

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF GEORGIA  
AUGUSTA DIVISION

E-Z-GO (a division of TEXTRON INC.)  
and TEXTRON INNOVATIONS INC.,

Plaintiffs,

v.

CLUB CAR, INC.,

Defendant

No. \_\_\_\_\_

**JURY TRIAL DEMANDED**

**COMPLAINT AND DEMAND FOR JURY TRIAL**

E-Z-GO (a division of TEXTRON INC.) and TEXTRON INNOVATIONS INC. (collectively "Plaintiffs"), by and through their attorneys, hereby file this complaint for patent infringement against Defendant CLUB CAR, INC. ("Club Car") and allege as follows:

**CERTIFICATE PURSUANT TO LOCAL RULE 3.2**

(a) The undersigned counsel of record for Plaintiffs certifies that the following is a full and complete list of the parties in this action:

<u>NAME</u>	<u>IDENTIFICATION AND RELATIONSHIP</u>
E-Z-GO (a division of Textron Inc.)	Plaintiff
Textron Innovations Inc.	Plaintiff
Club Car, Inc.	Defendant

(b) The undersigned further certifies that the following is a full and complete list of officers, directors, or trustees of the Plaintiffs:

NAME

IDENTIFICATION  
AND RELATIONSHIP

Textron Inc. Corporate Officers

Lewis B. Campbell	Chairman & Chief Executive Officer
Scott C. Donnelly	President & Chief Operating Officer
Frank T. Connor	Executive Vice President & Chief Financial Officer
Ken C. Bohlen	Executive Vice President & Chief Innovation Officer
John D. Butler	Executive Vice President Administration & Chief Human Resources Officer
Mary L. Howell	Executive Vice President Government, Strategy & Business Development, International, Communications & Investor Relations
Terrence O'Donnell	Executive Vice President and General Counsel
Richard L. Yates	Senior Vice President and Corporate Controller
Frederick K. Butler	Corporate Secretary & Vice President Business Ethics
Arnold M. Friedman	Vice President & Deputy General Counsel
Gary Cantrell	Vice President & Chief Information Officer - Textron Information Services
Robert J. Ayotte	Vice President Audit Services
John R. Curran	Vice President Mergers & Acquisitions
Peter C. Durette	Vice President Strategy & Business Development
D. Lynn Kelley, Ph.D.	Vice President Textron Six Sigma
Mary F. Lovejoy	Vice President & Treasurer
Norman B. Richter	Vice President Taxes & General Tax Counsel
Robert O. Rowland	Vice President Government Affairs
Cathy Streker	Vice President Human Resources & Benefits
Douglas R. Wilburne	Vice President Investor Relations

Textron Inc. Board of Directors

Kathleen M. Bader	Paul E. Gagne
Lewis B. Campbell	Dain M. Hancock
R. Kerry Clark	Lord Powell of Bayswater KCMG
Ivor J. Evans	Lloyd G. Trotter
Lawrence K. Fish	Thomas B. Wheeler
Joe T. Ford	James L. Ziemer

Textron Innovations Inc.

Corporate Officers

Arnold M. Friedman	President
Mary Lovejoy	Vice President & Treasurer
Ann T. William	Vice President & Secretary
Julie G. Duffy	Vice President
James P. Runstadler	Vice President Licensing
Christopher I. Johnson	Assistant Treasurer
James Cournoyer	Assistant Treasurer

Textron Innovations Inc.

Board of Directors

Julie G. Duffy  
Arnold M. Friedman  
Ann T. William

(c) The undersigned further certifies that the following is a full and complete list of other persons, associations of persons, firms, partnerships, subsidiary or parent corporations, or organizations that have a financial interest in, or another interest which could be substantially affected by, the outcome of this case:

<u>NAME</u>	<u>IDENTIFICATION AND RELATIONSHIP</u>
Textron IPMP Inc.	Textron Innovations Inc. is a wholly owned subsidiary of Textron IPMP Inc., which is a wholly owned subsidiary of Textron Inc.

## THE PARTIES

1. E-Z-GO is a division of Textron Inc. with its principal place of business at 1451 Marvin Griffin Road, Augusta, Georgia 30906. E-Z-GO manufactures golf cars, recreational vehicles, and industrial and utility products. E-Z-GO is the largest manufacturer of A/C Drive powered electric products in this market sector. E-Z-GO products are sold commercially as well as directly to consumers.

2. Textron Inc. is a Delaware corporation organized and existing under the laws of Delaware and having its principal place of business at 40 Westminster Street, Providence, Rhode Island 02903.

3. Textron Innovations Inc. is a Delaware corporation organized and existing under the laws of Delaware and having its principal place of business at 40 Westminster Street, Providence, Rhode Island 02903. (Hereinafter E-Z-GO (a division of Textron Inc.) and Textron Innovations Inc. are collectively referred to as "E-Z-GO").

4. Upon information and belief, Club Car is a Delaware corporation with its principal place of business in Evans, Georgia. Club Car manufactures golf cars and low speed electric industrial and utility vehicles within the State of Georgia and this district. Club Car advertises its products for sale nationally, and has advertised, marketed and sold products infringing E-Z-GO's intellectual property rights, including within the State of Georgia and this district.

## JURISDICTION AND VENUE

5. This is an action for patent infringement under the patent laws of the United States, 35 U.S.C. §§ 271, *et seq.*

6. This Court has jurisdiction over the subject matter of this patent infringement action pursuant to 28 U.S.C. §§ 1331 and 1338(a).

7. This Court has personal jurisdiction over Club Car because Club Car is located in Evans, Georgia in this district and it has committed acts of patent infringement within the State of Georgia giving rise to this action. Club Car has established at least minimum contacts with the forum such that the exercise of jurisdiction over it would not offend traditional notions of fair play and substantial justice.

8. Venue is proper in this judicial district pursuant to 28 U.S.C. §§ 1391(a), 1391(b), 1391(c) and 1400(b) for at least the reasons that Club Car has committed acts within this judicial district giving rise to this action and resides and does business in this district, including sales, offers for sale, and providing service and/or support to its customers in this district.

### COUNT I

#### **(Patent Infringement of United States Patent No. 7,332,881)**

9. Paragraphs 1 through 8 are incorporated by reference as if fully set forth herein.

10. Clark et al. United States Patent No. 7,332,881 (the "Clark '881 Patent") is entitled "AC Drive System for Electrically Operated Vehicle" and was duly and legally issued on February 19, 2008. A true and correct copy of the Clark '881 Patent is attached hereto as Exhibit A. A true and correct copy of the Certificate of Correction for the Clark '881 Patent is attached hereto as Exhibit B.

11. Textron Innovations Inc. is the lawful assignee of the entire right, title and interest in and to the Clark '881 Patent and possesses all rights of recovery under the Clark '881 Patent, including the right to recover damages for past infringement.

12. Upon information and belief, Club Car has been and is now making, using, selling, and offering for sale within the United States, or importing into the United States, products having a drive system for a vehicle, including (but not limited to) the Club Car Carryall 2 LSV and Carryall 6 LSV, that infringe directly and/or indirectly one or more claims of the Clark '881 Patent.

13. E-Z-GO has no adequate remedy at law against Club Car's acts of infringement and E-Z-GO will suffer irreparable harm unless Club Car is preliminarily and permanently enjoined from its infringement of the Clark '881 Patent.

14. Club Car's infringement has been willful, deliberate, and with knowledge of E-Z-GO's rights under the Clark '881 Patent.

15. Club Car, by way of its infringing activity, has caused and continues to cause E-Z-GO to suffer damages in an amount to be determined at trial.

**PRAYER FOR RELIEF**

WHEREFORE, E-Z-GO prays for judgment against Club Car, granting E-Z-GO the following relief:

A. That this Court adjudge and decree that the Clark '881 Patent is valid and enforceable against Club Car and that Club Car has infringed and continues to infringe the Clark '881 Patent.

B. That this Court grant injunctions enjoining the aforesaid acts of infringement by the Club Car, its officers, agents, servants, employees, subsidiaries and

attorneys, and those acting in concert with it, including related individuals and entities, customers, representatives, OEMs, dealers, and distributors;

C. That this Court enter an award to E-Z-GO of such damages as it shall prove at trial against Club Car that are adequate to compensate E-Z-GO for said infringement as permitted under the Patent Act;

D. That this Court order an award to E-Z-GO of up to three times the amount of compensatory damages because of Club Car's willful infringement and any enhanced damages as provided by 35 U.S.C. § 284;

E. That this Court render a finding that this case is "exceptional" and award to E-Z-GO its costs and reasonable attorneys' fees, as provided by 35 U.S.C. § 285;

F. That this Court award E-Z-GO pre-judgment and post-judgment interests on damages; and

G. That this Court grant to E-Z-GO such other, further, and different relief as may be just and proper.

#### **JURY TRIAL DEMAND**

E-Z GO respectfully demands a trial by jury of any and all issues triable of right before a jury pursuant to Fed. R. Civ. P. 38.

Dated: Augusta Georgia  
October 1, 2009

Respectfully submitted,

FULCHER HAGLER LLP

By: /S/ MICHAEL N. LOEBL

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