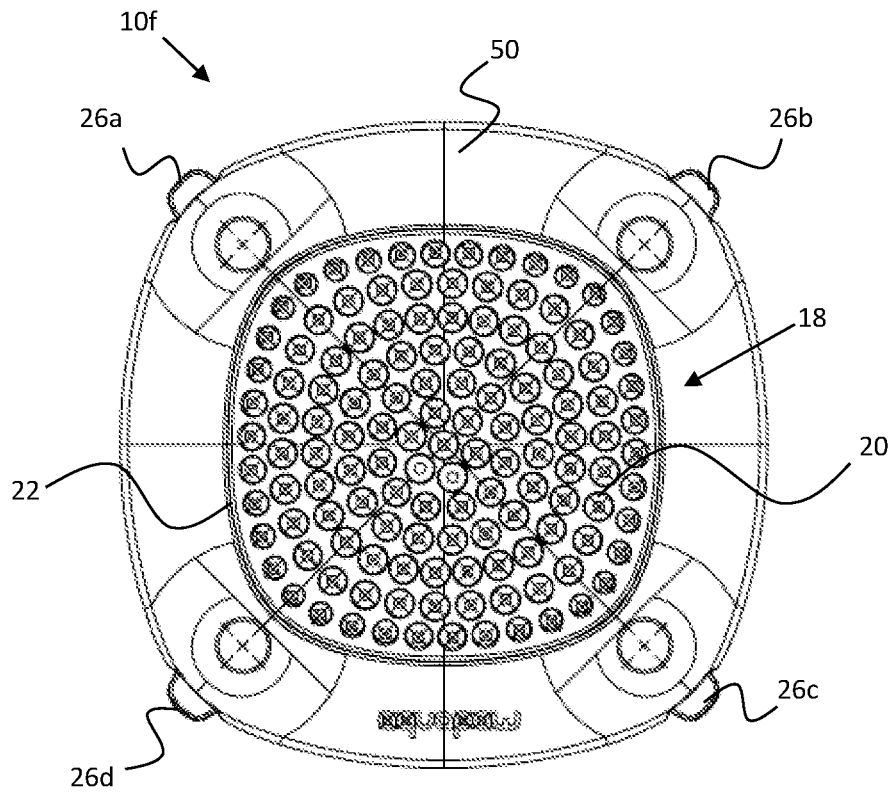


FIG. 7A

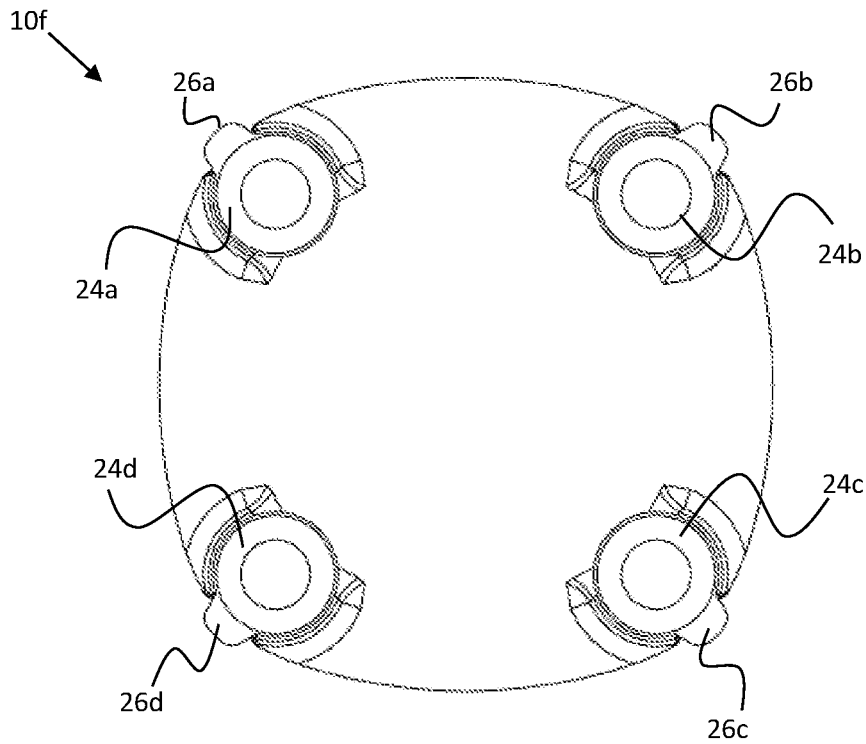


FIG. 7B

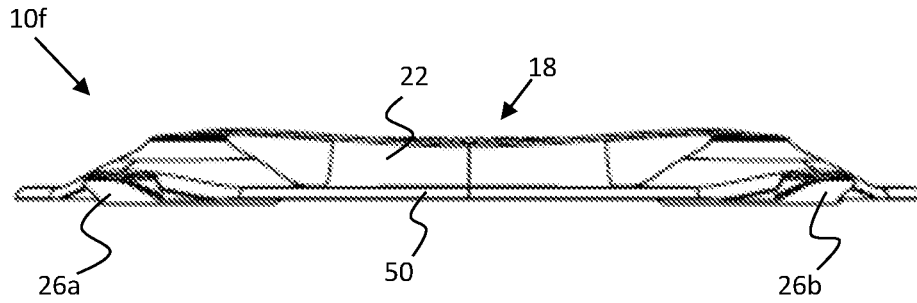


FIG. 7D

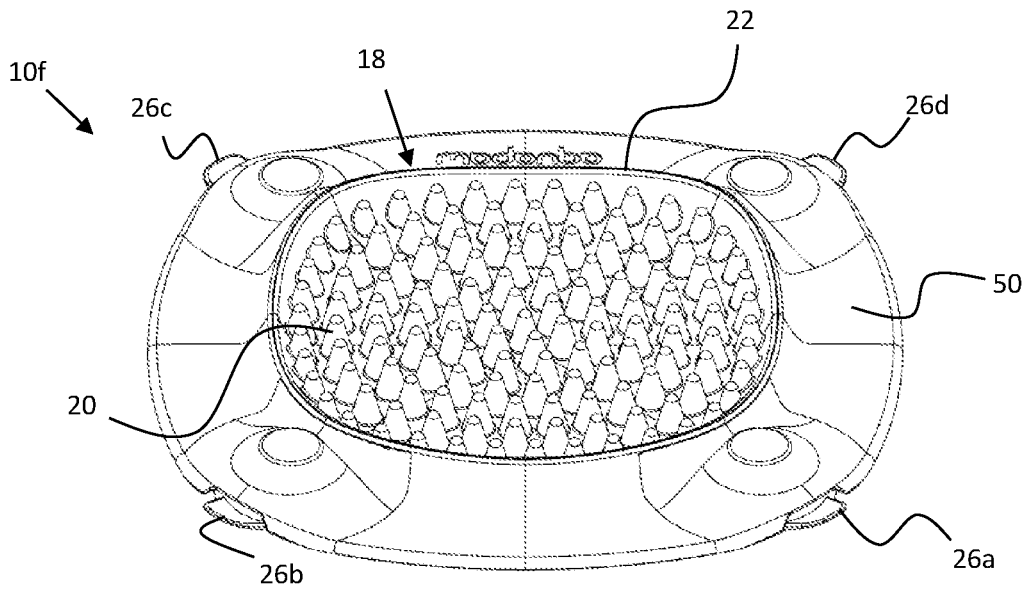


FIG. 7D

**ANIMAL FEEDER AND METHOD OF USE**

CROSS-REFERENCE TO RELATED APPLICATIONS

This application is a continuation-in-part of U.S. Non-provisional application Ser. No. 16/105,389 filed Aug. 20, 2018; that in turn claims priority benefit to U.S. Provisional Application Ser. No. 62/615,162 filed Jan. 9, 2018; the contents of which are incorporated by reference.

FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT

Not Applicable

INCORPORATION BY REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISK

Not Applicable

SPECIFICATION

To all Whom it May Concern

Be it known that, Daniel Lentz and Tom Zipprian, have invented new and useful improvements in an animal feeder and method of use as described in this specification.

BACKGROUND OF THE INVENTION

Any pet owner, animal trainer, or caregiver knows the challenging task of keeping to an animal stationary, calm, and distracted while trying to perform one or more tasks on the animal. For example, many animals become anxious and unsettled while being bathed, having their hair or nails trimmed, or during a medical examination. The owner, trainer, or caregiver is left wrestling with the animal and a restraint may be used to corral the animal.

In other situations, an owner, trainer, or caregiver may choose to entertain, reward, or calm an animal for an extended period of time. Several animal treats are typically devoured in a few seconds with the animal begging for more almost instantaneously. Other treats may be made of a dense material (e.g., rawhide) to occupy the animal for an extended period of time, but these materials may not be suitable for an animal's diet or oral health.

In addition, many traditional feeder systems are comprised of a simple receptacle that receives the food or treats therein. The animal typically devours all the food within a matter of minutes while moving the receptacle from one end of the room to another, which is sub-optimal for distracting the animal while performing a task on the animal. Further, for veterinarians, trainers, caregivers, or other persons that handle several different pets in a day, it is good sanitary practice to clean those receptacles between uses. Having to constantly clean the receptacle is time consuming and if the receptacle is improperly cleaned, the animal may become ill. Furthermore, the surface or area around the receptacle may become drenched with saliva, drool, or slobber while the animal feeds, which may require a good cleaning after each feeding.

Thus there exists a need for an animal feeder to distract, entertain, calm, or occupy an animal for an extended period of time. There is a further need for an animal feeder to aid in training or rewarding an animal. There is an even further need for an animal feeder that is user-friendly, promotes

good sanitary practices, and keeps the surrounding areas free from saliva, drool, or slobber.

FIELD OF THE INVENTION

The present invention generally relates to animal feeders, and more particularly, to an animal feeder to distract, entertain, calm, or occupy an animal for an extended period of time.

SUMMARY OF THE INVENTION

The general purpose of the animal feeder, described subsequently in greater detail, is to provide an animal feeder which has many novel features that result in an animal feeder which is not anticipated, rendered obvious, suggested, or even implied by prior art, either alone or in combination thereof.

An animal feeder is described herein. The animal feeder includes an elastomeric body having an obverse side and a reverse side. On the obverse side is a feeding section. The feeding section includes a plurality of nubs. The plurality of nubs hold food in the feeding section and slow an animal's ability to lick food therefrom. On the reverse side is one or more suction cups to suction the animal feeder to a surface. The animal feeder further includes a guard extending laterally from the feeding section to keep the surface below the guard free from saliva, drool, or slobber from the animal.

A method to entertain, distract, calm, or occupy an animal to keep the animal in one location for an extended period of time is also described here. The method includes the suctioning of the animal feeder to a surface. Food may be placed in the feeding section such as a creamy treat smeared between the plurality of nubs. An animal is permitted to lick the food in the feeding section. In specific applications, a user may bathe and/or examine the animal while the animal is distracted and calmed by the animal feeder.

Thus has been broadly outlined the more important features of the present animal feeder so that the detailed description thereof that follows may be better understood and in order that the present contribution to the art may be better appreciated.

Objects of the present animal feeder, along with various novel features that characterize the invention are particularly pointed out in the claims forming a part of this disclosure. For better understanding of the animal feeder, its operating advantages and specific objects attained by its uses refer to the accompanying drawings and description.

BRIEF DESCRIPTION OF THE DRAWINGS

In the figures, identical structures, element or parts that appear in more than one figure are generally labeled with a same numeral in all the figures in which they appear. Dimensions of components and features shown in the figure are generally chosen for convenience and clarity of presentation and are not necessarily shown to scale. The figures are listed below.

FIGURES

FIGS. 1A to 1D depict an embodiment of an animal feeder, where FIG. 1A is a perspective view thereof, FIG. 1B is a top view thereof, FIG. 1C is a side view thereof, and FIG. 1D is a bottom view thereof.

FIGS. 2A to 2D depict an embodiment of an animal feeder having a neck, where FIG. 2A is a perspective view thereof,

3

FIG. 2B is a top view thereof, FIG. 2C is a side view thereof, and FIG. 2D is a cross-sectional view along the line marked in FIG. 2C.

FIGS. 3A to 3C depict an embodiment of an animal feeder having an elongated body, where FIG. 3A is a perspective view thereof, FIG. 3B is a side view thereof, and FIG. 3C is a cross-sectional view along the line marked in FIG. 3B.

FIGS. 4A to 4C depict an embodiment of an animal feeder without a body, where FIG. 4A is a perspective view thereof, FIG. 4B is a side view thereof, and FIG. 4C is a cross-sectional view along the line marked in FIG. 4B.

FIGS. 5A to 5C depict an embodiment of an animal feeder having a feeding receptacle and disposable food container, where FIG. 5A is a perspective view thereof, FIG. 5B is a top view thereof, and FIG. 5C is a side view thereof.

FIGS. 6A to 6C depict a disposable food container having a plurality of nubs therein, where FIG. 6A is a perspective view thereof, FIG. 6B is a top view thereof, and FIG. 6C is a cross-sectional side view thereof along the line A marked in FIG. 6B.

FIGS. 7A to 7D depict an animal feeder having a guard, where FIG. 7A is a top view thereof, FIG. 7B is bottom view thereof, FIG. 7C is a side view thereof, and FIG. 7D is a perspective view thereof.

#### DETAILED DESCRIPTION OF THE DRAWINGS

The present invention has utility as an animal feeder to distract, entertain, calm, or occupy an animal for an extended period of time. The animal feeder may be user-friendly and promote good sanitary practices. More specifically, the animal feeder may: a) entertain an animal for an extended period of time; b) distract the animal during an experience they would normally find uncomfortable like bathing, nail trimming, or a visit to the vet; c) calm the animal as licking is a natural act which calms animals down; and d) train an animal to positively reinforce a pet's actions or location during a training session. The animal feeder described herein is particularly advantageous in keeping an animal in one location while performing one or more tasks on the animal. The following description of various embodiments of the invention is not intended to limit the invention to those specific embodiments, but rather to enable any person skilled in the art to make and use this invention through exemplary aspects thereof.

It is to be understood that in instances where a range of values are provided, that the range is intended to encompass not only the end point values of the range but also intermediate values of the range as explicitly being included within the range and varying by the last significant figure of that range. By way of example, a recited range of 1 to 4 is intended to include 1-2, 1-3, 2-4, 3-4, and 1-4.

As used herein, a "nub" is defined herein as a protuberance or projection configured to slow the rate at which an animal feeds from the feeding section 18. The nubs may assume any shape or size to slow the rate at which an animal feeds, unless otherwise limited by the claims.

With reference now to the drawings, and in particular FIGS. 1A through 5C thereof, example of the instant animal feeder employing the principles and concepts of the present animal feeder and generally designated by the reference number 10 will be described.

Referring particularly to FIGS. 1A through 1D, a specific embodiment of an animal feeder 10a is illustrated. The animal feeder 10a generally includes an elastomeric body 12 having an obverse side 14 and a reverse side 16. On the obverse side 14 is a feeding section 18. The feeding section

4

18 includes a plurality of nubs 20 with a rim 22 disposed therearound. The plurality of nubs 20 help hold food (e.g., a creamy treat) disposed in the feeding section 18 and slow the animal's licking/feeding. On the reverse side 16 is a plurality of suction cups (24a, 24b, 24c) to suction the animal feeder 10a to a surface to ensure the system 10a does not move as the animal licks food therefrom. The feeder system 10a is particularly configured to be suctioned to a vertical wall, such as the wall of a bathing area, exam room, training area, or an owner's home, to permit the animal to feed in an upright and comfortable position. The animal may then lick food from the feeding section, being slowed by the hindering nubs 20, while being washed, examined, rewarded, etc. Accordingly, the feeder system 10a provides an effective means to keep the animal within a desired workspace for an extended period of time. As used herein, an extended period of time in some embodiments refers to 10 seconds to 1 minute, while in other embodiments refers to 30 seconds to 30 minutes, and in a further embodiment refers to 30 minutes to 2 hours. It will be appreciated that the extended period of time may be lengthened or shortened based on: a) the amount of food disposed in the feeding section 18; b) the size of the feeding section 18; and/or c) the configuration of the plurality of nubs 20 as further described below.

In specific inventive embodiments, the elastomeric body 12 is flat to prevent the animal from dislodging the feeder system when suctioned to a surface. As used herein, the term "flat" refers to a body having a length and/or width greater than its thickness. In some embodiments, the length and/or width is 2 to 10 times the thickness, while in other embodiments, the length and/or width is 10 to 50 times the thickness, while in a further embodiment, the length and/or width is 50 to 1000 times the thickness. These dimensional range embodiments may be extended to the dimensions of the animal feeder 10a as a whole (e.g., the body 12, feeding section 18, and suction cups (24a, 24b, 24c) together have a length and/or width 2 to 10 times greater than their collective thickness). In some embodiment, the elastomeric body 12 is substantially triangular in shape, substantial in that the body 12 has three corners. A triangular shape is particularly advantageous for suctioning the feeder system 10a to a vertical surface.

In particular inventive embodiments, the plurality of suction cups (24a, 24b, 24c) is three suction cups (24a, 24b, 24c) arranged in a triangle to improve the stability of the animal feeder when suctioned to a vertical surface. Each suction cup (24a, 24b, 24c) may be positioned at or in proximity to the edges of the elastomeric body 12, such as the corners of a body 12 having a triangular shape.

The animal feeder 10 may further include a plurality of tabs (26a, 26b, 26c), where each tab (26a, 26b, 26c) is located on or proximal to a corresponding suction cup (24a, 24b, 24c). The tabs are pullable to permit a user to pull and release the corresponding suction cup (24a, 24b, 24c) from a surface. The tabs (26a, 26b, 26c) may be made of an elastomeric material similar to the elastomeric body 12, or may be made of other materials including textiles or other polymeric materials. In a specific embodiment, each tab (26a, 26b, 26c) is located on top and near an edge of their corresponding suction cups (24a, 24b, 24c) for easy release and access to the tab (26a, 26b, 26c).

In a specific inventive embodiment, the feeding section 18 is circular having a diameter defined by the inner diameter of the rim 22. However, it will be appreciated that the feeding section 18 may assume other shapes or forms including an ellipse, a square, a rectangle, a star, a polygon,

or other open or closed shapes. The feeding section **18** includes the plurality of nubs **20**. The plurality of nubs **20** may project from the surface of the obverse side **14** of the body **12**. The nubs **20** may be in the shape of a cone having a rounded tip, although other shapes are possible. In some embodiments, the nubs **20** project or have a height of 0.25 inches to 0.5 inches, while in other embodiments the height is 0.5 inches to 1 inch, while in further embodiments the height is 1 inch to 3 inches. In a particular embodiment, the height of each nub is uniform, while in other embodiments, the height of each nub may vary to control the rate at which the animal feeds as further described below.

The plurality of nubs **20** are configured to slow the rate at which an animal feeds from the feeding section **18**. The nubs **20** act as an impediment to slow the animals feeding rate because the animal has to lick between the nubs **20** to reach the food. The feeding rate may be controlled based on the arrangement of the plurality of nubs **20**. For instance, in one embodiment, the plurality of nubs are arranged adjacent to one another wherein the density of the nubs are less at a first region of the feeding section compared to a second region of the feeding section to slow the animal's ability to lick the food in the second region compared to the first region. For example, there may be fewer nubs in a center region of the feeding section **18** (more space between each nub) compared to a greater number of nubs near an outer region of the feeding section **18** (less space between each nub). With this configuration, less effort is required to access the food in the center region providing a quicker reward. The animals feeding rate then decreases as the animal licks towards the outer region. In a further embodiment, the plurality of nubs **20** may be non-uniform in size to further control the feeding rate. For example, a higher density of smaller diameter nubs may be present in one region of the feeding section **18** compared to a region having a low density of smaller diameter nubs or a region having a higher density of larger diameter nubs. It is further contemplated to control the feeding rate by having the same density of nubs in a first region and a second region, but the size of the nubs in the first region are smaller than the size of the nubs in the second region, thereby having a slower feeding rate in the second region compared to the first region. The non-uniform size may be pertinent to both width and height of the nubs **20**. In a specific inventive embodiment, the plurality of nubs **20** are arranged adjacent to one another in a circular pattern to form a circular row of nubs, wherein the feeding section **18** includes a plurality of circular rows of nubs, each row of increasing radii from a center of the feeding section with a single nub in the center of the feeding section as best seen in FIG. 1B. In a particular embodiment, the spacing between a first adjacent pair of circular rows may be greater than the spacing between a second adjacent pair of circular rows to slow the animal's ability to lick the food between the second adjacent pair compared to the first adjacent pair. The plurality of nubs **20** may likewise be non-uniform in size to control the feeding rate as described above.

The plurality of nubs **20** are fenced around by the rim **22**. The rim **22** may demarcate the feeding section **18**. In particular embodiments, the rim **22** projects from the surface of the obverse side **14** of the body **12** to surround the entirety of the plurality of nubs **20**. The rim **22** may project or have a height equal to, greater, or less than the height of the plurality of nubs **10**. The rim **22** may further include an interior and/or exterior taper starting from the peak of the rim **22** and tapering down to the obverse side **22** of the body **12**. The taper may further contribute to the flatness of the

animal feeder **10a** to prevent an animal from dislodging the system **10a** when suctioned to a surface.

In specific inventive embodiments, the elastomeric body **12**, the feeding section **18**, and the plurality of suction cups (**24a**, **24b**, **24c**) are a single molded piece of elastomeric material. The tabs (**26a**, **26b**, **26c**) may likewise be including in the single molded piece of elastomeric material. Preferably, the elastomeric material is silicone or a similar elastomeric material due to its elastic properties, availability, suctioning capability, and ease of washing (e.g., dishwasher safe). In other embodiments, the feeding section **18**, suction cups (**24a**, **24b**, **24c**), and/or tabs (**26a**, **26b**, **26c**) are assembled to the elastomeric body **12**, wherein each may be made of the same or a different elastomeric material.

With reference now to FIGS. 2A-2D, a particular inventive embodiment of an animal feeder **10b** is illustrated. The animal feeder **10b** includes an elastomeric body **12** having an obverse side **14** and a reverse side **16**, a feeding section **18** having a plurality of nubs **20** with a rim **22** therearound, and a plurality of suction cups (**24a**, **24b**, **24c**) on the reverse side, all of which may incorporate their embodiments as described above. The animal feeder **10b** further includes a neck **28** extending between the elastomeric body **12** and the feeding section **18** to extend the feeding section **18** from a surface on which the animal feeder **10b** is suctioned. The neck **28** may be an elastomeric column in the form of a straight or lofted cylinder, cuboid, hyperboloid, or other shape extending between the body **12** and the feeding section **18**. The length of the neck **28** may vary depending on the application and/or the distance requirements between a surface and the placement of the animal. In a particular embodiment, the neck **28** is made of an elastomeric material. The elastomeric body **12**, the feeding section **18**, the plurality of suction cups (**24a**, **24b**, **24c**), the plurality of tabs (**26a**, **26b**, **26c**), and the neck **28** may be formed from a single molded piece of elastomeric material. In one embodiment, the length of the neck **28** may be adjusted to control the feeding rate. For example, a longer elastomeric neck **28** is less stiff and will therefore wobble, waiver, and deflect as an animal is licking the feeding section **18** which further slows the animal's feeding rate. In another embodiment, with reference to FIG. 2D which is a cross-sectional view down the line **30** of FIG. 2C, the neck **28** may be reinforced with a structural support **32** positioned down the center of the neck **28**. The structural support **32** may be a metal or polymeric wire, rod, bar, or other elongated support structure to improve the stiffness of the neck **28**. The stiffness of the structural support **32** may be varied to control the feeding rate. For example, a structural support **32** with a low stiffness will result in a slower feeding rate, while a completely rigid structural support **32** simply supports the feeding section **18**.

With reference now to FIGS. 3A-3C, a specific inventive embodiment of an animal feeder **10c** is illustrated. The animal feeder **10c** includes an elastomeric body **12** having an obverse side **14** and a reverse side **16**, a feeding section **18** having a plurality of nubs **20** with a rim **22** therearound, and a plurality of suction cups (**24a**, **24b**, **24c**) on the reverse side, all of which may incorporate their embodiments as described above. The elastomeric body **12** of the animal feeder **10c** may be flat and elongated in shape, wherein the plurality of suction cups (**24a**, **24b**) is two suction cups (**24a**, **24b**). The two suction cups (**24a**, **24b**) may be located at opposing edges of the body **12** along a major axis thereof. The elongated shape and two suction cups may improve the stability of the animal feeder **10c** when suctioned to a surface. FIG. 3C depicts a cross-sectional view of the feeder system **10c** along the line **34** of FIG. 3B showing the

plurality of nubs **20** in the feeding section **18**. The rim **22** may project from the surface of the obverse side to fence the plurality of nubs **20** therein. The rim **22** may further be in the form of a hyperboloid. The feeder system **10c** further includes two tabs (**26a**, **26b**), each located on a side edge of a corresponding suction cup (**24a**, **24b**). The tabs (**26a**, **26b**) being pullable to release the corresponding suction cup (**26a**, **26b**) from a surface.

With reference to FIGS. 4A-4C, another embodiment of an animal feeder **10d** is illustrated. The animal feeder **10c** includes a feeding section **18** having a plurality of nubs **20** with a rim **22** therearound, and a suction cup **24a** located on a bottom side of the feeding section **18**. The feeding section **18** and suction cup **24** may incorporate their embodiments as described above. The animal feeder **10d** may further include a neck **28** extending between the feeding section **18** and the suction cup **24a**. The feeder system **10d** likewise includes a tab **26a** located at a side edge of the suction cup **24a** to permit a user to release the suction cup **24a** from a surface. FIG. 4C depicts a cross-sectional view along line **36** of FIG. 4B depicting the plurality of nubs **20** in the feeding section **18**. The animal feeder **10d** may be smaller in size compared to the aforementioned feeder systems (**10a**, **10b**, **10c**). In a particular embodiment, two or more animal feeders **10d** are suctioned to the same surface to divert the animal's attention between the two or more animal feeders **10d** to further control the animal's feeding rate. This diversion mechanism may be used with the other aforementioned animal feeders (**10a**, **10b**, **10c**).

With reference to FIGS. 5A-5C, a specific inventive embodiment of an animal feeder system **10e** is illustrated. The animal feeder system **10e** includes an elastomeric body **12** having an obverse side and a reverse side. On the obverse side is a feeding receptacle **38** and on the reverse side are a plurality of suction cups (**24a**, **24b**, **24c**) to suction the animal feeder **10e** to a surface. The animal feeder system **10e** further includes a disposable food container **40** to be received in the feeding receptacle **38**. The food container **40** has food therein and a removable lid **42**. The container **40** is replaceable to negate the need to clean the feeding receptacle **28** between animal uses. A user may also quickly replace the container **40** when an animal finishes licking food therefrom to continually distract, calm, or occupy the animal.

The feeding receptacle **38** may include a rim **22** projecting from the surface of the obverse side of the body **12**. The rim **22** may define the boundaries of the feeding receptacle **38**. In some embodiments, the feeding receptacle **38** is circular in shape and receives a circular food container; however it will be appreciated that the feeding receptacle **38** may assume any shape or form and receive a food container **40** having a congruent shape. In particular inventive embodiments, the feeding receptacle **38** and the container **40** are sized to create a friction fit to removably secure the container **40** in the feeding receptacle **38**. In addition or alternatively, the feeding receptacle **38** and/or container **40** may be made of a material to create the friction fit (e.g., a silicone material). Other mechanisms may be used to secure the container **40** in the receptacle **28** including clamps, clasps, hook and loops, or other temporary fasteners.

The animal feeder system **10e** may further include a plurality of tabs (**26a**, **26b**, **26c**). The elastomeric body **12**, plurality of suction cups (**24a**, **24b**, **24c**), and the plurality of tabs (**26a**, **26b**, **26c**) may incorporate any of their embodiments as described above.

The elastomeric body **12**, plurality of suction cups (**24a**, **24b**, **24c**), and the plurality of tabs (**26a**, **26b**, **26c**) may be

made of a single molded piece of elastomeric material such as silicone. The disposable food container **40** may be made of a polymeric material, and more preferably, a recyclable polymeric material.

In a specific inventive embodiment, the animal feeder system **10e** further includes a hole **44** through the elastomeric body **12** and inside the feeding receptacle **38**. The hole **44** permits a user to push against a bottom portion of the disposable food container **40** when disposed in the feeding receptacle **38** to easily remove the container **40** therefrom.

With reference to FIGS. 6A to 6C, the disposable food container **40** may further include a plurality of nubs **20** projecting from an interior bottom surface **44** of the disposable food container **40** to further slow an animal's ability to lick the food inside the container **40**. The plurality of nubs **20** inside the container **40** may incorporate the embodiments of the nubs as described above.

With reference now to FIGS. 7A to 7D, a particular embodiment of an animal feeder **10f** is shown. The animal feeder **10f** generally includes an elastomeric body having an obverse side and a reverse side as previously described. On the obverse side is a feeding section **18**. The feeding section **18** includes a plurality of nubs **20** to help hold food (e.g., a creamy treat) disposed in the feeding section **18** and slow the animal's licking/feeding. The feeding section **18** may further include a rim **22** disposed around the nubs **20**, although the rim **22** may not be necessary if the food is creamy and/or can easily stick to the nubs **20**. On the reverse side **16** is one or more suction cups **24** to suction the animal feeder **10f** to a surface to ensure the feeder **10f** does not move as the animal licks food from the feeding section **18**.

The animal feeder **10f** further includes a guard **50**. The guard **50** laterally extends beyond the feeding section **18** to keep the surface underneath the guard free from saliva, drool, or slobber from the animal. The guard may also assist a user in decoupling the animal feeder **10f** from a surface without disturbing the food contained in the feeding section **18**. The guard **50** may be part of the elastomeric body and laterally project in one or more directions away from the feeding section **18**. In a particular embodiment, the animal feeder **10f** includes a continuous guard **50** surrounding the perimeter of the feeding section **18**, while in other embodiments, the guard **50** projects from only one or more sections of the feeding section **18**. The guard **50** may alternatively be described as being part of the elastomeric body, where the feeding section **18** resides on the obverse side of the body, and the portions of the body laterally extending beyond the feeding section **18** make up the guard **50**. The guard **50** may extend beyond the feeding section **18** anywhere from 0.15 to 0.6 times the length, width, or diameter of the feeding section **18**.

One or more suction cups **24** may be disposed on a reverse side of the guard **50**. In a specific embodiment, the animal feeder **10f** includes four suction cups (**24a**, **24b**, **24c**, **24d**) placed on four opposing sides, corners, or edges of the guard **50**. Tabs **26** may be placed in proximity to each suction cup to assist the user in decoupling the suction cups from a surface, where each tab **26** may be disposed on the suction cup itself or on the guard in proximity to its corresponding suction cup. For example, an animal feeder **10f** with four suction cups includes four corresponding tabs (**26a**, **26b**, **26c**, **26d**).

The guard **50** may be planar (i.e., flat and thin), where a top surface of the guard **50** resides below the height of the nubs **20**. In other words, the nubs **20** or rim **22** project above the top surface of the guard as best seen in FIG. 7C.

In a specific embodiment, a portion of the guard **50** may be raised, cupped, or undulate, to receive a suction cup therein such that the animal feeder **10f** may be suctioned flush with a surface. For example, the animal feeder **10f** may include a continuous guard **50** around the perimeter of the feeding section **18** with four suction cups (**24a**, **24b**, **24c**, **24d**) disposed at four opposing corners of the guard **50**. The guard **50** at the four opposing corners may undulate, be cupped, or otherwise raised to receive a suction cup therein. The remainder of the guard **50** between the suction cups is planar. In this configuration, the animal feeder **10f** may be suctioned flush to a surface such that there is a minimal or no gap between the guard **50** and the surface to which that animal feeder **10f** is suctioned.

A method of using any of the aforementioned animal feeders (**10a-10f**) includes suctioning the animal feeder (**10a-10f**) to a surface (e.g., a vertical surface such as a wall, or a horizontal surface such as the floor); either disposing/smearing food (e.g., a creamy treat) into the feeding section **18**, or placing a food container **40** in the feeding receptacle **38**; and permitting an animal to lick/feed from either the feeding section **18** or food container **40**. The animal feeder (**10a-10f**) is particularly advantageous in keeping an animal in one location and to distract, calm, or occupy the animal for an extended period of time. An exemplary application includes the bathing of an animal wherein the animal feeder (**10a-10f**): a) keeps the animal in the workspace of the bathing area; and b) distracted and calm while bathing the animal.

Other Embodiments

While at least one exemplary embodiment has been presented in the foregoing detail description, it should be appreciated that a vast number of variations exist. It should also be appreciated that the exemplary embodiment or exemplary embodiments are only examples, and are not intended to limit the scope, applicability, or configuration of the described embodiments in any way. It should be understood that various changes may be made in the function and arrangement of elements without departing from the scope as set forth in the appended claims and the legal equivalents thereof.

What is claimed is:

1. An animal feeder comprising:

an elastomeric body having an observe side and a reverse side;

a feeding section on the observe side, said feeding section having a plurality of elastomeric nubs to help hold food disposed therein and slow an animal's ability to lick food therefrom;

one or more suction cups on the reverse side to suction the animal feeder to a surface; and

a guard extending laterally from at least one section of the feeding section to keep the surface underneath the guard free from saliva, drool, or slobber from the

animal, wherein the guard is integral to the elastomeric body and the guard is planar, and wherein the one or more suction cups are disposed on the reverse side of the guard.

2. The animal feeder of claim 1 wherein the guard is continuous about the perimeter of the feeding section.

3. The animal feeder of claim 2 further comprising one or more tabs in proximity to the one or more suction cups, wherein said tabs are pullable to release the suction cup from a surface.

4. The animal feeder of claim 3 wherein the one or more suction cups are four suction cups disposed on four opposing sides, edges, or corners of the guard.

5. The animal feeder of claim 4 wherein the one or more tabs is four tabs, wherein each tab is in proximity to a corresponding suction cup.

6. The animal feeder of claim 4 wherein the guard is planar.

7. The animal feeder of claim 6 wherein four portions of the planar guard is raised, undulates, or is cupped to receive a corresponding suction therein.

8. The animal feeder of claim 2 wherein the guard is planar.

9. The animal feeder of claim 8 wherein a portion of the planar guard is raised, undulates, or is cupped to receive a suction cup therein.

10. The animal feeder of claim 9 further comprising a rim disposed around the plurality of nubs.

11. The animal feeder of claim 9 wherein the elastomeric body, the feeding section, the plurality of nubs, and the guard are a single molded piece of elastomeric material.

12. The animal feeder of claim 1 wherein a portion of the planar guard is raised, undulates, or is cupped to receive a suction therein.

13. The animal feeder of claim 12 further comprising a rim disposed around the plurality of nubs.

14. The animal feeder of claim 12 wherein the elastomeric body, the feeding section, the plurality of nubs, and the guard are a single molded piece of elastomeric material.

15. The animal feeder of claim 1 further comprising a rim disposed around the plurality of nubs.

16. The animal feeder of claim 1 wherein the elastomeric body, the feeding section, the plurality of nubs, and the guard are single molded piece of elastomeric material.

17. A method to entertain, distract, calm, or occupy an animal to keep the animal in one location for an extended period of time, the method comprising:

suctioning the animal feeder of claim 1 to a surface;

placing food in the feeding section; and

permitting an animal to lick the food to distract, calm, or occupy the animal to keep the animal in one location for an extended period of time.

\* \* \* \* \*

# **Exhibit 3a**

# Type 1 Infringing Product against claim 1 of U.S Patent No. 11,419,309 B2

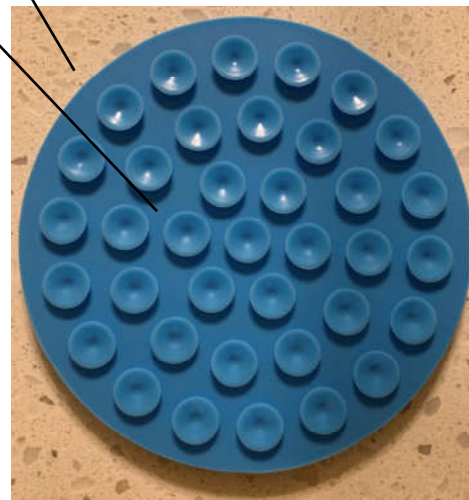
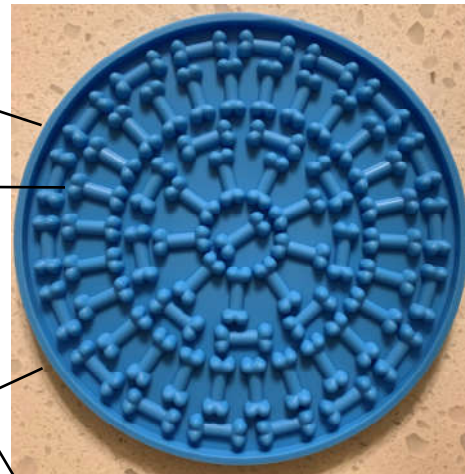
## Text of Claim 1

An animal feeder, comprising:

- a) an elastomeric body having an observe side and a reverse side;
- b) a feeding section on the observe side, said feeding section having a plurality of elastomeric nubs to help hold food disposed therein and slow an animal's ability to lick food therefrom;
- c) one or more suction cups on the reverse side to suction the animal feeder to a surface; and
- d) a guard extending laterally from at least one section of the feeding section to keep the surface underneath the guard free from saliva, drool, or slobber from the animal, wherein the guard is integral to the elastomeric body and the guard is planar, and wherein the one or more suction cups are disposed on the reverse side of the guard..

## Type 1 Infringing Product

This is the preamble.



# **Exhibit 3b**

## Type 2 Infringing Product against claim 1 of U.S Patent No. 11,419,309 B2

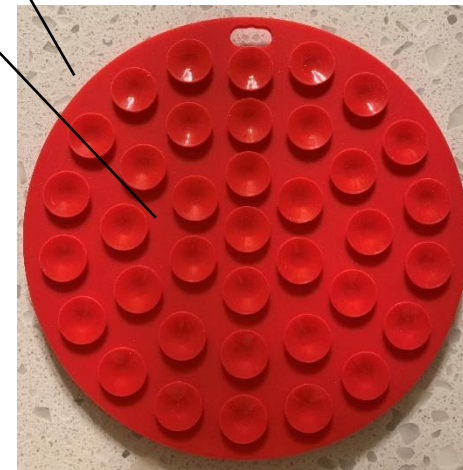
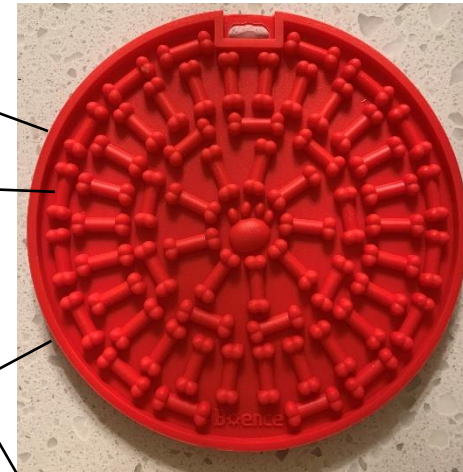
### Text of Claim 1

An animal feeder, comprising:

- a) an elastomeric body having an observe side and a reverse side;
- b) a feeding section on the observe side, said feeding section having a plurality of elastomeric nubs to help hold food disposed therein and slow an animal's ability to lick food therefrom;
- c) one or more suction cups on the reverse side to suction the animal feeder to a surface; and
- d) a guard extending laterally from at least one section of the feeding section to keep the surface underneath the guard free from saliva, drool, or slobber from the animal, wherein the guard is integral to the elastomeric body and the guard is planar, and wherein the one or more suction cups are disposed on the reverse side of the guard..

### Type 2 Infringing Product

This is the preamble.



# **Exhibit 3c**

**Type 3 Infringing Product against claim 1 of U.S Patent No. 11,419,309 B2**

**Text of Claim 1**

**Type 3 Infringing Product**

An animal feeder system, comprising:

This is the preamble.

- a) an elastomeric body having an observe side and a reverse side;
- b) a feeding section on the observe side, said feeding section having a plurality of elastomeric nubs to help hold food disposed therein and slow an animal's ability to lick food therefrom;
- c) one or more suction cups on the reverse side to suction the animal feeder system to a surface; and
- d) wherein the plurality of nubs are arranged adjacent to one another in a circular pattern to form a circular pattern to form a circular row of nubs, wherein the feeding section comprises a plurality of circular rows of nubs, each row of increasing radii from a center of the feeding section with a single nub in the center of the feeding section.

