

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS  
TYLER DIVISION**

**GREENFIX GOLF, INC.,**

**Plaintiff,**

**v.**

**AHEAD, INC.,**

**Defendant.**

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**CASE NO. 6:07cv460  
JURY TRIAL DEMANDED**

**COMPLAINT**

Plaintiff GreenFix Golf, Inc. (“GreenFix”) files this Complaint against Defendant Ahead, Inc. (“Ahead”) and alleges as follows:

**THE PARTIES**

1. GreenFix is a corporation duly organized and existing under the laws of the State of Arizona corporation having a principle place of business at 8361 E. Evans Road, Suite 105, Scottsdale, Arizona 85260.

2. Ahead is a corporation duly organized and existing under the laws of the Commonwealth of Massachusetts and may be served with process through its registered agent June A. Smith, 49 Mattapoissett Neck Road, Mattapoissett, Massachusetts 02739.

**JURISDICTION**

3. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a) because this action arises under the patent laws of the United States, including 35 U.S.C. § 271, et seq. The Court has personal jurisdiction over Ahead because it has committed acts

within Texas and this judicial district giving rise to this action and has established minimum contacts with the forum such that the exercise of jurisdiction over Ahead would not offend traditional notions of fair play and substantial justice.

**VENUE**

4. Ahead has committed acts within this judicial district giving rise to this action and does business in this district, including one or more of the infringing acts of offering for sale, selling and using infringing products and providing service and support to its customers in this district. Venue is proper in this district pursuant to 28 U.S.C. §§ 1391(b) and (c) and 1400(b).

**CLAIMS FOR RELIEF**

**COUNT I**

**INFRINGEMENT OF U.S. PATENT NO. DES. 408,546**

5. GreenFix hereby incorporates the allegations in paragraphs 1-4 as if fully set forth herein.

6. On July 3, 2007, United States Patent No. US. 7,238,126 B1 (the “Patent”) was duly and legally issued for an invention entitled “Golf Green Repair Device Method and Apparatus.” GreenFix currently holds all rights, title and interest in the Patent, as the assignee. A copy of the ‘126 Patent is attached as “Exhibit A.”

7. Ahead has infringed and continues to infringe the Patent by manufacturing, using, marketing, selling, offering for sale, and/or importing products and services covered by the Patent. In so doing, Ahead has in the past and continues to infringe directly, by inducement and by contributing to the infringement of the Patent. Ahead is liable for infringement of the Patent

pursuant to 35 U.S.C. §§ 271 and 289.

8. Ahead's acts of infringement have caused damage to GreenFix, and GreenFix is entitled to recover the damages sustained as a result of Ahead's individual wrongful acts in an amount subject to proof at trial. Ahead's infringement of GreenFix's exclusive rights under the Patent will continue to damage GreenFix, causing irreparable harm for which there is no adequate remedy at law unless Ahead is enjoined by this Court.

9. Ahead's conduct with respect to the Patent was and is willful under 35 U.S.C. § 284 in that, among other things, Ahead had actual and/or constructive knowledge of the Patent and continued its infringing conduct in disregard of GreenFix's rights.

10. This is an exceptional case entitling GreenFix to treble damages under 35 U.S.C. § 284, and attorneys' fees and costs incurred in prosecuting this action under 35 U.S.C. § 285.

WHEREFORE, GreenFix prays for judgment and seeks relief against Ahead as follows:

- a. For judgment that Ahead has infringed and will continue to infringe the Patent directly, by inducement and/or by contribution;
- b. For judgment that this is an exceptional case and that Ahead's infringement of the Patent has been and continues to be willful under 35 U.S.C. § 284;
- c. For an accounting by Ahead;
- d. For preliminary and permanent injunctions enjoining the aforesaid acts of infringement by Ahead, its officers, agents, servants, employees, subsidiaries and attorneys, and those persons in privity or acting in concert

with them, including related individuals and entities, customers, representatives, OEMs, dealers, and distributors;

- e. For actual damages together with pre- and post-judgment interest;
- f. For an award of attorneys' fees pursuant to 35 U.S.C. § 285 or as otherwise permitted by law;
- g. For all costs of suit; and
- h. For such other and further relief as the Court may deem just and proper.

**DEMAND FOR JURY TRIAL**

Under Rule 38(b) of the Federal Rules of Civil Procedure and Local Rule CV-38 of the United States District Court for the Eastern District of Texas, Plaintiff hereby demands a trial by jury of all issues properly triable by jury.

Respectfully submitted,

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**ATTORNEYS FOR PLAINTIFF  
GREENFIX GOLF, INC.**