

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION**

<b>JOSEPH DANIEL GOADE,</b>	)	
<i>an individual,</i>	)	<b>Civil Action No.: 3:15-cv-01067</b>
<b>Plaintiff,</b>	)	
	)	<b>Judge Traugher</b>
<b>v.</b>	)	
	)	<b>Magistrate Judge Holmes</b>
<b>PARKER COMPOUND BOWS, INC.</b>	)	
<i>a Virginia Corporation,</i>	)	<b>JURY DEMANDED</b>
<b>Defendant.</b>	)	

**AMENDED COMPLAINT  
FOR PATENT INFRINGEMENT**

Plaintiff Joseph Daniel Goade, by and through his attorney, brings this action against Parker Compound Bows, Inc., for patent infringement of U.S. Letters Patent Nos. 7,721,724 and 7,753,044 in violation of the patent laws of the United States, 35 U.S.C. §§ 1 *et seq.*, for which Plaintiff demands a jury trial.

**THE PARTIES**

1. Plaintiff, Joseph Daniel Goade (“Plaintiff” or “Goade”) is an individual and a resident of the State of Missouri. Plaintiff does business in the Middle District of Tennessee.
2. Upon information and belief, Defendant Parker Compound Bows, Inc. (“Defendant” or “Parker”) conducts regular business in this district, and is a corporation organized and existing under the laws of the Commonwealth of Virginia, having its principal place of business at 3022 Lee Jackson Highway, Staunton, Virginia 24401, with a designated registered agent Mr. Robert O. Errett (Parker CEO), RTE 11 South, P.O. Box 105, Mint Spring, Virginia 24463. Parker regularly, systematically, and

purposefully conducts business in the State of Tennessee through selling its products to retail stores and selling directly to the public via Parker's website.

### **JURISDICTION AND VENUE**

3. This Court has subject matter jurisdiction of this action under 28 U.S.C. §§ 1331, 1338(a), and 35 U.S.C. § 271 et seq.
4. This Court has personal jurisdiction over Defendant by reason of its presence in the State of Tennessee because Defendant has physically conducted and continues to physically conduct business throughout the State of Tennessee and in this judicial district, because of Defendant's sufficient contacts to the State of Tennessee, and/or because Defendant has committed and continues to commit acts of patent infringement in this judicial district.
5. Venue is proper in this Court pursuant to 28 U.S.C. §§ 1391(b), 1391(c) and 1400(b). *See Exhibit 1* (previously filed with original Complaint; receipts for sale of Defendant's infringing Sidekick compound bow and Thunderhawk Crossbow products in this judicial district at Bass Pro Shop, 323 Opry Mills Drive, Nashville, Tennessee 37214; and receipt for sale of Defendant's infringing String Suppressor Kit (Item# 38-235) product in this judicial district at Outdoor Junction, 1999 East Spring Street, Cookeville, Tennessee 38506).

### **GENERAL ALLEGATIONS**

6. Plaintiff is engaged in the business of developing, manufacturing, marketing and selling STS™ string shock suppressors for archery bows, which act to dampen a bow string's vibration at a position near the string's rest state, after a bow string has been drawn and then released to deliver an arrow or bolt. These string shock suppressors

may be sold with an archery bow; and, string shock suppressors may be sold separately as a later add-on or replacement for use on an archery bow.

7. Plaintiff is the sole inventor and owner of United States Letters Patent No. 7,721,724 entitled “Shock Suppressor for a Bow,” which issued May 25, 2010 (the ‘724 patent). A copy of the ‘724 Patent is attached as **Exhibit 2** to the original Complaint and is incorporated by reference. Plaintiff owned the ‘724 patent throughout the period of Defendant’s infringing acts and still owns the patent.
8. Plaintiff is also the sole inventor and owner of United States Letters Patent No. 7,753,044 entitled “Shock Suppressor for a Bow,” which issued July 13, 2010 (the ‘044 patent). A copy of the ‘044 Patent is attached as **Exhibit 3** to the original Complaint and is incorporated herein by reference. Plaintiff owned the ‘044 patent throughout the period of Defendant’s infringing acts and still owns the patent.
9. Plaintiff has complied with the statutory requirement of placing a notice of the Letters Patent on all string shock suppressors it manufactures and sells and has given the Defendant written notice of the infringement.

#### **THE INFRINGING PRODUCTS AT ISSUE**

10. Upon information and belief, Defendant develops, creates, manufactures, imports, distributes, offers for sale, and sells an extensive array of archery bows (both compound and crossbow bows) with included infringing bow string shock suppressors, and also sells infringing bow string shock suppressors as a separate product, collectively referred to herein as the “Parker Archery Products.”
11. Upon information and belief, the Parker Archery Products include, but are not limited to, the String Suppressors and PYTHON, VELOCITY, EAGLE, SIDEKICK, and

THUNDERHAWK product models, and also, but not limited to, the Parker Archery products listed in **Exhibit 4** and attached to the original Complaint.

12. The Parker Archery Products developed, created, manufactured, imported, distributed, offered for sale, and sold by Defendant infringe the '724 Patent.
13. The Parker Archery Products developed, created, manufactured, imported, distributed, offered for sale, and sold by Defendant infringe the '044 Patent.
14. Upon information and belief, Defendant sold or caused to be sold the Parker Archery Products into this judicial district via several retailers of archery bows both with websites and physical stores located in Nashville, Tennessee and other cities in this judicial district.

**COUNT I**  
**Infringement of the '724 Patent**

15. Plaintiff repeats and realleges each and every allegation of paragraphs 1-14 as though fully set forth herein.
16. Defendant has been and is directly infringing the '724 patent by making, using, importing into the United States, offering for sale, selling, and/or otherwise distributing devices as described in the '724 patent in violation of 35 U.S.C. § 271.
17. Defendant's infringement has injured or will injure Plaintiff, and Plaintiff is entitled to recover damages adequate to compensate it for Defendant's infringement, which in no event can be less than a reasonable royalty.
18. Defendant's infringement has been deliberate, willful, intentional, and with full knowledge of the existence of the '724 patent.
19. Defendant's infringement has caused or will cause Plaintiff substantial damage and irreparable injury by its infringement of the '724 patent, and Plaintiff will continue to

suffer damage and irreparable injury unless and until Defendant is enjoined by this Court from continuing its infringement.

20. Plaintiff is entitled to injunctive relief and compensatory relief, including attorneys' fees and costs, as well as enhanced damages pursuant to 35 U.S.C. §§ 271, 281, and 283-285.

21. Plaintiff's business records document that Defendant sought out Plaintiff's STS<sup>1</sup> product and had actual notice of Plaintiff's patent activity as early as 2007. On May 25, 2007, Defendant's Mr. Jim Wynne, VP of Sales & Marketing for Defendant Parker Bows, called Plaintiff to order Plaintiff's STS string suppressor that embodies the patents in suit. Attached as **Exhibit 5** to this Amended Complaint are Plaintiff's business records showing: Defendant's Jim Wynne's telephone order memorialized on invoice # 560169, a work order showing shipment to Jim Wynne of Defendant Parker Compound Bows with a UPS shipping label attached at the bottom, a photographic enlargement of the UPS label showing the invoice number 560169 at line "REF 1", a product label showing "patent pending," and a recent printout from Defendant's web site praising Mr. Jim Wynne's 10 years of work at Defendant Parker Bows and 30 years of involvement in the bow industry. The faded UPS shipping label shows tracking number 1ZW419E70343239248.

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<sup>1</sup> Plaintiff Goade has sold multiple devices under the "STS" label, which has caused some unfortunate confusion. These devices include bow stabilizers, which counter bow frame weight and bow frame vibration; and also include unusable early attempts at string suppressors that broke under testing and which may be mentioned in online chat rooms; and also, ultimately, include the string suppressor embodiments of the patents at issue. Plaintiff disclosed this nomenclature overlap over 10 years ago in his 2005 filings with the U.S. Patent Office. Please see Defendant's *Answer*, Ex. E [10-5], at the bottom of page 8, showing Plaintiff's disclosure to the U.S. Patent Office on June 8, 2005, of several STS variations. Indeed, chat room discussions was already presented to, and dismissed by, the U.S. Patent Office. See *Answer*, Ex. E [10-5].

22. The following year, Plaintiff in 2008 advised Defendant that it was engaged in infringing conduct, and **Defendant admits being given notice of its infringing conduct as early as 2008.** *See Answer* [10], ¶ 69 (“at least as early as 2008 Plaintiff approached a representative of Defendant at a trade show and alleged that Defendant’s archery equipment was “infringing” on Plaintiff’s rights”).

**COUNT II**  
**Infringement of the ‘044 Patent**

23. Plaintiff repeats and realleges each and every allegation of paragraphs 1-20 as though fully set forth herein.

24. Defendant has been and is directly infringing the ‘044 patent by making, using, importing into the United States, offering for sale, selling, and/or otherwise distributing devices as described in the ‘044 patent in violation of 35 U.S.C. § 271.

25. Defendant’s infringement has injured or will injure Plaintiff, and Plaintiff is entitled to recover damages adequate to compensate it for Defendant’s infringement, which in no event can be less than a reasonable royalty.

26. Defendant’s infringement has been deliberate, willful, intentional, and with full knowledge of the existence of the ‘044 patent.

27. Defendant’s infringement has caused or will cause Plaintiff substantial damage and irreparable injury by its infringement of the ‘044 patent, and Plaintiff will continue to suffer damage and irreparable injury unless and until Defendant is enjoined by this Court from continuing its infringement.

28. Plaintiff is entitled to injunctive relief and compensatory relief, including attorneys’ fees and costs, as well as enhanced damages pursuant to 35 U.S.C. §§ 271, 281, and 283-285.

29. Plaintiff's business records document that Defendant sought out Plaintiff's STS<sup>2</sup> product and had actual notice of Plaintiff's patent activity as early as 2007. On May 25, 2007, Defendant's Mr. Jim Wynne, VP of Sales & Marketing for Defendant Parker Bows, called Plaintiff to order Plaintiff's STS string suppressor that embodies the patents in suit. Attached as **Exhibit 5** to this Amended Complaint are Plaintiff's business records showing: Defendant's Jim Wynne's telephone order memorialized on invoice # 560169, a work order showing shipment to Jim Wynne of Defendant Parker Compound Bows with a UPS shipping label attached at the bottom, a photographic enlargement of the UPS label showing the invoice number 560169 at line "REF 1", a product label showing "patent pending," and a recent printout from Defendant's web site praising Mr. Jim Wynne's 10 years of work at Defendant Parker Bows and 30 years of involvement in the bow industry. The faded UPS shipping label shows tracking number 1ZW419E70343239248.

30. The following year, Plaintiff in 2008 advised Defendant that it was engaged in infringing conduct, and **Defendant admits being given notice of its infringing conduct as early as 2008.** See *Answer* [10], ¶ 69 ("at least as early as 2008 Plaintiff approached a representative of Defendant at a trade show and alleged that Defendant's archery equipment was "infringing" on Plaintiff's rights").

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<sup>2</sup> Plaintiff Goade has sold multiple devices under the "STS" label, which has caused some unfortunate confusion. These devices include bow stabilizers, which counter bow frame weight and bow frame vibration; and also include unusable early attempts at string suppressors that broke under testing and which may be mentioned in online chat rooms; and also, ultimately, include the string suppressor embodiments of the patents at issue. Plaintiff disclosed this nomenclature overlap over 10 years ago in his 2005 filings with the U.S. Patent Office. Please see Defendant's *Answer*, Ex. E [10-5], at the bottom of page 8, showing Plaintiff's disclosure to the U.S. Patent Office on June 8, 2005, of several STS variations. Indeed, chat room discussions was already presented to, and dismissed by, the U.S. Patent Office. See *Answer*, Ex. E [10-5].

### **PRAYER FOR RELIEF**

WHEREFORE, Plaintiff Joseph Daniel Goade respectfully requests that this Court enter Judgment in favor of Joseph Daniel Goade against the Defendant Parker Compound Bows, Inc. and grant to Joseph Goade all of the following relief:

- a. Enter judgment that Defendant Parker Compound Bows, Inc. has infringed and is infringing the '724 patent;
- b. Enter judgment that Defendant Parker Compound Bows, Inc. has infringed and is infringing the '044 patent;
- c. Enter judgment that the aforementioned infringement by Defendant Parker Compound Bows, Inc. has been and is willful;
- d. Enter an order permanently enjoining Defendant Parker Compound Bows, Inc. and its officers, agents, employees, and all others in active concert or participation with Defendant or any of them from further infringing, whether directly or indirectly, the '724 patent;
- e. Enter an order permanently enjoining Defendant Parker Compound Bows, Inc. and its officers, agents, employees, and all others in active concert or participation with Defendant or any of them from further infringing, whether directly or indirectly, the '044 patent;
- f. Award Plaintiff Joseph Daniel Goade his damages in an amount sufficient to compensate Plaintiff for Defendant Parker Compound Bows, Inc.'s infringement of the '724 patent, together with pre-judgment and post-judgment interest and costs, pursuant to 35 U.S.C. § 284;



- g. Award Plaintiff Joseph Daniel Goade his damages in an amount sufficient to compensate Plaintiff for Defendant Parker Compound Bows, Inc.'s infringement of the '044 patent, together with pre-judgment and post-judgment interest and costs, pursuant to 35 U.S.C. § 284;
- h. Award enhanced damages to Plaintiff Joseph Daniel Goade in an amount not less than three times the compensatory damages awarded by this Court for Defendant Parker Compound Bows, Inc.'s willful infringement of the '724 patent, pursuant to 35 U.S.C. § 284;
- i. Award enhanced damages to Plaintiff Joseph Daniel Goade in an amount not less than three times the compensatory damages awarded by this Court for Defendant Parker Compound Bows, Inc.'s willful infringement of the '044 patent, pursuant to 35 U.S.C. § 284;
- j. Declare this case to be "exceptional" under 35 U.S.C. § 285, and award Plaintiff Joseph Daniel Goade his attorney fees, expenses, and costs incurred in this action; and

- k. Award Plaintiff Joseph Daniel Goade such other and further general and specific relief as this Court deems just and proper.

**DEMAND FOR JURY TRIAL**

Pursuant to Rule 38 of the Federal Rules of Civil Procedure, Plaintiff hereby demands a trial by jury of all issues so triable.

Dated: February 12, 2017

Respectfully submitted,

/s/ Ralph Krisher

Ralph Krisher (BPR # 027054)

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