

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

GOLF SIMULATOR, LLC,
an Illinois LLC

Plaintiff,

v.

BOGIES INDOOR GOLF CLUB, LLC,
an Illinois LLC

Defendant.

Trial by Jury Demanded

Case No.

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff, Golf Simulator, LLC, by his attorneys, The Law Offices Of Konrad Sherinian, LLC and hereby complains against Defendant Bogies Indoor Golf Club, LLC and alleges:

The Parties

1. Plaintiff, Golf Simulator, LLC (“GS”) is an Illinois Limited Liability Company located in Itasca, Illinois.
2. Defendant, Bogies Indoor Golf Club, LLC (“Bogies”) is, upon information and belief, an Illinois Limited Liability Company.
3. On information and belief, Bogies operates multiple venues that provide access to golf simulators allowing a player to play an entire course.
4. On information and belief, Bogies maintains a location at 2091 W. 63rd Steet in Downers Grove, Illinois, as well as a location at 1501 Mitchell Drive, Oswego, Illinois.

Jurisdiction and Venue

5. This Court has jurisdiction over this case under 28 U.S.C. § 1331 and 1338(a), and §1400(b), as defendant Bogies resides in this district.

6. Venue is proper in this District under 28 U.S.C. §1391(b)-(d).

Background

7. On January 19, 2001, Inventors Steven B. Chamberlain, Charles W. Playforth, John C. Pfeiffer, and James R. Kaiser filed an application for patent as a continuation in part of an earlier filed application.

8. The aforementioned application duly and properly issued from the United States Patent & Trademark Office as U.S. Pat. No. 6,595,863 (“the ‘863 patent”) on July 22, 2003. A true and correct copy of the ‘863 patent as issued is attached hereto as Exhibit A.

9. All right, title and interest in the ‘863 patent has been assigned to GS.

10. The ‘863 patent is the result of extensive research and development conducted by Par Action Golf, Inc, a predecessor-in-interest to GS.

11. On information and belief, Bogies utilizes golf simulators developed by Full Swing Golf that incorporate the technology claimed by the ‘863 patent.

COUNT 1 Infringement of U.S. Pat. No. 6,595,863

12. Plaintiff incorporates by reference and realleges each and every allegation contained in Paragraphs 1 through 11.

13. On October 16, 2012, GS sent a cease and desist letter to Bogies including a copy of the ‘863 patent.

14. The ‘863 patent is directed to golf simulator technology, including, among other features, hitting a golf shot from a tee; detecting said golf shot hit from a tee; computing the distance and direction of said golf shot; computing a next golf shot position based on said golf shot;

translating said next golf shot position to a grid system; determining if computed said next golf shot position is located at a putting hole location; and positioning a golf ball at a location within said grid system corresponding to computer said next golf shot. *See* Exh. A, Claim 22.

15. On information and belief, prior to the filing of this lawsuit, Bogies had actual knowledge of the '863 patent, including the features covered by claim 22.

16. On information and belief, Bogies charges a fee to golfers to access the golf simulators that it houses at its locations.

17. On information and belief, Bogies encourages and induces the use of its golf simulators. *See* golfbigc.com.

18. On information and belief, Bogies generates substantial revenue from the golf simulators that it provides access to. In particular, in an interview posted online on February 3, 2011, an employee of Bogies indicated that on "Fridays, Saturdays, Sundays, we pretty much have all six of our simulators going [...]" *See* youtube video available at http://www.youtube.com/watch?v=E_js2_UMiqU&feature=related.

19. Bogies has infringed on one or more claims of the '863 patent. The infringing acts include providing, leasing, renting or otherwise making available for use and encouraging the use of the golf simulators described herein with the knowledge that when the simulators are so used, the use will infringe at least claim 22 of the '863 patent.

20. Bogies acts of infringement have caused damage to GS. Under 35 U.S.C. § 284, GS is entitled to recover from Bogies the damages sustained by GS as a result of its infringement of the '863 patent. Bogies's infringement of GS's exclusive rights under the '863 patent will continue to damage GS causing irreparable harm for which there is no adequate remedy of law, unless enjoined by this Court under 35 U.S.C. § 283.

WHEREFORE, Plaintiff, Golf Simulator, LLC, prays that his Court enter judgment in favor of Plaintiff and against Defendant Bogies Indoor Golf Club, LLC finding that Defendant has infringed the claims of the '863 patent and Ordering as follows:

- A. U.S. Pat. No. 6,595,863 is good and valid in law;
- B. Bogies has and continues to infringe the '863 patent;
- C. Bogies's infringement has been willful and deliberate;
- D. Bogies and its respective directors, officers, employees, agents, subsidiaries, parents, attorneys, and all persons acting in concert, on behalf of, in joint venture, or in partnership with Bogies be preliminary and permanently enjoined under 35 U.S.C. § 283 against any further acts of infringement, including inducing infringement of the '863 patent;
- E. For a judgment that this cause is "exceptional" in the sense of 35 U.S.C. § 285 and that GS is entitled to an award of its reasonable attorneys' fees in the prosecution of this action;
- F. For an award of damages adequate to compensate GS for the past infringement of the '863 patent by Bogies, together with interest and costs as fixed by the Court;
- G. For an order that such damages are to be trebled because of the willful and deliberate character of Bogies's infringement; and
- H. That the Court grant all other relief as is reasonable to remedy Defendants' wrongful acts by any mean, either at law or in equity.

Demand for Jury Trial

Pursuant to Rule 38 of the Federal Rules of Civil Procedure, plaintiff Golf Simulator LLC hereby demands a jury trial on all issues triable by jury.

GOLF SIMULATOR, LLC,

Dated: November 14, 2012

By: /s/ Konrad Sherinian
An attorney for plaintiff

Konrad Sherinian
Thomas D. Paulius
The Law Offices of Konrad Sherinian, LLC
1755 Park Street
Suite #200
Naperville, IL 60563
P: (630) 318-2606
F: (630) 318-2605
email: ksherinian@sherinianlaw.net