



### **Jurisdiction and Venue**

3. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338(a) because this action arises under the Patent Laws of the United States, 35 U.S.C. §§ 271 and 281-285.

4. This Court has personal jurisdiction over YGC for at least the reasons that YGC transacts business in this District, has purposefully availed itself of the privileges of doing business in this District, and has committed acts of patent infringement in this District, as alleged in this Complaint. Upon information and belief, YGC has committed and continues to commit acts giving rise to this action within Georgia and within this District and YGC has established minimum contacts within the forum such that the exercise of jurisdiction over YGC would not offend traditional notions of fair play and substantial justice. For example, YGC has committed and continues to commit acts of infringement in this District, by among other things, offering to sell and selling products that infringe the patents-in-suit, as described below, including the YamaTrack fleet management system. In conducting its business in Georgia and this District, YGC derives substantial revenue from infringing products being sold, used, imported, and/or offered for sale or providing service and support to its customers in Georgia and this District, and will continue to do so unless enjoined by this Court.

5. Venue is proper in this District pursuant to 28 U.S.C. §§ 1391 and 1400(b) because, among other reasons, YGC has committed acts within this District giving rise to this action, and YGC has and continues to conduct business in this District, including one or more acts of selling, using, importing, and/or offering for sale infringing products or providing service and support to YGC's customers in this District. For example, YGC has committed and continues to commit acts of infringement in this District, by among other things, offering to sell and selling products

that infringe the patents-in-suit, as described below, including the YamaTrack fleet management system. YGC's website lists at least five personal and commercial dealers within this District. And at least one of these dealers explicitly offers for sale YGC's Drive<sup>2</sup> line of golf cars, which YGC describes as having "Track & Control" functionality using YGC's infringing YamaTrack system.

### **Factual Background**

6. Club Car is an industry leader in the development and sale of golf cars and golf car fleet management technology. From pioneering the integration of the Visage fleet management system to the development of Connected® technology, Club Car continues to develop cutting-edge fleet management technology that complements its best-in-class golf cars.

7. The methods and systems claimed by the '965 and '569 patents are an integral part of Club Car's fleet management technology. The diverse suite of functionalities offered in Club Car's fleet management systems include, among other things, the ability to set or control golf car movement and speed in defined course areas (geo-fencing) and the ability to set fleet-wide conditions, such as restricting car movement anywhere outside of the golf car path.

### **The Patents-in-Suit**

8. Club Car is the owner by assignment of the '965 and '569 patents.

9. The '965 patent was issued by the United States Patent and Trademark Office on July 3, 2007 from United States Patent Application No. 10/754,916.

10. The '569 patent was issued by the United States Patent and Trademark Office on January 20, 2009 from United States Patent Application No. 11/758,702.

11. The '965 and '569 patents are directed to technological improvements resolving specific problems associated with the management and control of golf cars. More specifically,

the '965 and '569 patents solve the problem of monitoring and controlling the location of golf cars “to preempt or otherwise reduce damage from golf car[] movement” in certain at-risk portions of a golf course.

12. As described in the '965 and '569 patents, “[g]olf course owners generally make a substantial financial investment in a golf course in order to develop and maintain the appearance and quality of play expected by golfers.” (Ex. A at 1:18-21.) In a relatively short period of time, however, an inattentive or careless golf car driver “can create considerable damage to sensitive golfing areas, such as greens, simply by driving a golf cart in the wrong place, such as locations having wet turf that is particularly susceptible to damage.” (*Id.* at 1:36-41.) Drivers “can cause even greater amounts of damage and also present a safety hazard by driving too fast or recklessly near other golfers or natural hazards, such as cliffs, water, steep inclines or sharp turns.” (*Id.* at 1:41-45.)

13. To combat these problems, golf course owners have traditionally employed a marshal who keeps watch over golfers and attempts to enforce a desired pace of play. However, the marshal’s ability to oversee all golfers is limited by the size, terrain, and layout of the golf course. The introduction of Global Positioning System (“GPS”) technology into golf cars improved the marshal’s ability to track the location of golf cars on the course. But even with this technology, a marshal can only discern the location of each golf car in the fleet. The marshal may foresee the potential for damage to the course and/or the golf car driver, but they will be unable to preempt the situation unless they are located close enough to physically do so. (*See* Ex. A at 1:46-60.) Thus, as the '965 and '569 patents recognize, there existed a need for “a method and system which applied a golf [car’s] GPS position on a golf course to preempt or otherwise reduce damage from golf [car] movement” by “defin[ing] areas of a golf course to which golf

[cars] have limited access imposed by restrictions on golf [car] movements within or proximate to the limited access areas.” (*Id.* at 1:64-2:4.)

14. The ’965 and ’569 patents resolve the problems identified in the prior art in a novel and concrete way by, among other things, incorporating a controller “that automatically imposes restrictions on a golf [car’s] movement ... if the golf cart is positioned to enter a limited access area.” (Ex. A at 2:49-54.) These restrictions may be “tailored to the type of golf cart, type of limited access area and the projected golf cart path based on GPS positioning or dead reckoning.” (*Id.* at 2:55-61.)

**Count I**  
**Infringement of U.S. Patent No. 7,239,965**

15. Club Car repeats and re-alleges each of the allegations set forth above and incorporates them herein.

16. Club Car owns and holds all legal title, interest, and rights in the ’965 patent.

17. YGC did not and does not have authority or permission to make, use, offer to sell, sell, or import into the United States the subject matter claimed in the ’965 patent.

18. YGC has had knowledge of the ’965 patent since at least the time of the filing and service of the Complaint in this action.

19. In violation of 35 U.S.C. § 271, YGC has directly and/or indirectly infringed and continues to infringe one or more claims, including at least claims 1, 11, and 21 of the ’965 patent, either literally or under the doctrine of equivalents, by making, using, offering to sell, selling an infringing product in the United States, and/or importing an infringing product into the United States. Infringing products made, used, offered for sale, sold, and/or imported into the United States by YGC include, but are not limited to, the YamaTrack fleet management system and any same or similar products.

20. On information and belief, YGC's YamaTrack system is configured to work with YGC's golf cars, including at least YGC's Drive<sup>2</sup> line of golf cars.

21. YGC's YamaTrack system is a GPS-based fleet management system operable to determine golf car position on a golf course and apply certain control parameters over car operation in defined areas of a golf course, as recited in claims 1, 11, and 21 of the '965 patent. For example, in a January 2016 press release announcing the "YamaTrack GPS Solution," YGC represented that the YamaTrack system allows golf staff to "track the location of every golf car on the course, track pace of play, dispatch a marshal to where play might lag, automatically slow down a golf car approaching steep or winding terrain and when necessary even shut down a car." Further, according to YGC, the YamaTrack system can "create on-course geofences to establish a virtual perimeter around sensitive environmental areas, rain-soaked turf, green surrounds and the like." YGC's January 2016 Press Release is attached hereto at **Exhibit C**.

22. In conjunction with the sale of the YamaTrack system, YGC acted with specific intent to actively induce its dealers and/or customers to directly infringe, either literally or under the doctrine of equivalents, at least one claim of the '965 patent. YGC intentionally and actively induced its dealers and/or customers to directly infringe claims of the '965 patent by providing instructions and written material, such as owner's manuals, installation manuals, marketing brochures, and service and repair manuals, that encourage and direct the installation and use of the YamaTrack system and any same or similar products such that YGC's dealers and/or customers directly infringe claims of the '965 patent. YGC knowingly engages in such inducement, at least by the time of the filing and service of the Complaint in this action, and has done so with knowledge that such activity encourages its dealers and customers to offer to sell, sell, install, and/or use the YamaTrack system in a manner that directly infringes the '965 patent.

For example, YGC instructs its dealers and/or customers to offer to sell, sell, install, and/or use the YamaTrack system such that dealers and/or customers directly infringe at least claims 1, 11, and 21 of the '965 patent, as set forth in paragraphs 20 and 21.

23. Upon information and belief, and not by way of limitation, YGC's YamaTrack system is being installed and used by dealers and/or customers to directly infringe at least claims 1, 11, and 21 of the '965 patent, as set forth in paragraphs 20 and 21.

24. In conjunction with the sale of the YGC's YamaTrack system and any same or similar products, YGC also contributorily infringes claims of the '965 patent, including at least claims 1, 11, and 21.

25. On information and belief, YGC had knowledge of the '965 patent, and knew that the YamaTrack system was especially made for, or adapted to be used, as claimed in the '965 patent, at least by the time of the filing and service of the Complaint in this action.

26. YGC's YamaTrack system is not a staple or commodity of commerce and has no substantial use that does not infringe one or more claims of the '965 patent.

27. On information and belief, YGC's infringement of the '965 patent is willful because YGC had knowledge of the '965 patent, and has known that the YamaTrack system infringes the '965 patent, at least by the time of the filing and service of the Complaint in this action. Yet, YGC has continued to make, use, offer to sell, sell, and/or import into the United States their infringing YamaTrack system, directly infringing or indirectly infringing the '965 patent by actively inducing its dealers and/or customers to infringe the '965 patent and/or by contributorily infringing the '965 patent, in objective and subjective reckless disregard of the '965 patent and the rights conferred by the '965 patent to Club Car.

28. Club Car has been injured and suffered significant financial damage as a direct and proximate result of YGC's infringement of the '965 patent.

29. YGC's infringement of the '965 patent has and will continue to cause irreparable injury and damage to Club Car unless and until the Court enjoins YGC from committing further infringing acts.

30. Club Car is entitled to recover damages from YGC as a result of YGC's wrongful acts of infringement in an amount subject to proof at trial.

**Count II**  
**Infringement of U.S. Patent No. 7,480,569**

31. Club Car repeats and re-alleges each of the allegations set forth above and incorporates them herein.

32. Club Car owns and holds all legal title, interest, and rights in the '569 patent.

33. YGC did not and does not have authority or permission to make, use, offer to sell, sell, or import into the United States the subject matter claimed in the '569 patent.

34. YGC has had knowledge of the '569 patent since at least by the time of the filing and service of the Complaint in this action.

35. In violation of 35 U.S.C. § 271, YGC has directly and/or indirectly infringed and continues to infringe one or more claims, including at least claims 1, 6, and 13 of the '569 patent, either literally or under the doctrine of equivalents, by making, using, offering to sell, selling an infringing product in the United States, and/or importing an infringing product into the United States. Infringing products made, used, offered for sale, sold, and/or imported into the United States by YGC include, but are not limited to, the YamaTrack fleet management system and any same or similar products.

36. On information and belief, YGC's YamaTrack system is configured to work with YGC's golf cars, including at least YGC's Drive<sup>2</sup> line of golf cars.

37. YGC's YamaTrack system is a GPS-based fleet management system operable to determine golf car position on a golf course and apply certain control parameters over car operation in defined areas of a golf course, as recited in claims 1, 6, and 13 of the '569 patent. For example, in a January 2016 press release announcing the "YamaTrack GPS Solution," YGC represented that the YamaTrack system allows golf staff to "track the location of every golf car on the course, track pace of play, dispatch a marshal to where play might lag, automatically slow down a golf car approaching steep or winding terrain and when necessary even shut down a car." Further, according to YGC, the YamaTrack system can "create on-course geofences to establish a virtual perimeter around sensitive environmental areas, rain-soaked turf, green surrounds and the like." YGC's January 2016 Press Release is attached hereto at **Exhibit C**.

38. In conjunction with the sale of the YamaTrack system, YGC acted with specific intent to actively induce its dealers and/or customers to directly infringe, either literally or under the doctrine of equivalents, at least one claim of the '569 patent. YGC intentionally and actively induced its dealers and/or customers to directly infringe claims of the '569 patent by providing instructions and written material, such as owner's manuals, installation manuals, marketing brochures, and service and repair manuals, that encourage and direct the installation and use of the YamaTrack system and any same or similar products, such that YGC's dealers and/or customers directly infringe claims of the '569 patent. YGC knowingly engaged in such inducement, at least by the time of the filing and service of the Complaint in this action, and has done so with knowledge that such activity encourages its dealers and customers to offer to sell, sell, install, and/or use the YamaTrack system in a manner that directly infringes the '569 patent.

For example, YGC instructs its dealers and/or customers to offer to sell, sell, install, and/or use the YamaTrack system such that dealers and/or customers directly infringe at least claims 1, 6, and 13 of the '569 patent, as set forth in paragraphs 36 and 37.

39. Upon information and belief, and not by way of limitation, YGC's YamaTrack system is being installed and used by dealers and/or customers to directly infringe at least claims 1, 6, and 13 of the '569 patent, as set forth in paragraphs 36 and 37.

40. In conjunction with the sale of the YGC's YamaTrack system and any same or similar products, YamaTrack also contributorily infringes claims of the '569 patent, including at least claims 1, 6, and 13.

41. On information and belief, YGC had knowledge of the '569 patent, and knew that the YamaTrack system was especially made for, or adapted to be used, as claimed in the '569 patent, at least by the time of the filing and service of the Complaint in this action.

42. YGC's YamaTrack system is not a staple or commodity of commerce and has no substantial use that does not infringe one or more claims of the '569 patent.

43. On information and belief, YGC's infringement of the '569 patent is willful because YGC had knowledge of the '569 patent, and has known that the YamaTrack system infringes the '569 patent, at least by the time of the filing and service of the Complaint in this action. Yet, YGC has continued to make, use, offer to sell, sell, and/or import into the United States their infringing YamaTrack system, directly infringing or indirectly infringing the '569 patent by actively inducing its dealers and/or customers to infringe the '569 patent and/or by contributorily infringing the '569 patent, in objective and subjective reckless disregard of the '569 patent and the rights conferred by the '569 patent to Club Car.

44. Club Car has been injured and suffered significant financial damage as a direct and proximate result of YGC's infringement of the '569 patent.

45. YGC's infringement of the '569 patent has and will continue to cause irreparable injury and damage to Club Car unless and until the Court enjoins YGC from committing further infringing acts.

46. Club Car is entitled to recover damages from YGC as a result of YGC's wrongful acts of infringement in an amount subject to proof at trial.

### **Demand for Trial by Jury**

Club Car demands a jury trial on all issues so triable, pursuant to Rule 38 of the Federal Rules of Civil Procedure.

### **Request for Relief**

Club Car respectfully requests the following relief:

1. A judgment that YGC has infringed and is infringing one or more claims of the '965 and '569 patents, and is liable to Club Car for damages caused by such infringement;
2. An award of damages, including lost profits, or in the alternative, not less than a reasonable royalty, including pre-judgment and post-judgment interest and costs, in an amount adequate to compensate Club Car for YGC's infringement of the '965 and '569 patents;
3. A judgment that YGC's infringement of the '965 and '569 patents is willful and that damages shall be increased under 35 U.S.C. § 284 to three times the amount found or measured;
4. An order permanently enjoining YGC from infringing the '965 and '569 patents;
5. If a permanent injunction is not granted, a judicial determination of the conditions for future infringement such as an ongoing royalty;
6. A post-judgment equitable accounting of damages owed by YGC for the period of infringement of the '965 and '569 patents following the period of damages established at trial;

7. A finding that this case is “exceptional” and an award of attorneys’ fees, expenses, and costs incurred in this action, pursuant to 35 U.S.C. § 285; and

8. Such other and further relief at law or in equity as the Court deems just and proper.

Dated: March 21, 2017

Respectfully submitted,

By: /s/ Thomas W. Tucker

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