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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO

REKLUSE MOTOR SPORTS, INC., an Idaho Corporation,)	Civil Action No. _____
)	
)	
Plaintiff,)	COMPLAINT
)	(Patent Infringement)
-v-)	
)	
KEN DONAHUE, dba POWERCELL PERFORMANCE, an Individual,)	
)	(Jury Trial Demanded)
)	
Defendant.)	
_____)	

COMES NOW Plaintiff REKLUSE MOTOR SPORTS, INC., ("Plaintiff"), by and through its undersigned attorneys, for its complaint against Defendant KEN DONAHUE, dba POWERCELL PERFORMANCE, ("Defendant"), alleges as follows:

THE PARTIES

1. Plaintiff Rekluse Motor Sports, Inc., is a corporation organized and existing under the laws of the state of Idaho, having its principal place of business at 12000 W. Franklin Rd., Boise, ID 83709.

2. Under information and belief, Ken Donahue dba PowerCell Performance ("Donahue") is an individual, having a residence at 10347 Los Alamitos Blvd., Los Alamitos, CA, 90720.

JURISDICTION AND VENUE

3. This is an action arising under the Patent Laws of the United States, Title 35 of the United States code.

4. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C §§ 1332 and 1338.

5. Upon information and belief, Venue in the District of Idaho is proper under and 1400(b).

6. Defendant transacts business in the state of Idaho by selling infringing products in to customers in the state of Idaho and by purchasing products from Plaintiff in the District of Idaho via the Internet.

GENERAL ALLEGATIONS

7. Plaintiff is the owner of U.S. Patent No. 8,459,430 titled Automatic Clutch Employing Expanding Friction Disk and an Adjustable Pressure Plate (the "'430 Patent"). The '430 Patent issued on June 11, 2013. A copy of the '430 Patent is attached hereto as Exhibit A.

8. Plaintiff is the owner of U.S. Patent No. 8,978,858 titled Adjustable Hydraulic Slave Cylinder for Clutch Incorporating A Spring Based Pressure Plate (the "'858 Patent"). The '858 Patent issued on March 17, 2015. A copy of the '858 Patent is attached hereto as Exhibit B.

9. Defendant Ken Donahue is infringing the '430 Patent by using, importing, offering to sell, and/or selling in the United States products or processes that infringe at least

claim one of the '430 Patent, including PowerCell Military Grade Auto Clutch 1050/1190/1290. Copies of the web pages advertising PowerCell Military Grade Auto Clutch 10/50/1190/1290 are attached hereto as Exhibit C.

10. Defendant is infringing the '858 Patent by using, importing, offering to sell, and/or selling in the United States products or processes that infringe at least claim one of the '858 Patent, including PowerCell Military Grade Auto Clutch 1050/1190/1290. See Exhibit C.

11. Defendant Donahue markets and sells the above identified product directly to consumers through a website at www.powercellperformance.com.

12. Defendant has profited through its infringement of the '430 Patent and the '858 Patent. As a result of Defendant's unlawful infringing activities, Plaintiff has suffered and will continue to suffer damages. Plaintiff is entitled to recover from the Defendant the damages suffered by the Plaintiff, including at least a reasonable royalty, as a result of Defendant's unlawful acts.

CAUSES OF ACTION

COUNT I

(PATENT INFRINGEMENT)

13. Plaintiff incorporates by reference and re-alleges each of the allegations set forth in Paragraphs 1 through 12 as if set forth fully herein.

14. By manufacturing, using, importing, selling and/or offering products, including PowerCell Military Grade Auto Clutch 1050/1190/1290 for sale in the United States without authority from Plaintiff, Defendant Donahue has infringed, and continues to infringe, one or more claims of the '430 Patent, including at least Claim 1.

15. Plaintiff has suffered and will continue to suffer damages on account of Donahue's infringement and continual infringement of the '430 Patent.

16. Plaintiff is entitled to damages adequate to compensate for Donahue's wrongful acts as provided by 35 U.S.C. §284 including, but not limited to, a reasonable royalty from the sales of infringing products and parte therefore and for its lost profits.

17. Plaintiff is entitled to recover its costs as provided by 35 U.S.C. § 284.

18. Plaintiff is entitled to recover its attorneys' fees as provided by 35 U.S.C. § 285.

19. Plaintiff is entitled to an injunction, pursuant to 35 U.S.C § 285, prohibiting Defendant from selling the PowerCell Military Grade Auto Clutch 1050/1190/1290, and from further infringement of Plaintiff's patent.

COUNT II

(PATENT INFRINGEMENT)

20. Plaintiff incorporates by reference and re-alleges each of the allegations set forth in Paragraphs 1 through 19 as if set forth fully herein.

21. By manufacturing, using, importing, selling and/or offering products, including PowerCell Military Grade Auto Clutch 10/50/1190/1290 for sale in the United States without authority from Plaintiff, Defendant Donahue has infringed, and continues to infringe, one or more claims of the '858 Patent, including at least Claim 1.

22. Plaintiff has suffered and will continue to suffer damages on account of Donahue's infringement and continual infringement of the '858 Patent.

23. Plaintiff is entitled to damages adequate to compensate for Donahue's wrongful acts as provided by 35 U.S.C. §284 including, but not limited to, a reasonable royalty from the sales of infringing products and parte therefore and for its lost profits.

24. Plaintiff is entitled to recover its costs as provided by 35 U.S.C. § 284.

25. Plaintiff is entitled to recover its attorneys' fees as provided by 35 U.S.C. § 285.

26. Plaintiff is entitled to an injunction, pursuant to 35 U.S.C. § 285, prohibiting Defendant from selling the PowerCell Military Grade Auto Clutch 1050/1190/1290, and from further infringement of Plaintiff's patent.

DEMAND FOR JURY TRIAL

27. Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, Plaintiff respectfully requests a trial by jury of all issues properly triable by jury.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for relief as follows:

- A. For a judgment declaring that Defendant Donahue has infringed the '430 Patent;
- B. For a judgment awarding Plaintiff compensatory damages as a result of Donahue's infringement of the '430 Patent, with interest and costs, and in no event less than a reasonable royalty;
- C. For a judgment declaring that Donahue's infringement of the '430 Patent has been willful and deliberate; since the date of service of this lawsuit;
- D. For a judgment awarding Plaintiff treble damages and pre-judgment interest under 35 U.S.C. § 284 as a result of Donahue's willful and deliberate infringement of the '430 Patent;
- E. For an injunction prohibiting Defendant Donahue from further infringement of the '430 Patent;
- F. For a judgment declaring that Defendant Donahue has infringed the '858 Patent;
- G. For a judgment awarding Plaintiff compensatory damages as a result of Donahue's infringement of the '858 Patent, with interest and costs, and in no event less than a reasonable royalty;
- H. For a judgment declaring that Donahue's infringement of the '858 Patent has been willful and deliberate; since the date of service of this lawsuit;

I. For a judgment awarding Plaintiff treble damages and pre-judgment interest under 35 U.S.C. § 284 as a result of Donahue's willful and deliberate infringement of the '858 Patent;

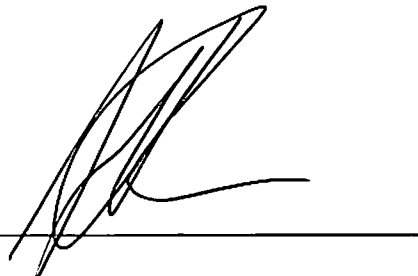
J. For an injunction prohibiting Defendant Donahue from further infringement of the '858 Patent;

K. For a judgment declaring that this case is exceptional and awarding Plaintiff its expenses, costs, and attorneys' fees in accordance with 35 U.S.C. §§ 284 and 285 and Rule 54(d) of the Federal Rules of Civil Procedure; and

L. For such other and further relief as the Court deems just and proper.

DATED this 26 day of July, 2017.

By: _____



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