

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE
SOUTHERN DIVISION**

**LANE SHARK USA, LLC, a Florida
company,**

Plaintiff,

vs.

**TITAN IMPLEMENT, LLC, a Tennessee
company, and TRAILBLAZER
ATTACHMENTS, LLC, a Tennessee
company,**

Defendants.

CASE NO:

District Judge:

Magistrate Judge:

JURY TRIAL DEMANDED

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Lane Shark USA, LLC (“Plaintiff” or “Lane Shark”), by and through its attorneys, for its complaint against Defendants Titan Implement, LLC and Trailblazer Attachments, LLC (collectively “Defendants” or “Trailblazer”), alleges the following:

NATURE OF THE ACTION AND SUMMARY OF RELIEF SOUGHT

1. Lane Shark developed a removable multi-position brush cutter attachment for small and mid-sized tractors. This impactful technology has been called a game changer by Lane Shark’s customers due to the savings in time and money the Lane Shark brush cutter provides. Lane Shark has invested significant resources to develop and market its revolutionary brush cutter products, called the Lane Shark LS-2 and the Lane Shark LS-3. Lane Shark has been awarded patent protection from the United States Patent and Trademark Office (“USPTO”) in recognition of its multi-position brush cutter invention.

2. On information and belief, Titan Implement LLC formed Trailblazer Attachments LLC for the sole purpose of copying Lane Shark’s proprietary brush cutter design to directly and unfairly compete with Lane Shark. Trailblazer currently manufactures and sells the Trailblazer

TB-ONE, which, as will be discussed more fully below, is a direct copy of Lane Shark's patented design and infringes Lane Shark's patent rights, thus denying Lane Shark the exclusivity to which it is entitled under the Patent Act.

3. Lane Shark files this Complaint to immediately and permanently enjoin Trailblazer's blatant and willful patent infringement pursuant to the Patent Act, 35 U.S.C. §§ 271, 283-285, and to recover all damages and monetary relief warranted by Trailblazer's acts of infringement.

PARTIES

4. Lane Shark is a Florida limited liability company with its principle place of business in Pensacola, Florida. Lane Shark manufactures and sells multi-position brush cutter attachments for tractors under the Lane Shark brand.

5. Titan Implement LLC is a Tennessee limited liability company with a principal place of business at 232 Industrial Ln., Decatur, Tennessee 37322.

6. Trailblazer Attachments LLC is a Tennessee limited liability company with a principal place of business at 232 Industrial Ln., Decatur, Tennessee 37322.

7. Titan Implement LLC and Trailblazer Attachments LLC together make, advertise, offer for sale, and sell a multi-position brush cutter attachment called the TB-ONE based on Lane Shark's patented design in direct competition with Lane Shark.

JURISDICTION AND VENUE

8. This is an action for patent infringement under the United States Patent Act, specifically 35 U.S.C. § 271. This Court has subject matter jurisdiction over this dispute pursuant to 28 U.S.C. §§ 1331 and 1338(a).

9. This Court has personal jurisdiction over Trailblazer because Trailblazer is incorporated and resides in this Judicial District and, on information and belief, has committed acts of infringement within this Judicial District.

10. Venue is proper in this Court pursuant to 28 U.S.C. §§ 1391 and 1400.

FACTUAL BACKGROUND

11. Travis Odom founded Lane Shark in February 2017 after inventing the revolutionary Lane Shark multi-position brush cutter. The Lane Shark brush cutter provides an easily-attachable brush cutter accessory for tractors that can take a variety of cutting positions for unprecedented flexibility and utility. Images of the Lane Shark brush cutter are depicted below.



12. The Lane Shark brush cutters have been met with substantial commercial success and acclaim in the industry.

13. Lane Shark filed a patent application to protect Mr. Odom's invention on January 30, 2018.

14. Given the commercial success and industry acclaim for the Lane Shark brush cutters, Mr. Baily Turner, Vice President of Titan Implement LLC, approached Mr. Odom on November 16, 2018 and offered to acquire Lane Shark's assets or manufacture Lane Shark's brush cutter for Lane Shark.

15. Prior to and during the November 2018 meeting, Mr. Odom informed Mr. Turner that Lane Shark had a pending patent application for the Lane Shark brush cutter.

16. Lane Shark immediately declined Mr. Turner's offer to acquire Lane Shark. Ultimately, Lane Shark declined Mr. Turner's offer to manufacture for Lane Shark.

17. Having failed to acquire Lane Shark's technology through proper means, and with knowledge that Lane Shark was in the process of acquiring patent protection, Mr. Turner, his father Michael Turner, and/or Titan Implement LLC formed Trailblazer Attachments LLC on December 14, 2018 and thereafter began making and selling a blatant copy of the Lane Shark proprietary brush cutter, which it calls the Trailblazer TB-ONE. Images of Trailblazer's knock-off brush cutter product are depicted below.



18. Trailblazer has acknowledged that it took the Lane Shark design to create the TB-ONE. Yet in its online marketing, it deceptively suggests that Trailblazer pioneered the multi-

position brush cutter (which it stole from Lane Shark) by stating, “The industry was in need of a manufacturer willing to push the envelope of design and execution. Trailblazer Attachments was created to fill the void.” See <http://trailblazerattachments.com> (last visited Nov. 13, 2019).

19. In February 2019, Lane Shark reminded Trailblazer that it had filed a patent application to protect Mr. Odom’s brush cutter invention, and notified Trailblazer that Lane Shark was pursuing expedited examination of its application given Trailblazer’s actions of copying the Lane Shark brush cutter.



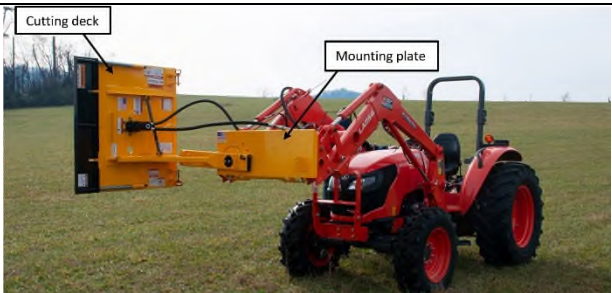
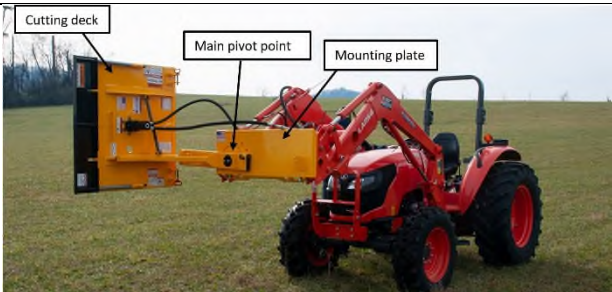
20. On November 12, 2019, the USPTO granted U.S. Patent No. 10,470,364 (the “’364 patent”) entitled “Removably Attachable Adjustable Cutting Apparatus And Method.” Lane Shark is the owner of the ’364 patent. A copy of the ’364 patent is attached as **Exhibit A**.

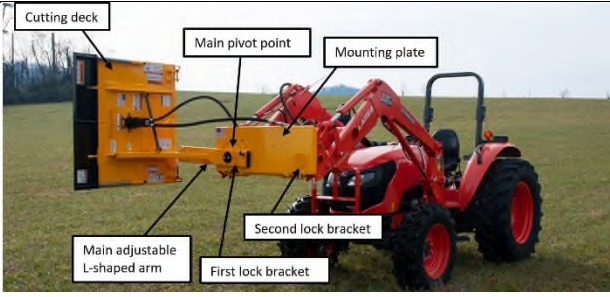
21. The ’364 patent claims a novel and non-obvious invention that provides unprecedented brush cutting utility.

22. Lane Shark’s brush cutters practice one or more of the claims in the ’364 patent.

23. The Trailblazer TB-ONE satisfies every limitation of at least claim 1 of the ’364 patent and, therefore, infringes the ’364 patent, as demonstrated in the following chart.

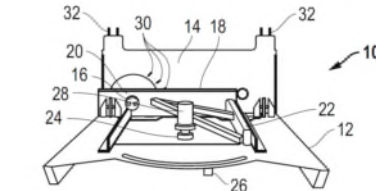

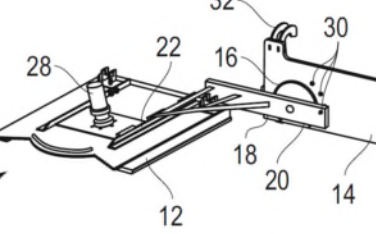

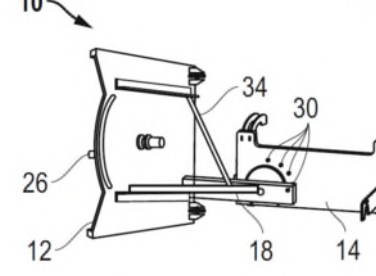

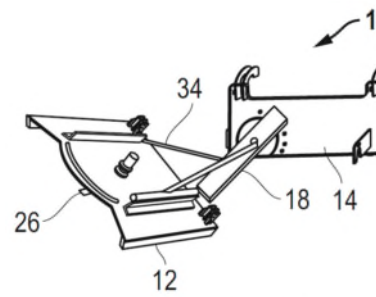

'364 patent (Ex. A)	Trailblazer TB-One http://titanimplement.com/ http://trailblazerattachments.com/tb-one.html https://www.youtube.com/watch?v=-XuHihZKXxE https://www.youtube.com/watch?v=xDEfYuczGlo https://www.youtube.com/watch?v=ocAN2HuvgcU
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<p>Claim 1</p>	
<p>A removably attachable adjustable cutting apparatus comprising:</p>	<div data-bbox="673 247 974 541">  </div> <div data-bbox="990 237 1312 378"> <p>Four Mounting options available</p> <ul style="list-style-type: none"> Universal Skid Steer John Deere 400 & 500 Euro/Quickie Universal Pin On </div> <div data-bbox="685 552 1399 615"> <p>The Titan Attachments TrailBlazer TB-One is a new concept in tractor mowing. With 11 different positions, this mower allows you to reach into places previously too very difficult to maintain.</p> </div>
<p>a. a cutting deck;</p>	<div data-bbox="743 636 1351 926">  </div>
<p>b. a mounting plate, with a front and back, connected with said cutting deck;</p>	<div data-bbox="743 961 1351 1251">  </div>
<p>c. a main pivot point in said mounting plate;</p>	<div data-bbox="743 1287 1351 1577">  </div>

<p>d. an L-shaped main adjustable arm with a first end connected with said mounting plate at said main pivot point such that said first end of said L-shaped main adjustable arm rotates around the main pivot point and parallel to the front of said mounting plate and with a second end wherein the second end of the L-shaped main adjustable arm extends away from said first end perpendicular to the first end and to the front of the mounting plate and wherein the second end is connected with said cutting deck such that said cutting deck is held perpendicular to said front of the mounting plate and is adjustable from a horizontal to a vertical position and positions in between; and</p>	
<p>e. a first lock bracket on said L-shaped main adjustable arm and a second lock bracket on said mounting plate</p>	
<p>and a spaced apart pair of tower locks on said cutting deck wherein said first lock bracket and said second lock bracket are both configured to fit within and connect with said pair of tower locks.</p>	

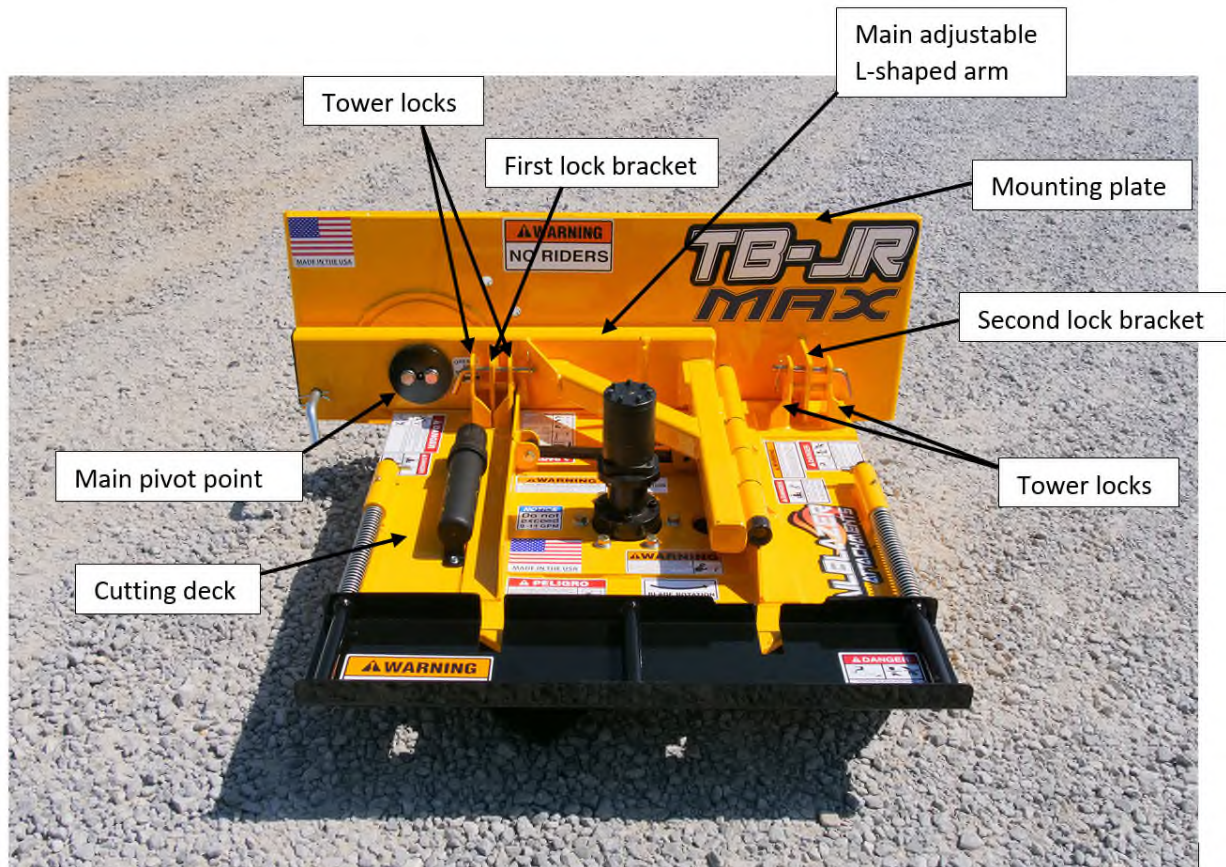
24. The Trailblazer TB-ONE not only infringes the '364 patent, it is a direct copy of the preferred embodiment depicted in the '364 patent, and shown below.

Copying Chart

 <p>FIG. 1</p>	
 <p>FIG. 2</p>	
	
 <p>FIG. 4</p>	

25. In addition to the Trailblazer TB-ONE, Trailblazer also makes and sells the TB-JR MAX (see <http://trailblazerattachments.com/tb-jr-max.html>), which is a smaller version of the TB-ONE (collectively with the TB-ONE, “the infringing TB products”).

26. Like the TB-ONE, the Trailblazer TB-JR MAX also satisfies every limitation of at least claim 1 of the ’364 patent, as illustrated below.



27. Contemporaneous with the filing of this Complaint, Lane Shark is sending Trailblazer a cease and desist letter demanding that Trailblazer immediately stop making and selling the infringing TB products .

28. Despite its knowledge of Lane Shark’s patent rights, and the fact that it copied Lane Shark’s patented design, to the extent Trailblazer refuses to cease and desist, any continued

infringing activities—including making, using, offering for sale, and selling the infringing TB products—will be in reckless and blatant disregard of Lane Shark’s patent rights.

29. Trailblazer’s actions as described above, and specifically Trailblazer’s manufacture, use, marketing, sale, and offers to sell the infringing TB products, constitute patent infringement under 35 U.S.C. § 271.

30. Trailblazer’s continued actions of making, using, selling, and offering for sale the infringing TB products have injured, are injuring, and will cause irreparable injury to Lane Shark if not preliminarily and permanently enjoined.

31. Trailblazer’s continued actions of making, using, selling, and offering for sale the infringing TB products after having knowledge of the ’364 patent and its infringement thereof demonstrate a deliberate and conscious decision to infringe the ’364 patent, or at the very least a reckless disregard of Lane Shark’s patent rights and therefore constitute willful infringement.

32. Lane Shark is entitled to an injunction under 35 U.S.C. § 283 prohibiting Trailblazer from further making, using, or selling the infringing TB products or any other infringing bush cutter without permission or license from Lane Shark.

33. Lane Shark is entitled to recover all monetary damages caused by Trailblazer’s infringing conduct under 35 U.S.C. § 284.

34. To the extent Trailblazer continues to infringe, such conduct shall constitute willful infringement, and Lane Shark is entitled to enhanced damages and attorneys’ fees and costs along with prejudgment interest under 35 U.S.C. §§ 284 and 285.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for the following relief:

1. That this Court enter judgment that Defendants have directly and indirectly infringed the ’364 patent and that the claims of the ’364 patent are not invalid;

2. That this Court enter a preliminary and permanent injunction against Defendants prohibiting Defendants from any further direct or indirect infringement of the '364 patent through its manufacture, use, sale, or offers to sell the infringing TB products or any other product that infringes the '364 patent;

3. That this Court award Lane Shark all damages caused by Defendants' infringing actions;

4. That this Court find this case exceptional and award Lane Shark enhanced damages and all attorneys' fees and costs incurred by Lane Shark in this action; and

5. For any further relief that this Court deems equitable and just.

JURY DEMAND

Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, Lane Shark demands a jury trial on all issues so triable.

Dated: November 14, 2019

Respectfully submitted,

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