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8 *Attorney for Plaintiff*
9 *World Champ Tech LLC*

10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA

12 WORLD CHAMP TECH LLC,
13 Plaintiff,

14 vs.

15 PELOTON INTERACTIVE, INC.,
16 Defendant.

Case No.: _____

COMPLAINT
DEMAND FOR JURY TRIAL

17 Plaintiff, World Champ Tech LLC (hereinafter “World Champ Tech”), for its complaint
18 against Defendant, Peloton Interactive, Inc. (hereinafter “Peloton”), alleges as follows:

19 **NATURE OF ACTION**

20 1. This is an action to redress violations of the federal Lanham Act for infringement
21 of a federally registered trademark (15 U.S.C. § 1114), federal unfair competition (15 U.S.C.
22 § 1125(a)), California unfair competition (Cal. Bus. & Prof. Code § 17200), the making and
23 dissemination of untrue and misleading statements (Cal. Bus. & Prof. Code § 17500), and
24 common law trademark infringement and unfair competition, as the result of Peloton’s willful
25 and unauthorized use of World Champ Tech’s trademark, as more fully set forth hereinafter.
26 World Champ Tech seeks injunctive relief restraining Peloton's infringement of World Champ
27

CIVIL ACTION NO.
COMPLAINT; DEMAND FOR JURY TRIAL

1 Tech's trademark, monetary damages, attorneys' fees, costs of action, restitution, exemplary
2 damages, and related relief.

3 **THE PARTIES**

4 2. World Champ Tech is a California limited liability company with its business
5 address at 305 Windingwood Court, Mountain View, California 94040.

6 3. On information and belief, Peloton is a Delaware corporation with its business
7 address at 125 West 25th Street, 11th Floor, New York, New York 10001.

8 **JURISDICTION AND VENUE**

9 4. This Court has subject matter jurisdiction over World Champ Tech's claims
10 under and pursuant to 15 U.S.C. § 1121(a) and 28 U.S.C. §§ 1331 and 1338(a) because the
11 claims arise under the federal Lanham Act, 15 U.S.C. § 1051 *et seq.* This Court also has pendent
12 jurisdiction over all related claims herein in accordance with 28 U.S.C. § 1338(b).

13 5. On information and belief, Peloton, either directly or through its agents, has
14 transacted business in the State of California and within this judicial district, as more specifically
15 set forth below, and expected or should reasonably have expected its acts to have consequence
16 in the State of California and within this judicial district.

17 6. Venue is proper in this district pursuant to 28 U.S.C. § 1391(b) because Peloton
18 is doing business in this judicial district and therefore may be found in this district, a substantial
19 part of the events giving rise to the claims alleged herein occurred in this judicial district, and/or
20 the infringement occurred in this judicial district.

21 **INTRADISTRICT ASSIGNMENT**

22 7. As a civil action concerning intellectual property rights, this case will be assigned
23 to a division on a district-wide basis pursuant to Civil Local Rule 3-2(c).

24 **FACTS COMMON TO ALL CLAIMS FOR RELIEF**

25 **WORLD CHAMP TECH'S TRADEMARK**

26 8. World Champ Tech is a California-based fitness technology company. It was
27 founded in 2012 by professional cyclist James Mattis – winner of the 2011 World Amateur Road

1 Race Championship and 2008 US Amateur Road Race Championship – and professional cyclist
2 and Olympic windsurfer Ted Huang.

3 9. Since 2014, World Champ Tech has used BIKE+ continuously in commerce as
4 a trademark for its mobile fitness applications. Such use has been exclusive in the United States
5 since the date of World Champ Tech’s first use of the BIKE+ mark in interstate commerce in
6 2014.

7 10. World Champ Tech’s BIKE+ fitness apps allow users to detect, record, store,
8 analyze, and share data from their indoor or outdoor cycling sessions, including but not limited
9 to heart rate, caloric energy use, speed, distance, grade, elapsed time, and audiovisual recordings.

10 11. World Champ Tech’s target consumers for its BIKE+ fitness apps are tech-savvy
11 individuals who place an emphasis on their health and prioritize their fitness, including but not
12 limited to cyclists and runners.

13 12. World Champ Tech’s BIKE+ apps are available to consumers on the Apple App
14 Store platform. A search for BIKE+ on the Apple App Store platform provides results for
15 World Champ Tech’s BIKE+ fitness apps.

16 13. World Champ Tech’s BIKE+ fitness apps integrate with various devices,
17 including but not limited to the Apple iPhone® and Apple Watch® devices.

18 14. World Champ Tech’s BIKE+ apps have been well received by the market,
19 with many 5-star reviews on the Apple App Store platform.

20 15. World Champ Tech owns U.S. Trademark Registration No. 4782695 on the
21 Principal Register for the BIKE+ mark for the following goods in International Class 9:

22 Downloadable mobile applications for recording and managing cycling
23 activities, namely, the rider's average and maximum speed, rider's
24 average and maximum power, heart rate, geographic route taken, outside
25 air temperature, altercations with aggressive drivers, rider-entered route
26 conditions, taking photos and uploading the same to an external
27 computer server for personal review and viewing by others.

1 The registration issued on July 28, 2015, with constructive rights dating back to November 23,
2 2013. Attached hereto as Exhibit A is a true and accurate copy of the certificate of registration
3 from the United States Patent and Trademark Office for U.S. Trademark Registration No.
4 4782695.

5 16. There is no limitation in World Champ Tech’s U.S. Registration No. 4782695
6 as to the nature, type, channels of trade, or class of purchasers of or for World Champ Tech’s
7 goods identified therein. World Champ Tech’s U.S. Registration No. 4782695 encompasses
8 all goods or services of the type described therein (for example, whether cycling outdoors or
9 indoors). It is presumed that the goods move in all normal channels of trade and are available
10 to all classes of purchasers.

11 17. World Champ Tech displays the BIKE+ mark with the ® registration symbol.

12 18. World Champ Tech’s U.S. Registration No. 4782695 for the BIKE+ mark is
13 constructive notice nationwide of World Champ Tech’s ownership of the BIKE+ mark for the
14 goods claimed therein.

15 19. World Champ Tech claims “incontestable” rights in the distinctive BIKE+ mark
16 for the apps specified in its U.S. Registration No. 4782695. On December 1, 2020, World
17 Champ Tech filed a “Combined Declaration of Use and Incontestability under Sections 8 & 15”
18 with the United States Patent and Trademark Office in connection with the registration. As an
19 incontestable registration, it is conclusive evidence of the validity of the BIKE+ mark, World
20 Champ Tech’s ownership of the BIKE+ mark, and World Champ Tech’s exclusive right to use
21 the BIKE+ mark nationwide on or in connection with the specified apps.

22 20. World Champ Tech has devoted significant marketing, advertising, and
23 financial resources and creative energies towards selecting, adopting, using, promoting,
24 registering, and protecting the BIKE+ mark. These efforts have established a connection in
25 the minds of consumers between the BIKE+ mark and World Champ Tech’s fitness apps
26 such that the public has come to recognize the BIKE+ mark as an indication of the source of
27

1 World Champ Tech's goods. World Champ Tech derives substantial goodwill and value from
2 its use of the BIKE+ mark.

3 21. World Champ Tech has promoted its BIKE+ fitness apps on Facebook by
4 having a dedicated page for the apps at <https://www.facebook.com/bikeplusapp> and placing
5 advertising using Facebook App Install Ads. World Champ Tech has used the BIKE+ mark in
6 promotional materials for its fitness apps on its company website (www.worldchamptech.com)
7 and social media pages on Instagram (<https://www.instagram.com/worldchamptech/>),
8 Facebook (<https://www.facebook.com/worldchamptech>), and Twitter
9 (<https://twitter.com/WorldChampTech>). World Champ Tech has published press releases to
10 announce significant news about its BIKE+ apps. World Champ Tech has also promoted its
11 BIKE+ apps in connection with its sponsorships of U.S. athletes, including but not limited to
12 a professional cycling team in 2015 and an Olympic cyclist in 2016.

13 PELOTON'S UNLAWFUL ACTIONS

14 22. Peloton is a New York-based exercise equipment and fitness technology
15 corporation that is registered with the California Secretary of State to transact business in
16 California. Since it started selling interactive stationary bicycles several years ago, Peloton has
17 expanded its business to include additional exercise equipment, exercise and fitness classes,
18 downloadable software applications, and other goods and services related to its connected-fitness
19 products.

20 23. Notwithstanding World Champ Tech's well-established rights in the BIKE+
21 mark, Peloton launched a line of interactive stationary bicycles in September 2020 under the
22 identical trademark, BIKE+, and started selling them to consumers throughout California and
23 the United States.

24 24. World Champ Tech first learned of Peloton's use of BIKE+ on or about
25 September 9, 2020, when James Mattis read a Wired magazine article about the "new Peloton
26 indoor cycling bike, called Bike+?" (Lauren Goode, *Peloton Is Betting You'll Never Go Back to*
27 *the Gym*, WIRED, September 8, 2020).

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