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Attorneys for Plaintiff Spencer Bowen

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH**

SPENCER BOWEN,

Plaintiff,

vs.

JACOB WEBB; STAIRSLIDE LLC;
STAIRSLIDE SPV, INC.; and TRUE PLAY
LLC,

Defendants.

AMENDED COMPLAINT

Civil No. 2:21-cv-00699-JCB

Magistrate Judge Jared C. Bennett

JURY TRIAL DEMANDED

Plaintiff Spencer Bowen alleges as follows for his Complaint for Patent Infringement against Defendants Jacob Webb; Stairslide, LLC; Stairslide LLC; Stairslide SPV, Inc.; and True Play LLC:

Nature of the Action

1. This is an action for infringement of U.S. Patent No. 9,498,729 under 35 U.S.C. § 271 *et seq.* brought by Spencer Bowen against Jacob Webb; Stairslide, LLC; Stairslide LLC; Stairslide SPV, Inc.; and True Play LLC.

Parties

2. Plaintiff Spencer Bowen (“Plaintiff” or “Mr. Bowen”) is an individual located at 10704 Flowerburst Court, Highlands Ranch, CO 80126.

3. Defendant Jacob Webb (“Mr. Webb”) is an individual and is located, upon information and belief, at 8520 S 1300 E, Sandy, UT 84094.

4. Defendant Stairslide LLC (“Stairslide LLC”) is a Utah limited liability company, upon information and belief, its principal place of business formerly was 8520 S 1300 E, Sandy, UT 84094 and is now 355 S 520 W, Suite 140, Lindon, Utah 84042.

5. Defendant Stairslide SPV, Inc. (“Stairslide SPV”) is a Utah corporation with a principal place of business at 355 S 520 W, Suite 250, Lindon, UT 84042.

6. Defendant True Play LLC (“True Play” and together with Mr. Webb, Stairslide LLC and Stairslide SPV, the “Defendants”) is a Utah limited liability company with a principal place of business at 355 S 520 W, Suite 140, Lindon, Utah 84042.

Jurisdiction and Venue

7. The Court has subject matter jurisdiction over this action under 28 U.S.C. §§ 1331 and 1338(a) because it arises under the patent laws of the United States.

8. The Court has personal jurisdiction over Defendants in this action because the Defendants are registered to do business in Utah and has committed acts of patent infringement in Utah, including selling and/or offering for sale infringing products.

9. Venue is proper in this District under 28 U.S.C. §§ 1391(b)-(d) and 1400(b) because the Defendants have a physical, regular and established place of business in this district and has committed acts of infringement here, including by selling and offering to sell infringing products in this District.

Patent-in-Suit

10. On November 22, 2016, the U.S. Patent and Trademark Office duly and legally issued U.S. Patent No. 9,498,729, entitled *Removable Stair Slide* (“the ‘729 patent” or the “Asserted Patent”). A copy of the ‘729 patent is attached as Exhibit A.

11. Mr. Bowen is the owner of all right, title, and interest in the Asserted Patent and has the right to sue for infringement thereof.

12. The Asserted Patent is valid and enforceable.

Infringement of the Asserted Patent

13. Plaintiff realleges and incorporates by reference all of the other paragraphs of this Complaint.

14. Defendants have infringed and continue to infringe the Asserted Patent by making, selling, offering to sell, and using infringing products in the United States, including at least the Stairslide product (“the Accused Product”).

15. Defendants have had knowledge of their infringement since at least April 20, 2021, when counsel for Plaintiff contacted Defendants regarding this dispute.

16. Defendants’ infringing acts will continue unless restrained by this Court.

Count I – Infringement of the ‘729 Patent

17. Plaintiff realleges and incorporates by reference all of the other paragraphs of this Complaint.

18. Defendants have infringed at least claim 1 of the ‘729 patent, literally or under the doctrine of equivalents, by making, using, selling, and/or offering for sale the Accused Product.

19. Defendants’ actions have caused harm to Plaintiff, which may not be fully compensable by monetary damages.

20. Defendants’ infringement has occurred with full knowledge of the ‘729 patent, and has been willful and deliberate since at least October 16, 2014, when the ‘729 patent published.

21. Defendants’ infringement has caused damage to Plaintiff and Defendants’ future sales of the Accused Product will result in additional such damage.

Exemplary Asserted Claim

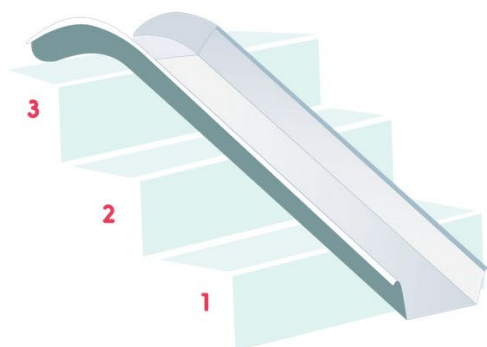
Infringement of Claim 1

22. Each of the allegations set forth throughout this Complaint are incorporated herein by reference.

23. Claim 1 of the ‘729 patent is directed to a slide apparatus for use on one or more stairs of a staircase comprising a proximal end and a distal end.

24. The Accused Product is a slide apparatus for use on one or more stairs of a staircase comprising a proximal end and a distal end. This is shown, for example, on the website for the Accused Product.¹

¹ See <https://stairslide.com/>, last visited on November 19, 2021.

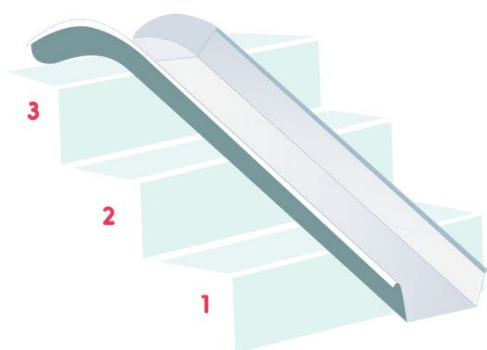


Fit your slide to your stairs!

Each Stairslide covers up to 3 stairs. Stairslide nests into each other; overlap and extend them to create a longer or shorter slide. Then stack and store your Stairslides when not in use; they weigh less than a folding chair and use less space!

25. Claim 1 of the '729 patent further requires an anchor portion extending from the proximal end of the slide apparatus and configured to secure the slide apparatus to the one or more stairs of the staircase.

26. The Accused Product satisfies this limitation because it includes an anchor portion extending from the proximal end of the slide apparatus and configured to secure the slide apparatus to the one or more stairs of the staircase. This is shown, for example, on the website for the Accused Product.²



Fit your slide to your stairs!

Each Stairslide covers up to 3 stairs. Stairslide nests into each other; overlap and extend them to create a longer or shorter slide. Then stack and store your Stairslides when not in use; they weigh less than a folding chair and use less space!

² See <https://stairslide.com/> and https://cdn.shopify.com/s/files/1/0517/1003/4071/files/Stairslide_Instructions_06082021.pdf?v=1623202747, last visited on November 19, 2021.

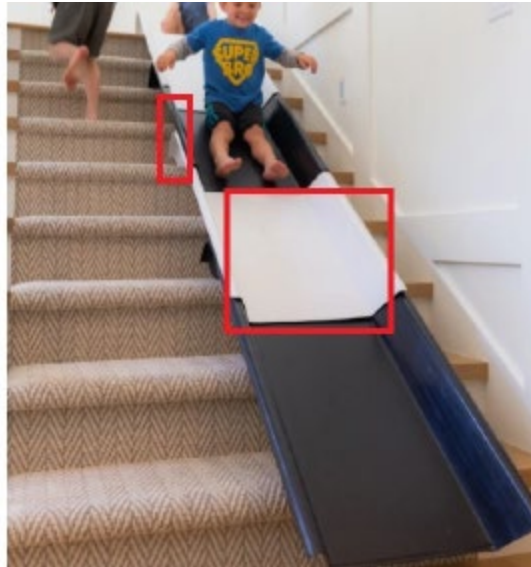
SET-UP INSTRUCTIONS: Place Stairslide against the stairs with the curved section at the top. Additional Stairslides may be placed above to extend the length of Stairslide. See stairslide.com for more info.



27. Claim 1 of the '729 patent also requires a slide portion having a first surface and a second surface, wherein the first surface is placed over the one or more stairs of a staircase such that at least a portion of the first surface is in contact with at least a portion of the one or more stairs of the staircase and wherein the second surface is conducive to sliding.

28. The Accused Product satisfies this limitation because it includes a slide portion having a first surface and a second surface, wherein the first surface is placed over the one or more stairs of a staircase such that at least a portion of the first surface is in contact with at least a portion of the one or more stairs of the staircase and wherein the second surface is conducive to sliding. This is shown, for example, on the website for the Accused Product.³

³ See <https://stairslide.com/>, last visited on November 19, 2021.



Prayer for Relief

On motion or after a trial by jury, Plaintiff requests that the Court grant the following relief:

- A. Permanently enjoin Defendants and those in active concert or participation with them from further infringing the Asserted Patent pursuant to 35 U.S.C. § 283;
- B. Enter judgment finding that Defendants infringe one or more claims of the Asserted Patent;
- C. Enter judgment that Defendants' infringement of the Asserted Patent has been willful;
- D. Award Plaintiff monetary damages in an amount sufficient to compensate Plaintiff for the harm caused by Defendants' infringement, not less than a reasonable royalty for the use made of the inventions, along with pre- and post-judgment interest pursuant to 35 U.S.C. § 284;
- E. Award Plaintiff enhanced damages for Defendants' infringement pursuant to 35 U.S.C. § 284;
- F. Award Plaintiff supplemental monetary damages for any infringing acts after judgment and before entry of a permanent injunction;

- G. Declare this case exceptional and award Plaintiff its costs, expenses, and attorneys' fees pursuant to 35 U.S.C. § 285; and
- H. Award Plaintiff such other and further relief as the Court finds just and proper.

Demand for Jury Trial

Plaintiff respectfully demands a jury trial on all claims and issues so triable.

Dated: April 5, 2022

ARMSTRONG TEASDALE LLP

/s/ Michael A. Gehret
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Richard L. Brophy (*pro hac vice*)
Margaret R. Szewczyk (*pro hac vice*)

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