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15 *Attorneys for Plaintiff Evnroll*

16 **IN THE UNITED STATES DISTRICT COURT**
17 **FOR THE DISTRICT OF ARIZONA**

18 **Evnroll Putters, LLC**, f/k/a Guerin Design
Putter Company LLC, a California limited
19 liability company,

20 Plaintiff,

21 v.

22 **Karsten Manufacturing Corporation d/b/a**
PING, an Arizona corporation,

23 Defendants.

Case No.

COMPLAINT AND JURY
DEMAND

24 **PLAINTIFF EVNROLL PUTTERS LLC'S COMPLAINT FOR PATENT**
25 **INFRINGEMENT**
26

1 Plaintiff Evnroll Putters, LLC, f/k/a Guerin Design Putter Company LLC
2 (“Evnroll” or “Plaintiff”), by and through its undersigned counsel, and for its
3 Complaint against Defendant Karsten Manufacturing Corporation d/b/a PING
4 (“Karsten” or “Defendant”), hereby alleges:
5

6 NATURE OF THE CASE

7 1. This is an action for patent infringement of U.S. Patent No. 9,943,735
8 (“the ‘735 Patent”) under 35 U.S.C. § 271. A true and correct copy of the ‘735
9 Patent is attached as **Exhibit 1**.
10

11 THE PARTIES

12 2. Plaintiff is a limited liability company organized and existing under
13 the laws of the State of California, with its principal place of business at 3132 Tiger
14 Run Court, Suite 105, Carlsbad, CA 92010.
15

16 3. Upon information and belief, Defendant is a corporation organized
17 and existing under the laws of the State of Arizona, with its principal place of
18 business at 2201 W. Desert Cove, Phoenix, AZ 85029. Defendant may be served
19 with process upon its registered agent, Rawleigh H. Grove, at the same address.
20

21 JURISDICTION AND VENUE

22 4. This action arises under the patent laws of the United States, 35 U.S.C.
23 § 1 *et seq.*
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1 5. This Court has subject matter jurisdiction over Plaintiff’s claims
2 pursuant to 28 U.S.C. §§ 1331 and 1338(a) because this is a civil action for patent
3 infringement and the claims arise under the federal patent laws of the United States.
4

5 6. Defendant is subject to personal jurisdiction in this District by virtue
6 of the fact that: (i) its principal place of business is within the State of Arizona and
7 in this District; (ii) it has substantial and continuous contacts within the State of
8 Arizona, including in this District; and (iii) it has committed acts of patent
9 infringement in the State of Arizona, including in this District.
10

11 7. Venue is proper in this District pursuant to 28 U.S.C. § 1400(b)
12 because Defendant resides in this District. Additionally, Defendant has its principal
13 place of business in this District, has a regularly established place of business in
14 this District, and has committed acts of infringement as complained of herein
15 within this District.
16

17 **FACTUAL BACKGROUND**

18 8. This case involves novel technology that revolutionized putter-type
19 golf clubs and the game of golf. More specifically, this case involves the surface
20 of a putter’s face that strikes a golf ball, i.e., the ball-contact area of a putter’s face.
21 As Mr. Guerin D. Rife (“Mr. Rife”) discovered, variations in the ball-contact area
22 on a putter’s face affect the spin, speed, direction, and travel distance of a golf ball
23 that is putted.
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1 **Mr. Rife – A Prolific Inventor of Putters and Putter Technology**

2 9. Since as early as 1992, Mr. Rife has been a prolific inventor in the
3 golf industry. As a reflection of his inventive genius, Mr. Rife is the named
4 inventor on over a dozen patents and patent applications related to golf clubs and
5 golf club accessories.
6

7 10. Prior to 1996, conventional putters caused a golf ball that was putted
8 to “skip” and “skid” on a putting green before rolling on the green, which resulted
9 in greater variability and less control over the intended line the golf ball follows
10 when putted. Obviously, if the golf ball does not remain on the intended line when
11 putted, it is unlikely to ultimately go in the hole.
12

13 11. In an effort to correct the “skip” and “skid” issue, Mr. Rife invented
14 a putter face having grooves that create so called “gripping edges” in the putter
15 face. When a golf ball is struck by such a putter face, the “gripping edges” on the
16 face grip the ball and cause it to quickly “hug” and roll on the putting green, which
17 corrects the issue caused by the “skip” and “skid” prior to rolling. This inventive
18 design yielded a putter that achieved less variability and greater control over the
19 intended line the ball follows when putted.
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22 12. Mr. Rife applied for and obtained two patents covering various
23 embodiments of putters with “gripping edges.” Specifically, Mr. Rife obtained
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1 U.S. Patent Nos. 5,709,616 and 5,618,239, which are now expired. True and
2 correct copies of Mr. Rife’s Patents are attached as **Exhibits 2 and 3**.

3
4 13. Although effective at causing a ball that is putted to roll more quickly
5 than conventional putters, putter faces with these “gripping edges” generally have
6 about a 75% reduction in the ball-contact area. In turn, such a reduced ball-contact
7 area reduces the area of the putter face that strikes the ball during a putt and can
8 cause a loss in the distance the ball rolls.

9
10 14. Recognizing that a reduced ball-contact area in a putter’s face can
11 cause a loss in distance the ball rolls, Mr. Rife turned to solving the problem with
12 balls struck by a putter’s face off-center, which golfers commonly refer to as a
13 “miss-hit.” At the time, putter faces, including those with “gripping edges,” caused
14 a ball that is “miss-hit” to roll shorter distances, compared to a ball struck at the
15 center of the putter face. The greater the “miss-hit,” i.e., the further the ball is struck
16 away from the center of the putter’s face, the shorter distance the ball rolls.

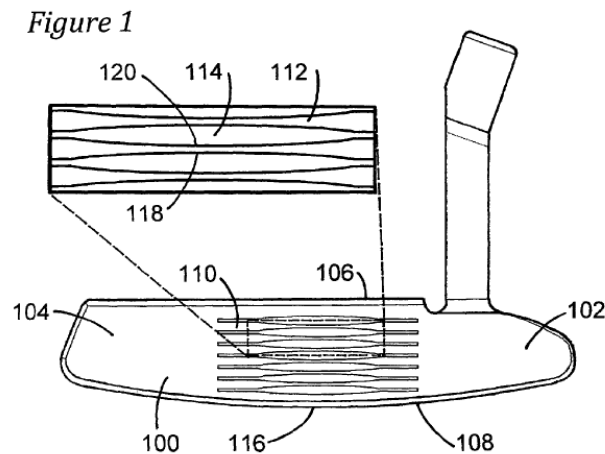
17
18 **The ‘735 Patent – Progressive Ball-Contact Area**

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20 15. To solve the “miss-hit” problem, Mr. Rife designed a putter face with
21 a ball-contact area that varied in size over the surface of the putter face. More
22 specifically, Mr. Rife designed a putter face where the size of a ball-contact area(s)
23 increase(s) progressively away from its center. Additionally, at the center of Mr.
24 Rife’s putter face, the size of the ball-contact area(s) is (are) smaller than the size
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1 of a non-ball contact area(s), i.e., grooves, at the center of the putter face. The result
 2 is an “innovative” putter face that, in a given putt, causes a golf ball to roll the same
 3 distance regardless of where on the putter face the golf ball is struck.
 4

5 16. Mr. Rife filed for patent protection on this “innovative” putter face on
 6 July 16, 2014 which resulted in the ‘735 Patent issuing to Mr. Rife on April 17,
 7 2018, entitled “Putter Face with Variable Sized Ball Contact Land Areas.”
 8

9 17. FIG. 1 of the ‘753 Patent, shown below, illustrates an exemplary
 10 embodiment of the “innovative” putter face with the ball contact area(s) denoted
 11 by element 112, and the non-ball-contact area(s), i.e., groove(s) area denoted by
 12 element 114.
 13



22 **Ex. 1 at FIG. 1**

23 18. As also shown above in FIG. 1 of the ‘735 Patent, the ball-contact
 24 area(s) of element 112 at the center or middle of the putter face is (are) smaller
 25 than the non-ball-contact area(s) of element 114.
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1 **The EVNROLL Putter and The 2015 PGA Merchandise Show**

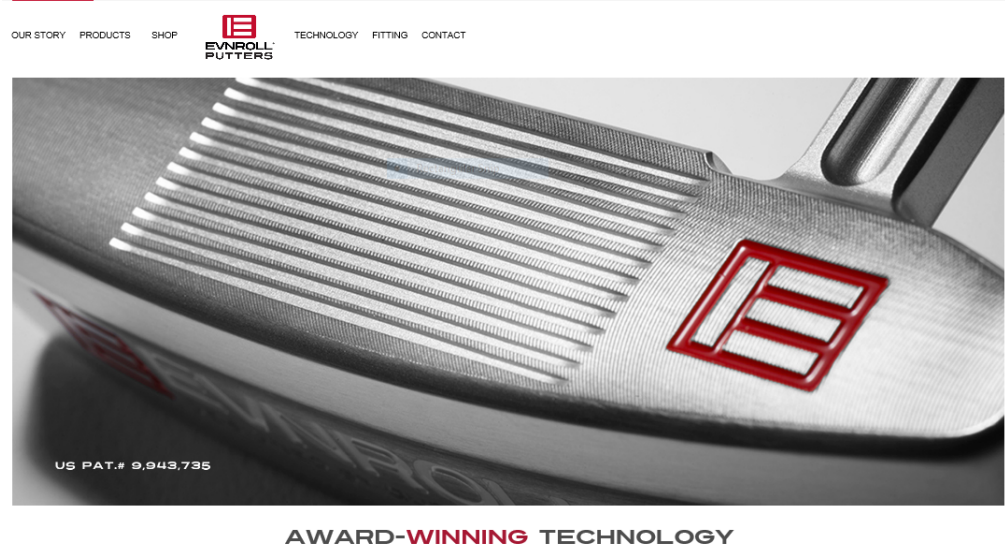
2 19. In January each year, the golf industry and golf enthusiasts alike,
3
4 come together at the PGA Merchandise Show in anticipation of the upcoming golf
5 season to introduce and view the latest golf clubs and equipment.

6 20. With the recent filing of the application for the ‘735 Patent in July of
7 2014, Mr. Rife attended the 2015 PGA Merchandise Show (“2015 Show”) to
8 introduce putters with the “innovative” putter face.

9
10 21. It was at the 2015 Show where Mr. Rife first introduced putters with
11 the “innovative” putter face to Mr. Stephen Riley (“Mr. Riley”). Recognizing the
12 novelty in the “innovative” putter face, Mr. Riley joined Mr. Rife in Evnroll, where
13 they became the sole members, to commercialize putters with the “innovative”
14 putter face. Evnroll then began commercial production and sale of putters with the
15 “innovative” putter face, and the elements illustrated above in FIG. 1 of the ‘753
16 Patent. Evnroll continues to sell putters with the “innovative” putter face, depicted
17 below.
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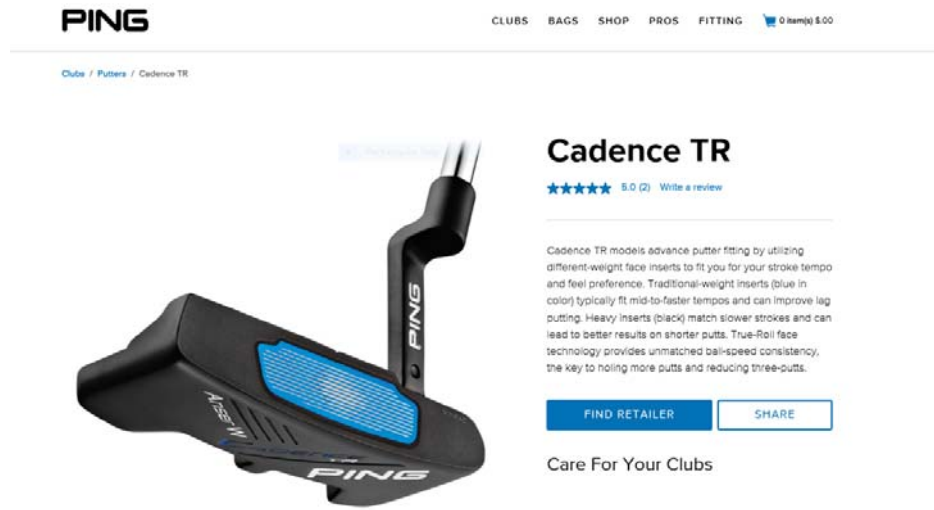
The Face of Evnroll's Putters

The Introduction of Karsten's Infringing PING® Cadence TR Putter

22. Consistent with most years, Karsten also attended the 2015 Show to introduce its latest golf clubs and equipment.

23. At the 2015 Show, Karsten introduced the PING® Cadence TR Putter, shown below. Since its introduction at the 2015 Show, Karsten has manufactured, offered for sale, and sold the PING® Cadence TR Putters.

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The PING® Cadence TR Putter

24. The putter face of the PING® Cadence TR Putter mimics and includes the elements of the putter face illustrated in FIG. 1 of the '735 Patent. As shown below, the putter face of the PING® Cadence TR Putter includes a ball-contact area(s) (blue color) that increases progressively away from the center of the putter face. Additionally, the ball-contact area(s) is smaller than a non-ball-contact area(s) (white color) at the center of the putter face.



The Putter Face of the PING® Cadence TR Putter

25. The PING® Cadence TR Putter thus employs Mr. Rife’s “innovative” putter face and infringes at least Claims 1 and 9 of the ‘735 Patent.

Mr. Rife Contacted Karsten About the “Innovative” Putter Face

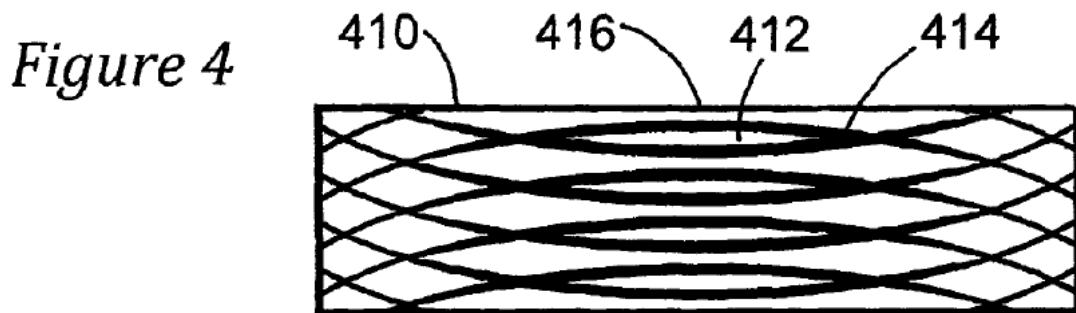
26. After attending the 2015 Show and seeing the infringing PING® Cadence TR Putter, Mr. Rife contacted Karsten’s counsel Mr. Paul Jenny (“Mr. Jenny”) with concerns of Karsten’s use of the “innovative” putter face. Mr. Rife informed Mr. Jenny of the “innovative” putter face, the recently filed patent application, and Karsten’s use of the “innovative” putter face in its PING® Cadence TR Putter. Mr. Jenny acknowledged Mr. Rife’s concerns and noted Karsten’s active research and development in putter face technology, and its own

1 patent portfolio. In response, Mr. Rife advise Mr. Jenny he would contact Karsten
2 once his patent application issued or published.

3
4 **Publication of the Application for the '735 Patent**

5 27. In January of 2016, the patent application for the '735 Patent
6 published as U.S. Patent Application Publication No. 2016/0016050 ("the '050
7 Publication"). A true and correct copy of the '050 Publication is attached as
8 **Exhibit 4.**

9
10 28. The '050 Publication included FIG. 1 of the '735 Patent, shown
11 above, which is the putter face the PING® Cadence TR Putter mimics. The '050
12 Publication also included FIG. 4 of the '735 Patent, shown below.



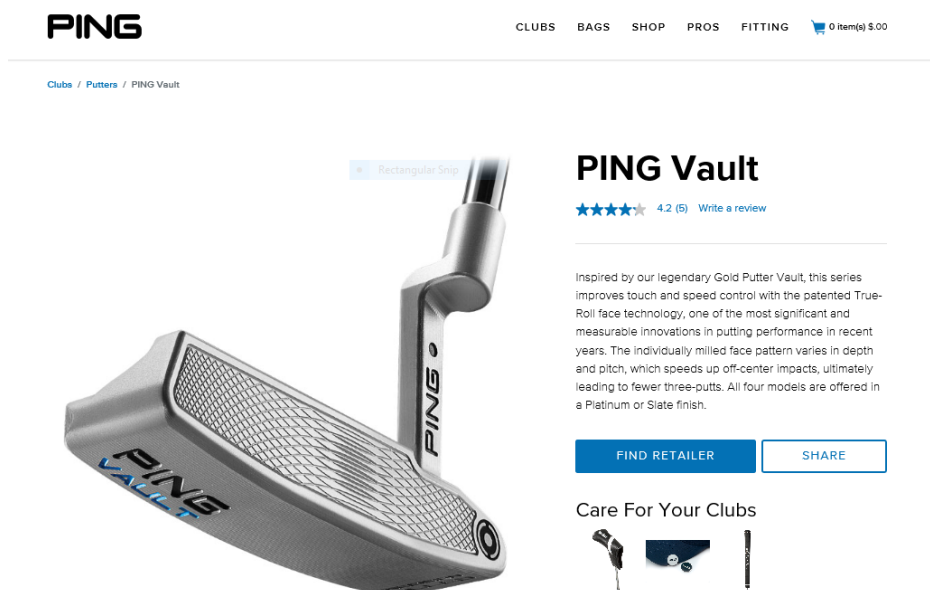
20 **Ex. 1 at FIG. 4**

21 29. Ironically, and as will be addressed below, many of Karsten's current
22 PING® putters mimic, and include elements from, the "innovative" putter face
23 design as embodied and illustrated in FIG. 4 of the '735 Patent, shown above, and
24 in the '050 Publication.
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1 30. Despite the publication of the ‘050 Publication in January of 2016,
2 and Mr. Rife’s communication with Mr. Jenny, Karsten has incorporated, since
3 2016 the “innovative” putter face in its putters. At the latest, Karsten had notice of
4 the pending application for the ‘735 Patent, and the “innovative” putter face in
5 2016.
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7 **The Introduction of Karsten’s Infringing PING® Vault Putter**

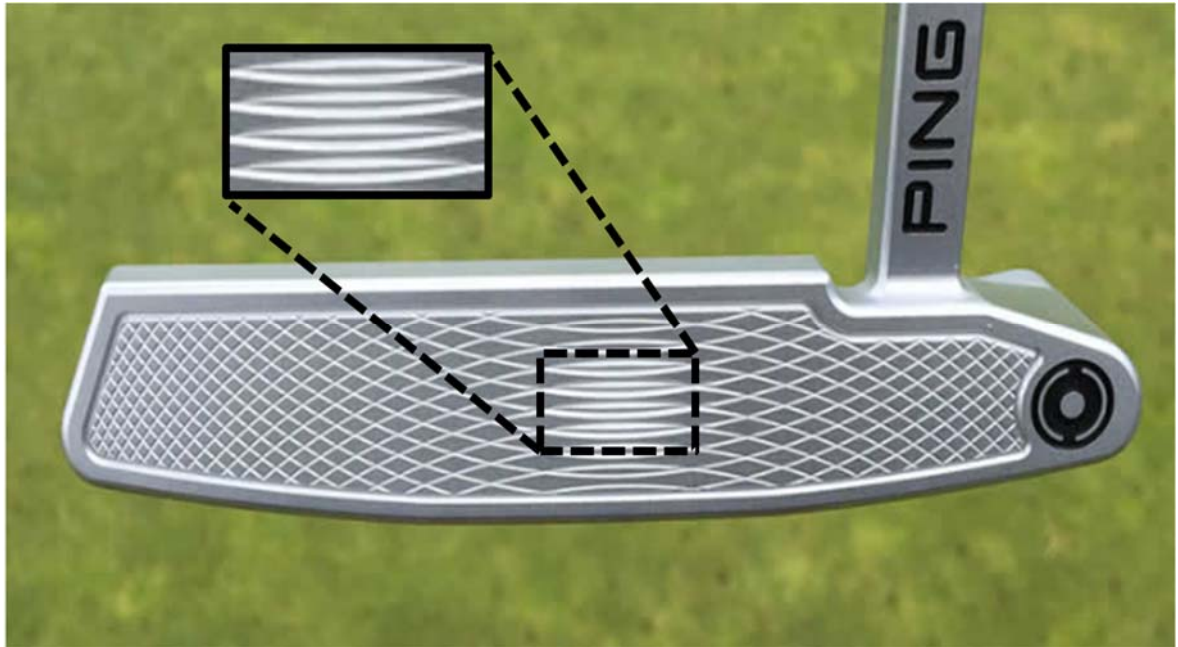
8 31. Despite Mr. Rife contacting Mr. Jenny, Karsten began, and has since,
9 mass-marketed, manufactured, offered for sale, and sold its PING® Vault Putter,
10 shown below.
11



22 **The PING® Vault Putter**

23 32. Karsten’s PING® Vault Putter includes the “innovative” putter face
24 where a ball-contact area(s) (dark(er) grey color) increases progressively away
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26

1 from the center of the putter face. Additionally, the ball-contact area(s) is (are)
2 smaller than a non-ball-contact area(s) (light(er) grey color) at the center of the
3 putter face.
4



15 **The Putter Face of the PING® Vault Putter**

16 33. Upon information and belief, the PING® Vault Putter infringes the
17 ‘735 Patent because it includes the “innovative” putter face claimed in at least
18 Claims 1 and 9 of the ‘735 Patent.

19 34. Since as early as 2017, the infringing putter face of the PING® Vault
20 Putter has been incorporated in succeeding models of Karsten’s PING® putters.
21 Specifically, Karsten manufactures, offers for sale, and sells models of its PING®
22 putters under one or more of the following brand-names: PING® Sigma 2 Putters;
23 PING® Sigma G Putters; PING® Vault 2.0 Putters; PING® Vault Putters; PING®
24
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1 G Le2 Putters; and PING® G Le Putters. These models of Karsten’s PING®
2 putters, and possibly more, infringe the ‘735 Patent as each include the
3 “innovative” putter face claimed in at least Claims 1 and 9 of the ‘735 Patent.
4

5 35. Upon information and belief, to a substantial detriment to Evnroll,
6 Karsten has made substantial sales and profits from its sales of the infringing
7 putters identified in the paragraphs above.

8 **Issuance of the ‘735 Patent and Karsten’s Refusal of Evnroll’s Demand**
9

10 36. The ‘735 Patent issued on April 17, 2018, and Evnroll has marked
11 each of its putters since then with the number of the ‘735 Patent.

12 37. In a letter dated April 19, 2018, Mr. Rife in his individual capacity,
13 and in his capacity as a member of Evnroll, notified Karsten of the issuance of the
14 ‘735 Patent and notified Karsten that its manufacture and sale of the PING® putters
15 identified herein infringed the ‘735 Patent. A true and correct copy of the letter is
16 attached as **Exhibit 5**.
17

18 38. Mr. Rife transferred to Evnroll all right, title and interest in the ‘735
19 Patent in an assignment dated July 12, 2018, which was recorded on July 31, 2018
20 at the following reel and frame number: 046511 / 0442. A true and correct copy of
21 the Notice of Recordation of Assignment is attached as **Exhibit 6**.
22

23 39. Despite over a year of correspondence between Evnroll and Karsten,
24 Karsten refuses to cease the sale of the infringing PING® putters identified herein,
25
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1 and to compensate Evnroll for Karsten's infringement of the '735 Patent. More
2 specifically, Karsten has asserted that Evnroll's claims are unfounded.

3
4 **COUNT I**

5 **PATENT INFRINGEMENT UNDER 35 U.S.C. § 271**

6 40. Evnroll repeats and re-alleges the foregoing paragraphs of the
7 Complaint as though set forth fully herein.

8 41. The '735 Patent was duly and legally issued by the United States
9 Patent and Trademark Office.

10 42. The '735 Patent is valid and enforceable.

11 43. Evnroll is the owner of the '735 Patent and it has marked, and
12 continues to mark, its putters with the '735 Patent number.

13 44. Karsten has been and is currently infringing, has actively induced
14 others to infringe, and/or has contributed to the infringement of, at least Claims 1
15 and 9 of the '735 Patent in violation of 35 U.S.C. §271, by making, using, selling,
16 and/or offering for sale, or causing or inducing others to infringe the same in
17 connection with at least the infringing putters identified herein.

18 45. Upon information and belief, Karsten will continue to infringe the
19 '735 Patent unless and until it is enjoined by this Court.

20 46. Upon information and belief, Karsten's infringement has been willful.
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- d. A post-judgment equitable accounting of damages for the period of infringement of the '735 Patent;
- e. If a permanent injunction is not granted, a judicial determination of the conditions of future infringement such as a royalty bearing compulsory license or such other relief as the Court deems appropriate;
- f. A finding that this case is exceptional pursuant to 35 U.S.C. § 285 and an award of enhanced damages;
- g. An award of prejudgment interest, costs and disbursements, and attorney fees; and
- h. Such other and further relief as the Court deems Evmroll may be entitled to in law and equity.

JURY DEMAND

Pursuant to Rules 38(b) and 38(c) of the Federal Rules of Civil Procedure, Evmroll requests a trial by jury for all issues so triable.

Dated: August 8, 2019

DICKINSON WRIGHT PLLC

s/ Frank G. Long

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Attorneys for Plaintiff Evnroll

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CERTIFICATE OF SERVICE

I hereby certify that on the 8th day of August 2019, I electronically transmitted **PLAINTIFF EVNROLL PUTTERS LLC'S COMPLAINT FOR PATENT INFRINGEMENT** to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic filing to all CM/ECF registrants.

s/ Nicole Francini

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