

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

**DOGLEG RIGHT PARTNERS, LP AND  
DOGLEG RIGHT CORPORATION,**

**Plaintiffs,**

**vs.**

**TAYLORMADE GOLF COMPANY,  
INC.,**

**Defendant.**

**Civil Action No. 2:07-CV-533-TJW/CE**

**COMPLAINT**

For their Complaint, Plaintiffs Dogleg Right Partners, LP and Dogleg Right Corporation allege as follows:

**NATURE OF THE ACTION**

1. This is an action for patent infringement. Plaintiffs allege that TaylorMade Golf Company, Inc. (“TaylorMade”) infringes United States Patent No. 7,189,169 (the “169 Patent”) and Patent No. 7,004,852 (the “852 Patent”) (collectively referred to as “the Dogleg Right Patents”). Specifically, Plaintiffs allege that TaylorMade has infringed and continues to infringe the Dogleg Right Patents by making, using, offering to sell, and/or selling within the United States, or importing into the United States, golf clubs and/or golf club components (“Golf Club Products”) that embody the patented inventions of the Dogleg Right Patents, as more fully set forth below.

## THE PARTIES

2. Plaintiff Dogleg Right Partners, LP is a limited partnership organized and existing under the laws of the State of Texas, with its principal place of business in Plano, Texas.

3. Plaintiff Dogleg Right Corporation is a corporation organized and existing under the laws of the State of Texas, with its principal place of business in Plano, Texas.

4. Defendant TaylorMade is a corporation organized and existing under the laws of the State of Delaware, having a principal place of business in Carlsbad, California. TaylorMade may be served with process through its registered agent, William Reimus, located at 5545 Fermi Court, Carlsbad, California 92008. **CITATION, BUT NOT SERVICE, IS REQUESTED AT THIS TIME.**

## JURISDICTION AND VENUE

5. This action arises under the United States Patent Laws, codified at 35 U.S.C. § 1, *et seq.*, including §§ 271 and 281.

6. This Court has exclusive subject matter jurisdiction under 28 U.S.C. §§ 1331 and 1338(a).

7. This Court has personal jurisdiction over TaylorMade because, upon information and belief, TaylorMade is transacting business and infringing the Dogleg Right Patents in the Eastern District of Texas.

8. Venue is proper in the Eastern District of Texas pursuant to 28 U.S.C. §§1391(b), (c) and 1400(b) because, upon information and belief, TaylorMade has committed acts of direct and indirect infringement in the Eastern District of Texas and

has transacted business in, and has established minimum contacts with, the Eastern District of Texas.

**THE '169 PATENT AND '852 PATENT**

9. On March 13, 2007, United States Patent No. 7,189,169, entitled “Customizable Center-of-Gravity Golf Club Head” was duly and lawfully issued by the United States Patent and Trademark Office to Dogleg Right Corporation, as assignee of the inventor, David P. Billings. A true and correct copy of the '169 Patent is attached to this Complaint as Exhibit A and incorporated herein by reference. Subsequent to issuance, Dogleg Right Partners, LP became the exclusive licensee of the '169 Patent.

10. On February 28, 2006, United States Patent No. 7,004,852, entitled “Customizable Center-of-Gravity Golf Club Head” was duly and lawfully issued by the United State Patent and Trademark Office to Dogleg Right Corporation, as assignee of the inventor, David P. Billings. A true and correct copy of the '852 Patent is attached to this Complaint as Exhibit B and incorporated herein by reference. Subsequent to issuance, Dogleg Right Partners, LP became the exclusive licensee of the '852 Patent.

**COUNT 1:**  
**INFRINGEMENT OF THE '169 PATENT BY TAYLORMADE**

11. Paragraphs 1 through 10 are incorporated by reference as if stated fully herein.

12. TaylorMade has and continues to commit acts of infringement in violation of 35 U.S.C. § 271 (a) by making, using, offering for sale, and/or selling Golf Club Products within the United States, or importing Golf Club Products into the United States, that infringe one or more claims of the '169 Patent.

13. TaylorMade has and continues to induce infringement of the '169 Patent in violation of 35 U.S.C. § 271 (b) by inducing others to make, use, sell, and/or offer to sell Golf Club Products that are covered by one or more claims of the '169 Patent.

14. On information and belief, TaylorMade has and continues to commit acts of contributory infringement of the '169 Patent in violation of 35 U.S.C. § 271 (c) by making, using, selling, and/or offering to sell components that others subsequently assemble into Golf Club Products that are covered by one or more claims of the '169 Patent.

15. TaylorMade had actual and/or constructive notice of the '169 Patent, but continued to make, use, sell, and/or offer to sell Golf Club Products that are covered by one or more claims of the '169 Patent. Accordingly, TaylorMade's infringement of the '169 Patent has been, and continues to be, willful and deliberate.

16. TaylorMade's willful infringement of the '169 Patent makes this case exceptional pursuant to 35 U.S.C. § 285.

17. TaylorMade has caused and will continue to cause Plaintiffs substantial damage and irreparable injury by virtue of its past and continuing infringement of the '169 Patent. Plaintiffs will suffer further damage and irreparable injury unless and until TaylorMade is enjoined by this Court from continuing such infringement.

**COUNT 2:**  
**INFRINGEMENT OF THE '852 PATENT BY TAYLORMADE**

18. Paragraphs 1 through 10 are incorporated by reference as if stated fully herein.

19. TaylorMade has and continues to commit acts of infringement in violation of 35 U.S.C. § 271 (a) by making, using, offering for sale, and/or selling Golf Club

Products within the United States, or importing Golf Club Products into the United States, that infringe one or more claims of the '852 Patent.

20. TaylorMade has and continues to induce infringement of the '852 Patent in violation of 35 U.S.C. § 271 (b) by inducing others to make, use, sell, and/or offer to sell Golf Club Products that are covered by one or more claims of the '852 Patent.

21. On information and belief, TaylorMade has and continues to commit acts of contributory infringement of the '852 Patent in violation of 35 U.S.C. § 271 (c) by making, using, selling, and/or offering to sell components that others subsequently assemble into Golf Club Products that are covered by one or more claims of the '852 Patent.

22. TaylorMade had actual and/or constructive notice of the '852 Patent, but continued to make, use, sell, and/or offer to sell Golf Club Products that are covered by one or more claims of the '852 Patent. Accordingly, TaylorMade's infringement of the '852 Patent has been, and continues to be, willful and deliberate.

23. TaylorMade's willful infringement of the '852 Patent makes this case exceptional pursuant to 35 U.S.C. § 285.

24. TaylorMade has caused and will continue to cause Plaintiffs substantial damage and irreparable injury by virtue of its past and continuing infringement of the '852 Patent. Plaintiffs will suffer further damage and irreparable injury unless and until TaylorMade is enjoined by this Court from continuing such infringement.

## PRAYER

WHEREFORE, Plaintiffs pray that Defendant TaylorMade Golf Company, Inc. be cited to appear and answer herein and that they be granted the following relief:

a. Judgment that TaylorMade has infringed, induced others to infringe, and committed acts of contributory infringement with respect to one or more claims of the Dogleg Right Patents;

b. Judgment that TaylorMade's patent infringement has been, and continues to be, willful;

c. A permanent injunction enjoining TaylorMade, its officers, agents, servants, employees, and those persons in active concert or participation with TaylorMade, from making, using, offering for sale, selling, or importing any device or product that is found to infringe the Dogleg Right Patents, and/or committing acts that induce others to infringe or contribute to others infringement of the Dogleg Right Patents;

d. Damages adequate to compensate for TaylorMade's patent infringement, but in no event less than a reasonable royalty for the use made of the invention by TaylorMade, together with interest and costs under 35 U.S.C. § 284;

e. Trebling the aforesaid damages due to TaylorMade's willful infringement, pursuant to 35 U.S.C. § 284;

f. Pre-judgment and post-judgment interest on the damages assessed;

g. Declaring this case exceptional pursuant to 35 U.S.C. § 285, and awarding Plaintiffs their reasonable attorneys' fees and expenses; and

h. Such other and further relief, both at law and in equity, to which Plaintiffs may be entitled.

Dated: December 7, 2007

Respectfully submitted,

**LOEWINSOHN FLEGLE DEARY, LLP**

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