

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

JONATHAN WANG

Plaintiff,

vs.

GOLF TAILOR, LLC

Defendant(s).

Civil Action No.: 6:16-cv-1233

JURY TRIAL DEMANDED

ORIGINAL COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Jonathan Wang, by and through counsel, hereby files this Original Complaint for patent infringement against Defendant Golf Tailor, LLC (“Golf Tailor”) and alleges as follows:

I. PARTIES

1. Plaintiff Jonathan Wang (“Wang”) is an individual who resides in the State of California.

2. On information and belief, Defendant Golf Tailor, LLC is a private company incorporated under the laws of Oklahoma with a principal place of business at 103 S. Broadway Ste 210, Edmond, OK 73034. Golf Tailor is in the business of selling, offering to sell, importing, and/or distributing golf training aids and accessories in and around the United States, this judicial district, and elsewhere within Texas. On information and belief, Golf Tailor, LLC is doing business under the trade names of Square to Square Method and Speed Stik.

II. JURISDICTION AND VENUE

3. This is a civil action seeking damages and injunctive relief for patent infringement arising under the patent laws of the United States including 35 U.S.C. §§ 1 *et seq.* This Court has federal subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a).

4. This Court has personal jurisdiction over Defendant because, on information and belief, among other things, Defendant has been and is engaged in wrongful conduct within the state of Texas and in this District, including placing into commerce goods infringing upon Wang's patent rights in this judicial district. Defendant has maintained substantial, continuous, and systematic contacts with Texas through business dealings and activities within and with residents of Texas. Defendant states that they provide "elite golf instruction accessible to all" and it indicates instruction by professional Hank Haney, who provides instruction in Texas (*see* <http://www.golftailor.com/>). On information and belief, Golf Tailor's CEO, Timothy Oyler, has been a member of the golf club TPC Craig Ranch and has owned and operated a business in McKinney, Texas.

5. Venue is proper in this judicial district pursuant to 28 U.S.C. §§ 1391(c) and 1400(b). As demonstrated above and as upon information and belief, Defendant is subject to personal jurisdiction in this judicial district. Upon information and belief, Defendant has committed infringing acts in this district, has purposely transacted business involving the accused products in this judicial district, and has sold infringing products in this district to one or more customers in Texas, either directly or through their distributors.

III. BACKGROUND AND FACTS

A. FACTS APPLICABLE TO ALL CLAIMS

6. Wang is a designer of golf equipment. Wang regularly works with a third party company, Golf Gifts & Gallery (“GGG”), who specializes in golf accessories. GGG contacted Wang, on behalf of a client, Golf Tailor, with a request to design and manufacture a new golf training aid.

7. Wang designed and developed a golf training aid prototype for GGG.

8. Wang sent a prototype to GGG for review. Wang received no orders from GGG for the golf training aid.

9. On April 11, 2016, Wang filed a patent application for design patent protection in China with Chinese Design Patent Application No. 201630118508.1.

10. On July 14, 2016, Wang subsequently filed a patent application for design patent protection in the United States with U.S. Design Patent Application No. 29/571,084, now U.S. Design Patent D769,390, claiming priority to the Chinese Design Patent Application filed April 11, 2016. See Exhibit A.

11. Wang became aware that Golf Tailor was selling the golf training aid through at least the websites www.speedxcceleator.com, www.getthespeedstik.com and www.squaretosquaremethod.com.

12. On September 13, 2016, Wang sent a Letter to Golf Tailor notifying Golf Tailor of Wang’s pending rights. See Exhibit B.

13. Wang did not receive a response to the September 13, 2016 Letter.

B. WANG’S OWNERSHIP AND REGISTRATION OF U.S. PATENT NO. D769,390

14. On October 18, 2016, after a full and fair examination, the United States Patent and Trademark Office (“USPTO”) duly and legally issued United States Patent No. D769,390 (the “’390 Patent”), entitled “Golf Practice Aid.” A true and correct copy of the ‘390 Patent is

attached as Exhibit A. Since its issuance to Wang, the '390 Patent has been in full force and effect. Wang owns all right, title, and interest to the '390 Patent, including the right to enforce and sue for past, present, and future infringements.

C. DEFENDANT'S INFRINGING ACTIVITY

15. On information and belief, Defendant has given Wang's design to a third party manufacturer and subsequently has directed the manufacture of golf training aids using Wang's design, and imported and sold such infringing golf training aids in the United States, the Eastern District of Texas, and elsewhere in Texas.

16. On information and belief, Defendant owns, controls, and/or manages the www.speedxcelerator.com, www.squaretosquaremethod.com website and the www.getthespeedstik.com website.

17. On information and belief, Defendant continues to expose for sale, offer to sell, and sell the infringing golf training aids manufactured by a third party manufacturer without Wang's permission in the United States, the Eastern District of Texas, and elsewhere in Texas, at least through the websites www.speedxcelerator.com, www.squaretosquaremethod.com and www.getthespeedstik.com.

The below images were taken of a Speed Stik purchased from Golf Tailor.

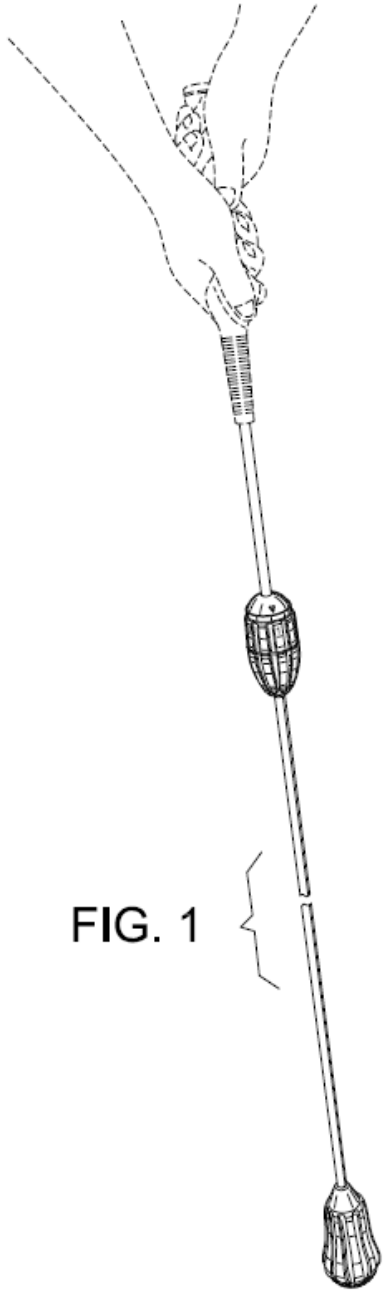

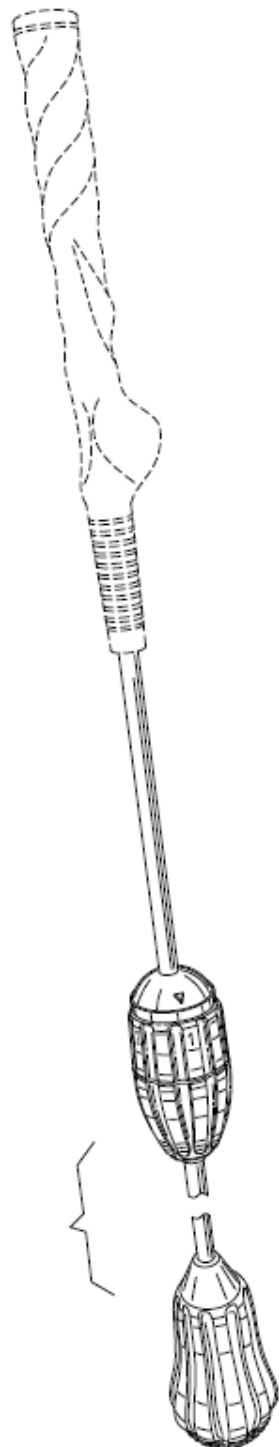
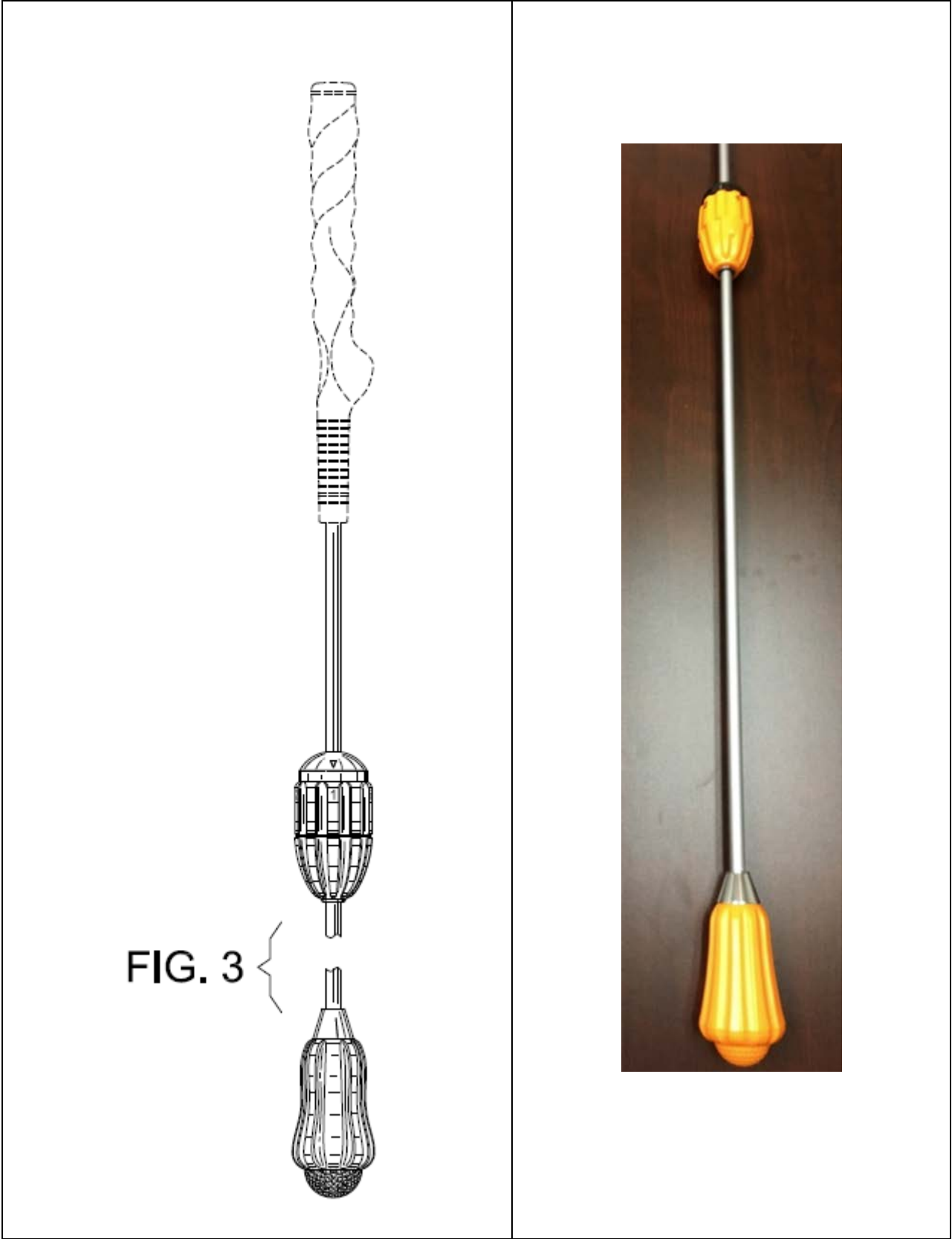
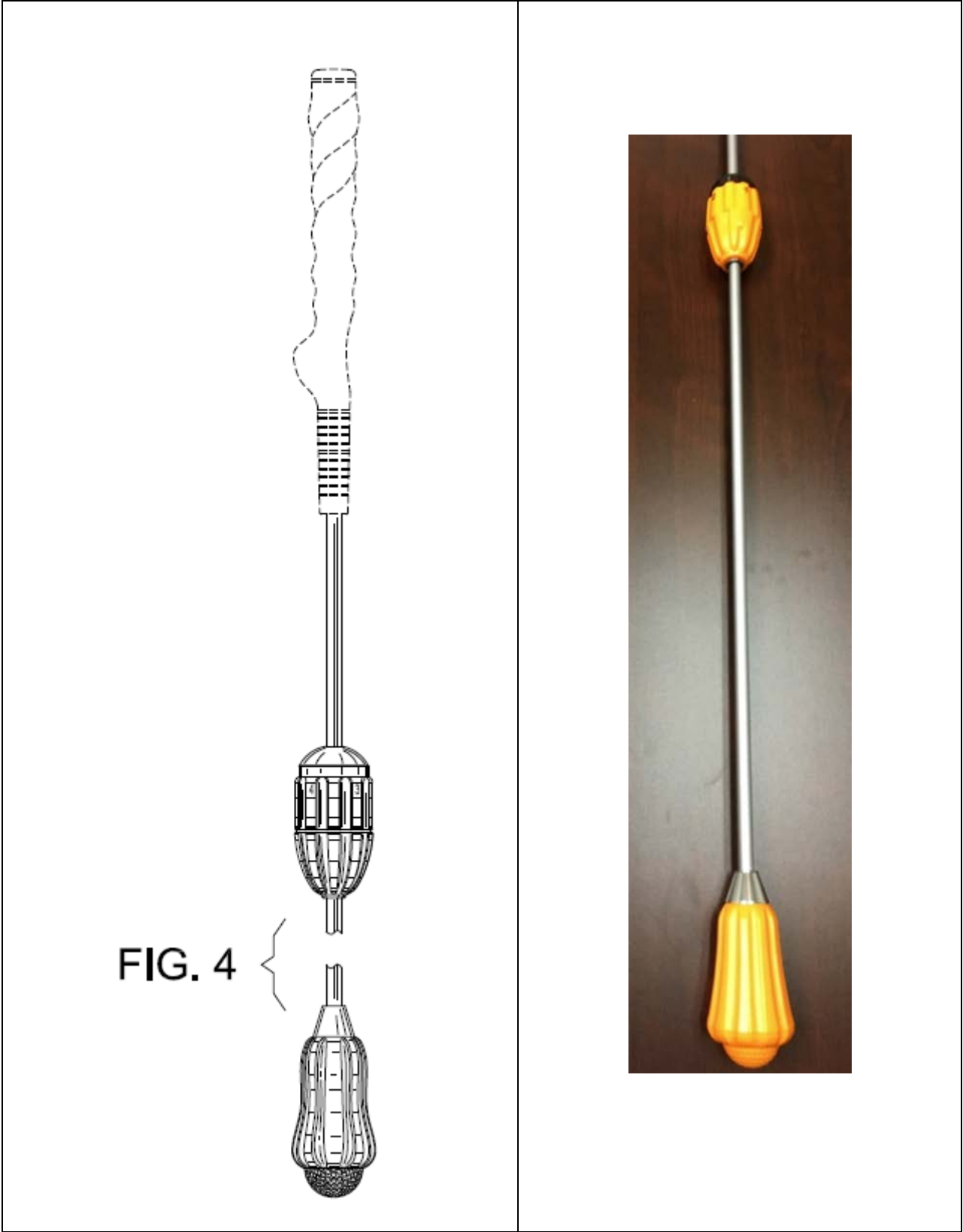
WANG Design Patent No. D769,390	Golf Tailor Infringing Golf Training Aid
 <p>FIG. 1</p>	

FIG. 2







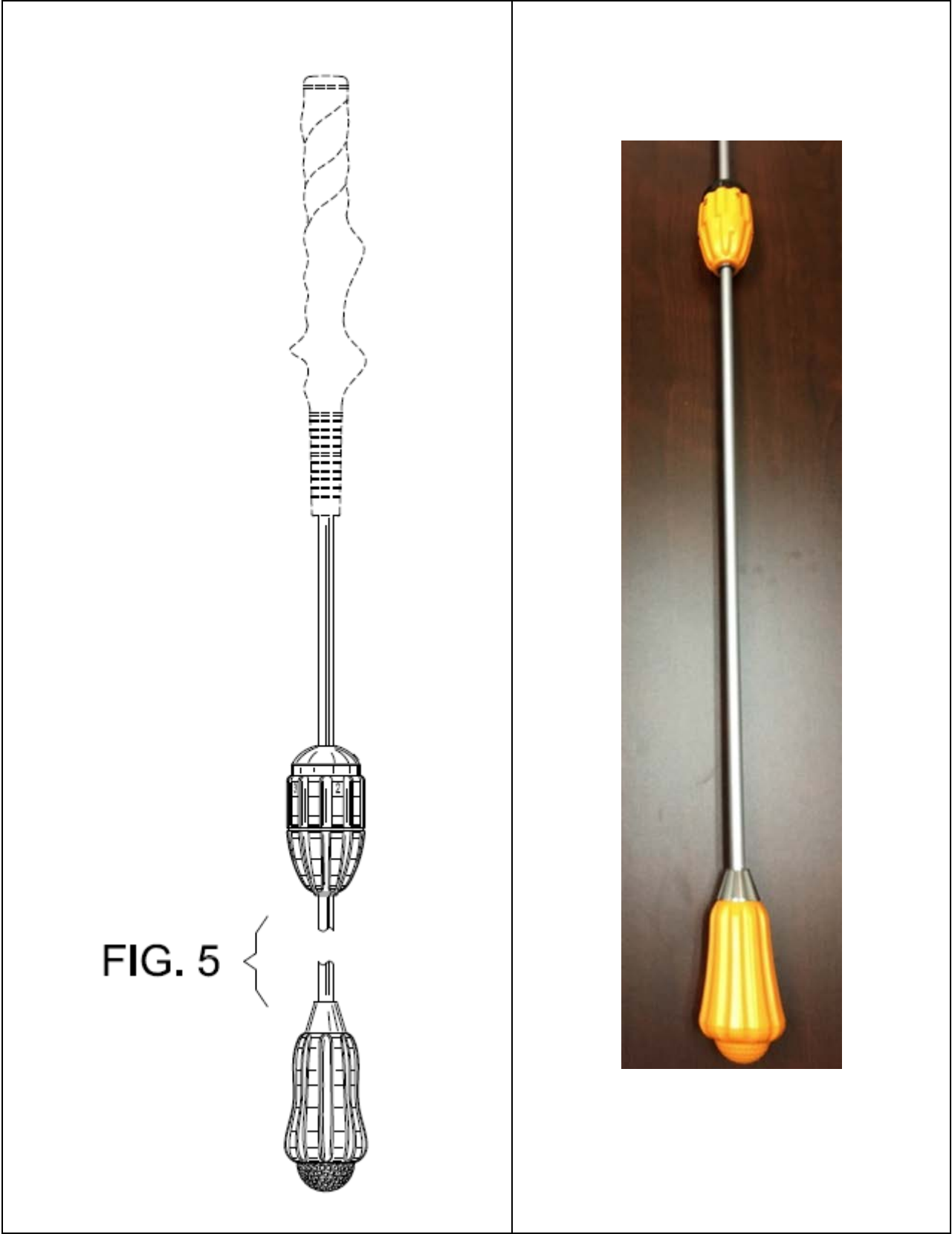


FIG. 6

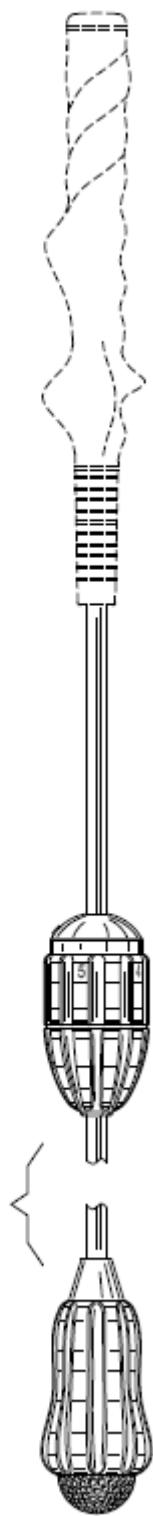


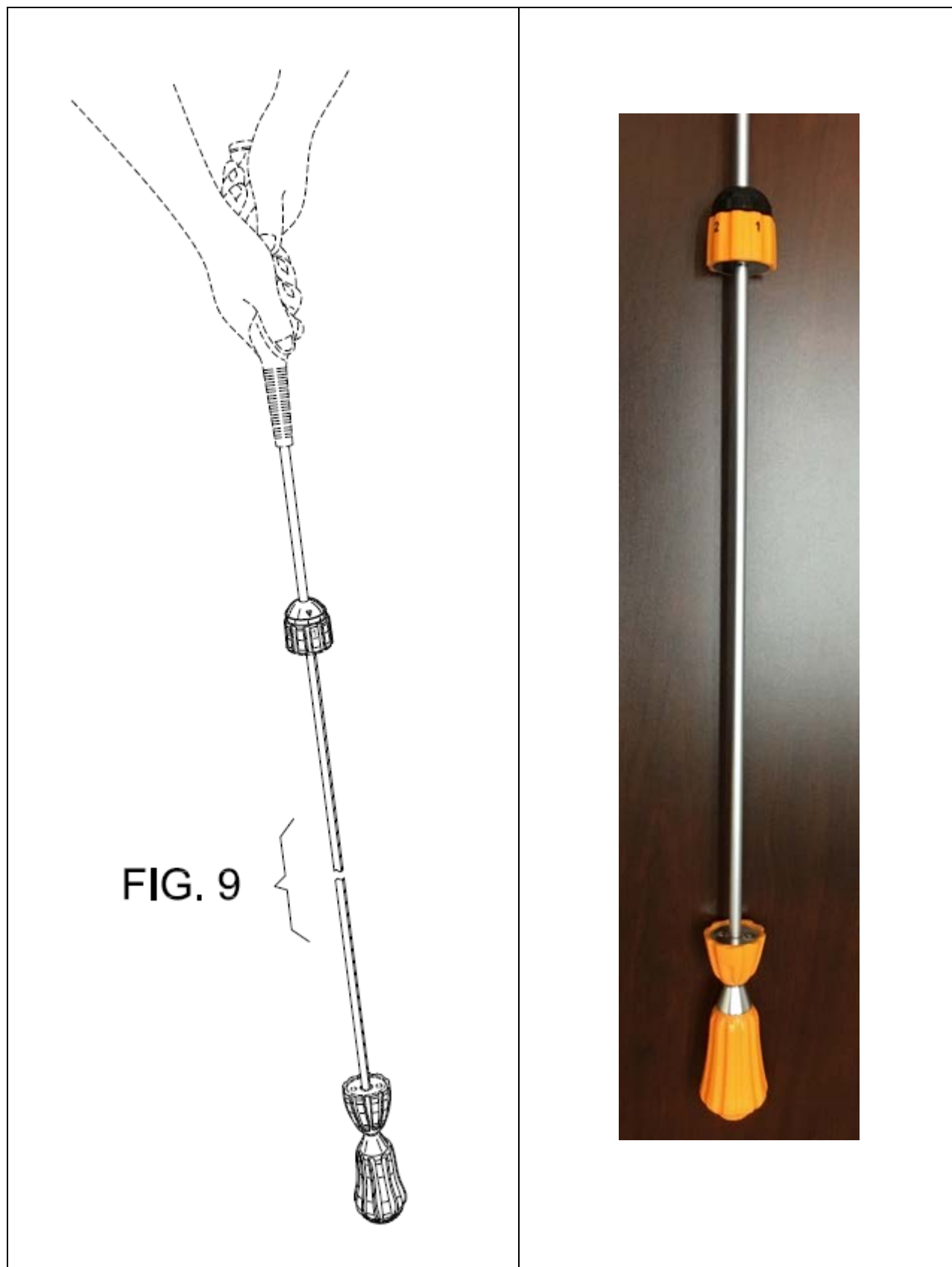


FIG. 7



FIG. 8





18. Despite Defendant's actual and constructive knowledge regarding Wang's prior and superior rights, and without Wang's authorization, on information and belief Defendant continues to offer the infringing golf club for sale in the United States, the Eastern District of Texas, and elsewhere in Texas.

19. Defendant's willful and deliberate actions have caused significant harm to Wang. On information and belief, Wang has lost customers and revenue due to the illegal and infringing product being manufactured by a third party at the direction of Defendant and put into the stream of commerce in the United States, the Eastern District of Texas, and elsewhere in Texas by Defendant.

COUNT I: INFRINGEMENT OF U.S. PATENT NO. D769,390

20. Wang restates and incorporates all previous allegations of this Complaint by reference as though set forth in paragraphs 1 through 19.

21. Defendant is directly infringing, contributing to the infringement of, or inducing others to infringe the '390 Patent by making, using, offering to sell, or selling the accused products within, or importing the accused products into, the United States, or inducing others to make, use, offer to sell, or sell the accused products within, or import the accused products into, the United States.

22. As a result of Defendant's unlawful infringement of the '390 Patent, Wang has suffered and will continue to suffer irreparable injury and damages as long as Golf Tailor's infringing activities continue.

23. Wang is entitled to damages adequate to compensate Wang for the injuries complained of herein. Wang is further entitled to have Defendant enjoined from committing future acts of infringement that would subject Wang to irreparable harm.

24. Upon information and belief, Defendant's acts of infringement herein are made with full knowledge of Wang's rights in the '390 Patent. Such acts constitute willful and deliberate infringement, entitling Wang to enhanced damages and reasonable attorney fees.

25. Defendant's acts of infringement have caused and will continue to cause irreparable injury to Wang unless and until enjoined by this Court.

26. Defendant's acts are willful, in disregard of, and with indifference to the rights of Wang.

27. As a direct and proximate cause of the infringement by Defendant, Wang is entitled to damages, reasonable royalties and lost profits in amounts to be proven at trial, enhanced damages, and reasonable attorney's fees pursuant to 35 U.S.C. § 285. Additionally, Defendant is liable to Wang to the extent of Defendant's total profit, but not less than \$250, pursuant to 35 U.S.C. § 289.

PRAYER FOR RELIEF

Wherefore, Plaintiff Jonathan Wang prays for relief, as follows:

- (1) A judgment that Golf Tailor has infringed the '390 patent;
- (2) An order and judgment preliminarily and permanently enjoining Golf Tailor and their officers, agents, employees, representatives, successors and assigns, and any others acting in concert with Golf Tailor who receive actual notice of the order, from any further direct or indirect acts of infringement, contributory infringement, or inducement of infringement of the '390 patent, as permitted by 35 U.S.C. § 283;
- (3) A judgment awarding Wang all damages adequate to compensate for Golf Tailor's infringement, past and present, and in no event less than a reasonable royalty for Golf Tailor's acts, including all pre-judgment and post-judgment interest at the maximum rate permitted by law;

(5) A judgment awarding Wang Golf Tailor's total profit, but not less than \$250, pursuant to 35 U.S.C. § 289.

(4) A judgment awarding Wang all damages, including treble damages, based on any infringement found to be willful;

(5) Declare that this is an exceptional case under 35 U.S.C. § 285, and award Wang its reasonable attorney's fees, costs and disbursements;

(6) A judgment compensating Wang for the competitive injury resulting from Defendant's False Marking under 35 U.S.C. § 292; and

(7) A judgment awarding Wang such further, necessary and proper relief as the Court may deem just and reasonable.

JURY DEMAND

Pursuant to Federal Rule of Civil Procedure 38, Plaintiff Jonathan Wang respectfully demands a jury trial on all issues so triable.

Date: October 18, 2016

Respectfully submitted,

By: /s/ Collin Maloney

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