

**THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
NORTHERN DIVISION**

**BATTERY CONSERVATION  
INNOVATIONS, LLC,**

**Plaintiff,**

**v.**

**SKYHAWKE TECHNOLOGIES, LLC,**

**Defendant.**

**CIVIL ACTION NO. 3:19-cv-327-DPJ-FKB**

**JURY TRIAL DEMANDED**

**COMPLAINT**

Plaintiff Battery Conservation Innovations, LLC (“Plaintiff” or “BCI”) files this complaint against Defendant Skyhawk Technologies, LLC (“Defendant” or “Skyhawk”) for infringement of U.S. Patent No. 9,239,158 (hereinafter the “158 Patent”) and alleges as follows:

**PARTIES**

1. Plaintiff is a Texas limited liability company with an office address of 1801 NE 123rd Street, Suite 314, North Miami, Florida 33181.
2. Defendant is a Mississippi limited liability company with its principal office at 274 Commerce Park Dr., Ridgeland, MS 39157. On information and belief, Defendant may be served through its agent, Walter Weems, at PO Drawer 119, 190 East Capitol St., Suite 100, Jackson, MS 39205.

**JURISDICTION AND VENUE**

3. This action arises under the patent laws of the United States, 35 U.S.C. § 271 et seq. Plaintiff is seeking damages, as well as attorney fees and costs.

4. Jurisdiction is proper in this Court pursuant to 28 U.S.C. §§ 1331 (Federal Question) and 1338(a) (Patents).

5. On information and belief, this Court has personal jurisdiction over Defendant because Defendant has committed, and continues to commit, acts of infringement in this District, has conducted business in this District, and/or has engaged in continuous and systematic activities in this District.

6. Upon information and belief, Defendant's instrumentalities that are alleged herein to infringe were and continue to be used, imported, offered for sale, and/or sold in the District.

7. Venue is proper in this District under 28 U.S.C. §1400(b) because Defendant is deemed to be a resident in this District.

### **BACKGROUND**

8. On January 19, 2016, the United States Patent and Trademark Office ("USPTO") duly and legally issued the '158 Patent, entitled "Battery-Conserving Flashlight And Method Thereof." The '158 Patent is attached as Exhibit A.

9. Plaintiff is currently the owner of the '158 Patent.

10. Plaintiff possesses all rights of recovery under the '158 Patent, including the exclusive right to recover for past, present and future infringement.

### **COUNT ONE** **(Infringement of United States Patent No. 9,239,158)**

11. Plaintiff refers to and incorporates the allegations in Paragraphs 1 - 10, the same as if set forth herein.

12. This cause of action arises under the patent laws of the United States and, in particular under 35 U.S.C. §§ 271, *et seq.*

13. Defendant has knowledge of its infringement of the '158 Patent, at least as of the service of the present complaint.

14. Upon information and belief, Defendant has infringed and continues to infringe one or more claims, including at least Claim 15, of the '158 Patent by making, using, importing, selling, and/or offering for sale battery conserving electronic devices covered by one or more claims of the '158 Patent.

15. Accordingly, Defendant has infringed, and continues to infringe, the '158 Patent in violation of 35 U.S.C. § 271.

16. Defendant sells, offers to sell, and/or uses battery conserving electronic devices, including, without limitation, the SkyPro golf swing sensor, and any similar products ("Product"), which infringe at least Claim 15 of the '158 Patent.

17. The Product is a battery-conserving electronic device (e.g., a flashlight or small battery-operated portable electric light). Certain aspects of this element are illustrated in the screenshot(s) below and/or in those provided in connection with other allegations herein.



<http://www.golfskypro.com/skypro>

Your SkyPro turns on automatically when taken out of its Smart Charging Case\*. It is ready for swings when you are. When your SkyPro is still, or upside down, for a few seconds, it will automatically go into a low-power sleep mode to conserve battery life. When righted and readied for swings, it quickly comes back to life, rested and ready to record swings. To fully turn your SkyPro

<http://www.golfskypro.com/handbook/skypro-hardware>

18. The Product includes a body with an opening for accessing an interior of the body. Certain aspects of these elements are illustrated in the screenshots below and/or in screenshots provided in connection with other allegations herein.



<https://fccid.io/X8F-SKYPRO-BT/Internal-Photos/Internal-photo-1934934>

19. The Product has at least one battery disposed in the body and configured for powering the device. Certain aspects of these elements are illustrated in the screenshots below and/or in screenshots provided in connection with other allegations herein.

### **Power & Battery**

- Built-in rechargeable lithium-ion polymer battery
- Up to 8 hours of continuous use, and 30 hours between charges
- USB charging dock/case

<http://www.golfskypro.com/skypro>

20. The Product includes a controller (i.e. PC board) disposed in the body configured to determine if the body is in motion (i.e. accelerometer & gyroscope coupled to the controller). Certain aspects of these elements are illustrated in the screenshots below and/or in screenshots provided in connection with other allegations herein.



Inner View of EUT-1



<https://fccid.io/X8F-SKYPRO-BT/Internal-Photos/Internal-photo-1934934>

### SkyPro Swing Sensor

- 3-axis accelerometer
- 3-axis gyroscope
- Zero-button sleep motion sensing
- Dimensions: 1.8in L x 0.7in W
- Weight: 23.5 grams

<http://www.golfskypro.com/skypro>

SkyPro is a new way to get instant feedback on your golf swing. There are two parts to SkyPro: the sensor and the app. The sensor attaches to your golf club and records its motion. When it detects your swing, the app wirelessly reaches out and plucks your motion data from the sensor. It then reconstructs your club's movement, displays your swing in full 3D from address to impact in the app, and provides Alerts to help you improve.

<http://www.golfskypro.com/handbook/getting-started>

You may have noticed a lack of buttons on your SkyPro device. Don't worry, they're not supposed to be there. Your SkyPro is smart and uses its onboard sensors to intelligently control its power functioning, so it doesn't need buttons.

<http://www.golfskypro.com/handbook/skypro-hardware>

21. The Product has a controller (i.e. PC board) disposed in the body configured to determine if the body is in motion (i.e. accelerometer & gyroscope coupled to the controller), wherein if the body is not in motion for a first predetermined period of time (i.e. a few seconds), the controller decouples at least one battery from the electronic device to conserve energy in the at least one battery. Certain aspects of these elements are illustrated in the screenshots below and/or in screenshots provided in connection with other allegations herein.



Inner View of EUT-1



<https://fccid.io/X8F-SKYPRO-BT/Internal-Photos/Internal-photo-1934934>

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<http://www.golfskypro.com/handbook/skypro-hardware>



### Advanced Sleep Mode

Don't worry about turning SkyPro on/off. It takes care of it.

<http://www.golfskypro.com/skypro>

22. The Product has a visual indicator (i.e. INDICATOR) disposed on an exterior surface of the body, wherein the controller activates the visual indicator. Certain aspects of these elements are illustrated in the screenshots below and/or in screenshots provided in connection with other allegations herein.



3. A flashing LED means your SkyPro is charging. When your SkyPro is charged the LED will appear solid.

<http://www.golfskypro.com/handbook/skypro-hardware>

23. Defendant's actions complained of herein will continue unless Defendant is enjoined by this Court.

24. Defendant's actions complained of herein is causing irreparable harm and monetary damage to Plaintiff and will continue to do so unless and until Defendant is enjoined and restrained by this Court.

25. Upon information and belief, Defendant has induced, and continues to induce infringement of the '158 Patent through its customers' actions, at least as of the service of the present complaint.

26. The '158 Patent is valid, enforceable, and was duly issued in full compliance with Title 35 of the United States Code.

27. By engaging in the conduct described herein, Defendant has injured Plaintiff and is thus liable for infringement of the '158 Patent, pursuant to 35 U.S.C. § 271.

28. Defendant has committed these acts of literal infringement, or infringement under the doctrine of equivalents of the '158 Patent, without license or authorization.

29. As a result of Defendant's infringement of the '158 Patent, Plaintiff has suffered monetary damages and is entitled to a monetary judgment in an amount adequate to compensate for Defendant's past infringement, together with interests and costs.

30. Plaintiff is in compliance with 35 U.S.C. § 287.

31. As such, Plaintiff is entitled to compensation for any continuing and/or future infringement of the '158 Patent up until the date that Defendant ceases its infringing activities.

**DEMAND FOR JURY TRIAL**

32. Plaintiff, under Rule 38 of the Federal Rules of Civil Procedure, requests a trial by jury of any issues so triable by right.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff asks the Court to:

- (a) Enter judgment for Plaintiff on this Complaint on all cases of action asserted herein;
- (b) Enter an Order enjoining Defendant, its agents, officers, servants, employees, attorneys, and all persons in active concert or participation with Defendant who receives notice of the order from further infringement of United States Patent No. 9,239,158 (or, in the alternative, awarding Plaintiff running royalty from the time judgment going forward);
- (c) Award Plaintiff damages resulting from Defendant's infringement in accordance with 35 U.S.C. § 284;
- (d) Award Plaintiff such further relief to which the Court finds Plaintiff entitled under law or equity.

DATED May 8, 2019

Respectfully submitted,

/s/ Stephan L. McDavid

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**ATTORNEY FOR PLAINTIFF**