

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. _____

CHASE BOARDS, LLC,
a California limited liability company; and
FIIK SKATEBOARDS, LLC,
a Florida limited liability company,

Plaintiffs,

v.

MAVERIX USA LLC,
an Indiana limited liability company,

Defendant.

_____/

COMPLAINT

Plaintiffs, Chase Boards, LLC (“Chase Boards”) and FiiK Skateboards, LLC (“FiiK”) (collectively, “Plaintiffs”), sue Defendant, Maverix USA LLC (“Maverix”) and allege as follows:

JURISDICTION AND VENUE

1. This is a civil action for patent infringement, injunctive relief, and damages arising under the United States Patent Act, 35 U.S.C. §§ 271, *et seq.* Original jurisdiction is conferred upon this Court pursuant to 28 U.S.C. §§ 1331 and 1338(a).

2. Defendant Maverix conducts business throughout the United States, including in this Judicial District.

3. This Court has personal jurisdiction over Defendant Maverix because Maverix has a continuous, systematic, and substantial presence within this Judicial District including by selling and offering for sale Infringing Products in this Judicial District and selling into the

stream of commerce knowing that such Infringing Products would be sold in this State and Judicial District.

4. Venue is proper in this Judicial District pursuant to 28 U.S.C. §§ 1391(b) and (c), and by Plaintiffs' choice of venue.

PARTIES

5. Plaintiff Chase Boards is a California limited liability company with its principal place of business in Lake Forest, California.

6. Plaintiff FiiK is a Florida limited liability company with its principal place of business in Fort Lauderdale, Florida.

7. Defendant Maverix is an Indiana limited liability company with a principal place of business in Maplewood, New Jersey.

GENERAL ALLEGATIONS

8. On December 29, 1998, a United States Letters Patent No. 5,853,182 ("the '182 patent") entitled "Truck Assembly For Skateboard" was duly and legally issued to Louis J. Finkle, and was subsequently assigned to Plaintiff, Chase Boards. A true and correct copy of the '182 patent is attached as Exhibit "A."

9. Plaintiff FiiK is an exclusive licensee of the '182 patent with respect to certain rights and interests within the State of Florida.

10. On April 13, 1999, a United States Letters Patent No. 5,893,425 ("the '425 patent") entitled "Remote Control Electric Powered Skateboard" was duly and legally issued to Louis J. Finkle, and was subsequently assigned to Plaintiff, Chase Boards. A true and correct copy of the '425 patent is attached as Exhibit "B."

11. Plaintiff FiiK is an exclusive licensee of the '425 patent with respect to certain rights and interests within the State of Florida.

12. Plaintiff, Chase Boards is the owner of all title in and to the '182 patent and the '425 patent (collectively, "the patents-in-suit") sufficient to bring this action.

13. Plaintiff, Chase Boards manufactures, distributes, and sells several products that fall within the scope of the claims of the patents-in-suit, including products sold under the brand name "Altered electric skateboards."

14. Plaintiff, FiiK manufactures, distributes, and sells several products that fall within the scope of the claims of the patents-in-suit, including products sold under the brand names, "Bid Daddy," "Street Surfer," "Shortii," "Gromet," and "Crazy 8."

15. Maverix has imported, used, sold, and offered for sale electric powered skateboards, including but not limited to electric powered skateboards sold under the brand names, "California," "Superman California," and "Batman California" (collectively, the "Infringing Products"), which infringe one or more claims of the '182 patent and the '425 patent.

16. Maverix infringing conduct includes, but is not limited to, the advertising and sale of the Infringing Products through its website, www.maverixusa.com. The website, www.maverixusa.com, is an interactive website that permits consumers to select and purchase an Infringing Product as well as coordinate delivery of the Infringing Product to the purchaser's residence. Infringing Products have been purchased directly from Maverix through the www.maverixusa.com website by consumers residing in this Judicial District, and Infringing Products have been delivered in this Judicial District directly by Maverix.


17. Plaintiffs have performed all conditions precedent that have not been otherwise waived or excused.

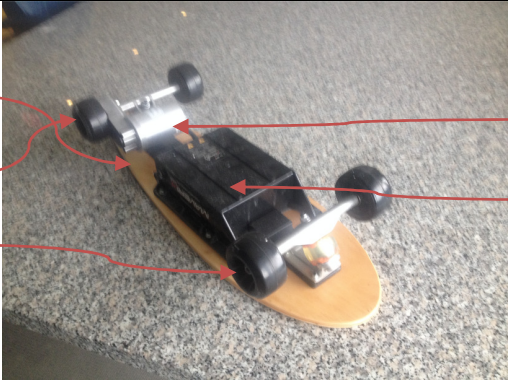
COUNT I INFRINGEMENT OF THE '425 PATENT

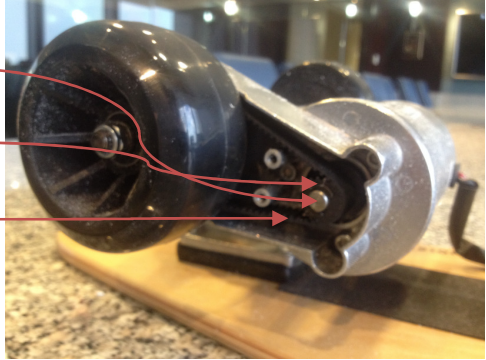
18. Plaintiffs incorporate and reallege the allegations contained in paragraphs 1 through 17 above, as if fully set forth herein.

19. This is a claim for patent infringement under 35 U.S.C. § 271.

20. Defendant, through its agents, employees, and servants, has and continues to directly and indirectly infringe the '425 patent (either literally or under the doctrine of equivalents) by making, using, selling, offering for sale, and/or importing into the United States products that are covered by at least claim 1 of the '425 patent, including, for example, the Infringing Products:

Claim 1	The Infringing Products
An electric powered skateboard having a board with an upper rider-support surface and a lower surface supporting at least four wheels wherein the improvement comprises	<p>With reference to the depictions below, the Infringing Products have an upper rider-support surface 1; a lower surface 2; two rear wheels 3 and 4; and two front wheels 5 and 6.</p> 

	
an electric motor held by said board;	With reference to the depictions above, the Infringing Products have an electric motor 7 that is held by the lower board surface 2 .
battery means held by said board and connectable to said electric motor by motor control means;	With reference to the depictions above, the Infringing Products have several batteries held in the battery box 8 that is held to the lower surface 2 . The Infringing Products' batteries are connected to a speed control by conductors. The Infringing Products also have a receiver that is connected to the speed control by conductors. The speed control is further connected to the electric motor by conductors.
remotely controlled drive means between said electric motor and at least one of said wheels, said at least one of said wheels being a driven wheel and said drive means being a positive drive means between said motor and said driven wheel and wherein	As depicted below, the Infringing Products have a drive shaft 9 and motor driven pulley 10 connected to the electric motor 7 , and a pulley belt 11 that is connected to the driven pulley 9 and to the rear drive wheel 4 . When the drive shaft is activated by the electric motor, the drive shaft causes the driven pulley to rotate, thus engaging the drive pulley belt. Because the drive pulley belt is also connected to the rear drive wheel, the rear drive wheel accelerates and decelerates simultaneously with the drive pulley.

	
<p>said electric motor is controlled by a remote control unit having a moveable trigger capable of sending a variable, controlled acceleration signal and a variable, controlled braking signal dependent upon the position of the trigger and said electric motor includes motor control and receiver units to receive said variable, controlled acceleration signal and said variable, controlled braking signal and cause electric motor to accelerate or brake in a controlled manner; and</p>	<p>The Infringing Products are sold with a remote control unit that has a trigger that can be engaged by a user's finger when the user grasps the remote control unit's handle. The trigger can be moved away from the direction of the handle, and can also be moved towards the direction of the handle. The voltage to the electric motor of the Infringing Products increases as the trigger of the remote control unit is moved towards the remote control unit's handle, thereby causing rear drive wheel to accelerate proportionally with position of the trigger; and conversely, whereby voltage to electric motor decreases as trigger of remote control unit is moved away from remote control unit's handle, thereby causing rear drive wheel to decelerate proportionally with position of the trigger and ultimately stop when trigger is moved a certain distance away from handle.</p>
<p>braking means comprising electric motor braking to electrically impose a resistance to rotation on the motor thereby imposing a resistance to turning on said driven wheel.</p>	<p>When the drive shaft of the Infringing Products is activated by the electric motor, the drive shaft causes the drive pulley to rotate, thus engaging the drive pulley belt; because the drive pulley belt is also connected to the rear drive wheel, rear drive wheel accelerates and decelerates at the same speed as drive pulley. A breaking force is applied to rear drive wheel when the trigger of the remote control unit is moved away from the remote control unit's handle.</p>

21. Defendant's acts of infringement are without permission, license, or consent of Chase Boards or FiiK and, if allowed to continue, will cause irreparable injury to Plaintiffs.

22. Defendant's acts of patent infringement interfere with Plaintiffs' sales to and relationships with, potential and existing customers of its products. Such acts have caused and will continue to cause irreparable harm to Plaintiffs' business and cause the value of the patents-in-suit to diminish in value, which Plaintiffs have no adequate remedy at law, unless Defendant's infringement is enjoined by this Court.

23. Defendant's acts have caused damage to Plaintiffs in an amount to be determined at trial. Pursuant to 35 U.S.C. § 284, Plaintiffs are entitled to damages for Defendant's infringing acts. Pursuant to 35 U.S.C. § 285, Plaintiffs are entitled to reasonable attorneys' fees for the necessity of bringing its claims of patent infringement.

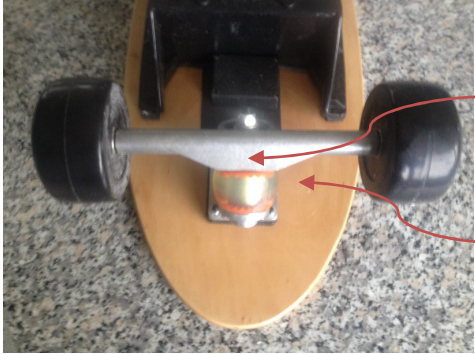
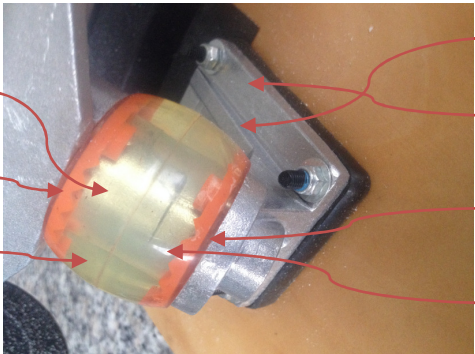
24. Maverix has been unjustly enriched and Plaintiffs are entitled to an accounting and award of damages, interest, attorney's fees and costs.

COUNT II INFRINGEMENT OF THE '182 PATENT

25. Plaintiffs incorporate and reallege the allegations contained in paragraphs 1 through 17 above, as if fully set forth herein.

26. This is a claim for patent infringement under 35 U.S.C. § 271.

27. Defendant, through its agents, employees, and servants, has and continues to directly and indirectly infringe the '182 patent (either literally or under the doctrine of equivalents) by making, using, selling, offering for sale, and/or importing into the United States products that are covered by at least claim 2 of the '182 patent, including, for example, the Infringing Products:

Claim 2	The Infringing Products
A truck assembly (12) for skateboards comprising:	<p>With reference to the depiction below, the Infringing Products have a truck assembly 12.</p> 
a base (14) having a skateboard attachment surface;	<p>With reference to the depiction below, the Infringing Products' truck assembly has a base 14 that attaches to the skateboard surface.</p> 
an axle assembly support shaft (32) held by said base (14) at an angle of between 30 and 75 degrees with respect to said skateboard attachment surface;	<p>With reference to the depictions above, the Infringing Products' truck assembly has an axle assembly support shaft 32 held by the base 14 at an angle between 30 and 75 degrees with respect to the skateboard attachment surface.</p>
a flexible bumper assembly (16) including a bumper portion (17) fabricated from an elastic material, said flexible bumper assembly (16) surrounding said axle assembly support shaft (32), said flexible bumper assembly (16) having a base end (19) abutting said base (14) and an axle end (20);	<p>With further reference to the depictions above, the truck assembly has a flexible bumper assembly 16 that has an elastic bumper portion 17 surrounding the axle assembly support shaft 32, and having a base end 19 abutting the base 14 and an axle end 20.</p>

means for connecting said base end (18) and said base (14) so that said base end (18) does not turn with respect to said base (14) and said means for connecting said base end does not significantly interfere with torsional twisting of said bumper portion (17); and	With further reference to the depictions above, the base end 18 is connected to the base 14 so that the base end does not turn with the base and does not interfere with the torsional twisting of the bumper portion 17 .
a bumper axle end support member (24) held by said axle assembly support shaft (32), said bumper axle end support member (24) having means for connecting said axle end (20) to said bumper axle end support member (24) so that they do not turn with respect to each other and wherein said means for connecting said axle end (20) does not significantly interfere with torsional twisting of said bumper portion and said bumper axle end support member (23) further including means (31) for supporting a wheel supporting axle (30);	With further reference to the depictions above, the bumper axle end support member 24 is held by the axle assembly support shaft 32 . The bumper axle end support member 24 is connected to the axle end 20 so that the member and axle end do not turn with respect to one another, and does not interfere with the torsional twisting of the bumper portion. The bumper axle end support member includes a means 31 for supporting the wheel supporting axle (not depicted).
wherein said means for connecting said base end (18) and said base comprise bonding said base end (18) to a rigid base end plate (19) and wherein said bumper axle end support member has means (27, 28) for connecting with said rigid base end plate (19) and said base so that the base end plate (19) does not turn with respect to said base (14).	With further reference to the depictions above, the base end 18 is bonded to a rigid base end plate 19 . The bumper axle end support member 24 connects with the rigid base plate and base so that the base end plate does not turn with respect to the base.

28. Defendant's acts of infringement are without permission, license, or consent of Chase Boards or FiiK and, if allowed to continue, will cause irreparable injury to Plaintiffs.

29. Defendant's acts of patent infringement interfere with Plaintiffs' sales to and relationships with, potential and existing customers of its products. Such acts have caused and will continue to cause irreparable harm to Plaintiffs' business and cause the value of the patents-

in-suit to diminish in value, which Plaintiffs have no adequate remedy at law, unless Defendant's infringement is enjoined by this Court.

30. Defendant's acts have caused damage to Plaintiffs in an amount to be determined at trial. Pursuant to 35 U.S.C. § 284, Plaintiffs are entitled to damages for Defendant's infringing acts. Pursuant to 35 U.S.C. § 285, Plaintiffs are entitled to reasonable attorneys' fees for the necessity of bringing its claims of patent infringement.

31. Maverix has been unjustly enriched and Plaintiffs are entitled to an accounting and award of damages, interest, attorney's fees and costs.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs pray for judgment and seek relief from this Court as follows:

A. Enter judgment against Maverix in this action for the infringement of United States Patent No. 5,853,182 and United States Patent No. 5,893,425;

B. Temporarily and permanently enjoin Maverix, its subsidiaries, affiliates, parents, successors, assigns, officers, agents, servants, employees, attorneys, and all persons acting in concert or in participation with them, or any of them, from infringing, contributing to the infringement of, and inducing infringement of the patents-in-suit, and specifically from directly or indirectly making, using, selling, or offering for sale, any products or services embodying the inventions of the patents-in-suit during the life of the claims of the patents-in-suit, without the express written authority of Plaintiffs;

C. Order Maverix to deliver to Plaintiffs, for destruction at Plaintiffs' option, all products that infringe the patents-in-suit;

D. Direct Maverix to fully compensate Plaintiffs for all damages attributable to Defendant's infringement of the patents-in-suit pursuant to 35 U.S.C. § 284, and in an amount according to proof at trial;

E. Award Plaintiffs prejudgment and post judgment interest pursuant to 35 U.S.C. § 284;

F. Deem the case to be exceptional pursuant to 35 U.S.C. § 285, and award reasonable attorney's fees and costs incurred in this action to Plaintiffs; and

G. Award any such other relief that this Court deems just and proper.

DEMAND FOR TRIAL BY JURY

Plaintiffs hereby demand a jury trial on all issues triable of right by a jury.

Dated: September 3, 2015

Respectfully submitted,

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