

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

GOLF TECH LLC and)	
SPORTS VISION LLC,)	
)	
Plaintiffs,)	
)	
v.)	Civil Action No.
)	
EDENS TECHNOLOGIES, LLC,)	
dba DANCINDOGG GOLF,)	
)	
Defendant.)	
_____)		

COMPLAINT FOR PATENT INFRINGEMENT
(INJUNCTIVE RELIEF REQUESTED)
(JURY TRIAL DEMANDED)

Plaintiffs Golf Tech LLC and Sports Vision LLC, by their undersigned counsel,
for their complaint against Edens Technologies, LLC state the following:

Nature of this Action

1. After he resigned as Chairman and CEO of the American Skiing Corporation, Maine entrepreneur Leslie B. Otten, former Vice Chairman of the Boston Red Sox, turned his attention to technology that could help golfers improve their swings. He invented a swing analyzer and golf simulator now marketed under the trademark P3ProSwing™. This technology shows precisely what the club is doing as the player swings through the impact zone; it measures clubhead speed, swing path, face angle, launch angle, ball speed and spin characteristics, among other things, and it can be used to play a simulated round of golf. It has been acclaimed by Golf Digest, Golf Week Magazine, and GolfTips Magazine, and it won the “Best in Show” award at the 2004 PGA Merchandise Show. In November 2004, the U.S. Patent and Trademark Office

issued U.S. Patent No. 6,821,211 (“the ‘211 patent”) for a “sport swing analysis system” to Mr. Otten and his co-inventors. Now, defendant Edens Technologies, LLC, doing business as DancinDogg Golf (“DancinDogg”) is marketing a cheap knock-off of the P3ProSwing™ simulator which infringes the ‘211 patent. This action is brought to put an end to the infringement and to recover damages for the harm caused by defendant.

The Parties

2. Plaintiff Golf Tech LLC (“Golf Tech”) is a Maine limited liability company formed by Mr. Otten to hold intellectual property, including patents, relating to his swing analyzer and golf simulator. Plaintiff Sports Vision LLC (“Sports Vision”) is another Maine limited liability company formed by Mr. Otten to market his invention. Sports Vision holds an exclusive license under the ‘211 patent from Golf Tech.

3. Defendant Edens Technologies, LLC is a Michigan limited liability company located in Traverse City, Michigan. It conducts business as DancinDogg Golf, and sells a Shot Making Simulator over the Internet, which product is sold and shipped to customers in Maine and elsewhere in the United States.

Jurisdiction and Venue

4. This court has jurisdiction over this action pursuant to 28 U.S.C. §§ 1338(a) (patents).

5. This district is a proper venue for this action under 28 U.S.C. §§ 1391(b) and (c) because defendant has marketed and sold the infringing Shot Making Simulator in this district, and throughout the United States, and it has actively induced and contributed to the infringement of the patent at issue in this district, and throughout the United States.

The Patent-in-Suit

6. Leslie Otten, and others selected by and working with him, designed and built a golf swing analysis system and method of analyzing a golf swing that senses a reflective surface on a golf club as it passes through a ball-striking zone. They applied for a patent on the invention on September 14, 2001.

7. On November 23, 2004, having duly examined the patent application, the United States Patent and Trademark Office properly issued U.S. Letters Patent No. 6,821,211 (the '211 patent) to Mr. Otten and others. A copy is attached as Exhibit A.

8. The '211 patent is assigned to Golf Tech. Golf Tech has given an exclusive license to Sports Vision to make and sell products covered by the '211 patent.

Defendants' Wrongful Conduct

9. Defendant markets and sells in the United States a system for analyzing a golf swing called the "DancinDogg Shot Making Simulator." It is incorrectly represented to be "The World's First Shotmaking Simulator."

10. On information and belief, defendant obtained and copied a version of the P3ProSwing™ swing analyzer and golf simulator in developing its own competing product.

11. On information and belief, defendant is and has been aware of the '211 patent.

COUNT I
WILLFUL PATENT INFRINGEMENT

12. Plaintiffs incorporate by reference the averments in paragraphs 1-11 as if set forth here in full.

13. By making, having made, using, selling, and offering for sale the "DancinDogg Shot Making Simulator," which practices the invention claimed in the '211

patent, defendant has directly infringed the '211 patent, and has contributed to and actively induced infringement of the '211 patent in the United States by its customers.

14. These acts of infringement by defendant have been committed with full knowledge of the '211 patent and of Golf Tech's rights under the patent, and in objectively reckless and willful disregard of those rights.

15. Plaintiffs have been injured and have sustained lost profits and other damages as a direct result of defendant's infringing conduct. They will suffer additional irreparable damage and impairment of the value of the '211 patent unless defendant is enjoined from continuing its infringing activities.

16. This is an exceptional case under 35 U.S.C. § 285, entitling plaintiffs to recover their reasonable attorneys fees and expenses.

Prayer for Relief

WHEREFORE, plaintiffs ask this Court to order:

- A. That judgment be entered against defendant for infringing the '211 patent;
- B. That defendant and its officers, agents, attorneys and employees, and those acting in concert with them, be preliminarily and permanently enjoined from infringing, inducing or contributing to the infringement of the '211 patent;
- C. That defendants pay damages adequate to compensate plaintiffs for the infringement of the '211 patent, together with prejudgment interest and costs;
- D. That the compensatory damages be trebled pursuant to 35 U.S.C. § 284 to account for the willful nature of the infringement;

- E. That reasonable attorneys fees be awarded to plaintiffs because this is an exceptional case; and
- F. That plaintiffs be awarded such other and further relief as the Court may deem proper.

Dated this 8th day of November, 2007.

s/Robert H. Stier, Jr.
Robert H. Stier, Jr.

s/Michael J. Sullivan
Michael J. Sullivan

s/Sean L. Sweeney
Sean L. Sweeney

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DEMAND FOR JURY TRIAL

Plaintiffs demand trial by jury of all issues so triable.

s/Robert H. Stier, Jr.
Robert H. Stier, Jr.