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CLERK U.S. DISTRICT COURT  
CENTRAL DIST. OF CALIF.  
LOS ANGELES

BY

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Attorneys for Plaintiff:  
**TRUST OF ANTHONY J. ANTONIOUS**

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

**CV10 2634** **ODW (CW)**

Case No. \_\_\_\_\_

THE IRREVOCABLE TRUST OF  
ANTHONY J. ANTONIOUS, a  
Florida Trust,

Plaintiff,

v.

MERCHANTS OF GOLF, INC., an  
California Corporation,

Defendant.

**COMPLAINT FOR PATENT  
INFRINGEMENT**

**JURY TRIAL DEMANDED**

COPY

LAW OFFICES OF SEPEHR DAGHIGHIAN, P.C.  
433 NORTH CAMDEN DRIVE, FOURTH FLOOR  
BEVERLY HILLS, CALIFORNIA 90210

1 Plaintiff, THE IRREVOCABLE TRUST OF ANTHONY J. ANTONIOUS  
2 ("Antonious" or "Plaintiff"), files this Complaint against MERCHANTS OF GOLF  
3 INC., a California Corporation ("Tour Edge" or "Defendant"), and demanding a  
4 trial by jury, avers as follows:

### 5 JURISDICTION AND VENUE

6 1. This is a civil action for patent infringement, under the United States  
7 Patent Act, 35 U.S.C. § 101 *et seq.* The Court therefore has jurisdiction over the  
8 claims pursuant to 28 U.S.C. §§ 1331 and 1338.

9 2. Venue is proper in this judicial district pursuant to 28 U.S.C. §§  
10 1391(b), 1391(c) and 1400(b) because the named defendant conducts business  
11 activities within this District and the acts of infringement have taken place in this  
12 district.

### 13 THE PARTIES

14 3. Plaintiff, THE IRREVOCABLE TRUST OF ANTHONY J.  
15 ANTONIOUS, is a trust organized under the laws of the state of Florida and  
16 situated in Wanaque, Passaic County, New Jersey.

17 4. Upon information and belief, Defendant MERCHANTS OF GOLF,  
18 INC. is a corporation organized under the laws of the State of California and having  
19 a business address of 1400 240th Street, Harbor City, California 90710.

### 20 FACTS COMMON TO ALL COUNTS

21 5. This action is brought to obtain equitable and legal relief for the  
22 Defendant's infringement of Plaintiff's United States Patent.

23 6. Plaintiff is the owner of United States Patent No. 5,735,754 entitled  
24 Aerodynamic Metal Wood Golf Club Head (the "'754 Patent"). The '754 Patent  
25 relates to a design for a golf club head. (**Exhibit "A"**) The '754 Patent was recently  
26 reexamined by the United States Patent and Trademark Office ("U.S.P.T.O.") and  
27 the U.S.P.T.O. issued a reexamination certificate for the '754 Patent under 35  
28 U.S.C. § 307. (**Exhibit "B"**).

7. On information and belief, Defendant has been and is infringing, contributing to infringement, and/or inducing others to infringe the '754 Patent by making, using, offering for sale, selling, or importing golf clubs that infringe upon the '754 Patent. Furthermore, Defendant has been on notice of Plaintiff's patent.

8. Defendant's acts of infringement have occurred within this district and elsewhere throughout the United States.

9. Plaintiff is the owner of the '754 Patent. Plaintiff has complied with the provisions of the United States patent laws as 35 U.S.C. § 1 *et seq.* with respect to said patent.

10. Plaintiff has retained the undersigned counsel to represent it in this matter and is obligated to pay a reasonable fee for such representation.

## **COUNT I**

### **PATENT INFRINGEMENT**

11. Plaintiff realleges and incorporates by reference the matters alleged in the foregoing paragraphs of this Complaint as if fully set forth herein.

12. Plaintiff has not authorized Defendant to make, use, offer for sale, sell or import products infringing Plaintiff's patent.

13. Plaintiff is informed and believes, and based thereon alleges that Defendant has infringed the '754 Patent by, among other things, making, using, importing, advertising, offering for sale, and selling products infringing Plaintiff's patent including, without limitation, the "Red Zone" series of golf clubs.

14. Defendant is thereby directly infringing said patent, pursuant to 35 U.S.C. § 284.

15. Unless enjoined, Defendant will continue to infringe the '754 Patent, and Plaintiff will suffer irreparable injury as a direct and proximate result of Defendant's conduct.

16. Plaintiff has been damaged and injured by Defendant's conduct, and until an injunction issues will continue to be damaged and injured in an amount yet



1 to be determined.

2 17. On information and belief, Defendant knew or should have known of  
3 the '754 patent and the Plaintiff's rights to the patented structure.

4 18. Defendant proceeded to knowingly and willfully disregard Plaintiff's  
5 right and to infringement Plaintiff's patent.

6 19. Plaintiff is therefore entitled to an amount which is treble the amount  
7 of Plaintiff's damages found or assessed.

8 20. Based on Defendant's willful infringement, Plaintiff believes this to be  
9 an "exceptional" case, which entitles Plaintiff to attorney's fees pursuant to 35  
10 U.S.C. § 285.

11 21. Pursuant to 35 U.S.C. § 289, Plaintiff seeks the additional remedy of  
12 the Defendant's revenues attributable to their infringement. In addition, Plaintiff  
13 seeks an accounting of Defendant's profits, as well as interest and costs.

14 22. Defendant has caused and continues to cause irreparable injury to  
15 Plaintiff by infringement of Plaintiff's patent.

## 16 **COUNT II**

### 17 **INDUCEMENT OF PATENT INFRINGEMENT**

18 23. Plaintiff realleges and incorporates by reference the matters alleged in  
19 the foregoing paragraphs of this Complaint as if fully set forth herein.

20 24. Plaintiff has not authorized Defendant to make, use, offer for sale, sell  
21 or import products infringing Plaintiff's patent.

22 25. Plaintiff is informed and believes, and based thereon alleges that  
23 Defendant has infringed the '754 Patent by actively inducing its agents and others  
24 to, among other things, make, use, import, advertise, offer for sale, and sell  
25 products infringing Plaintiff's patent.

26 26. Defendant is thereby inducing others including, without limitation,  
27 Defendant's distributors, retailers, and end users to infringe said patent, pursuant to  
28 35 U.S.C. § 271(b).

28. Plaintiff has been damaged and injured by Defendant's conduct, and until an injunction issues will continue to be damaged and injured in an amount yet to be determined.

30. Defendant proceeded to knowingly and willfully disregard Plaintiff's right and to infringement Plaintiff's patent.

32. Based on Defendant's willful infringement, Plaintiff believes this to be an "exceptional" case, which entitles Plaintiff to attorney's fees pursuant to 35 U.S.C. § 285.

33. Pursuant to 35 U.S.C. § 289, Plaintiff seeks the additional remedy of the Defendant's revenues attributable to their infringement. In addition, Plaintiff seeks an accounting of Defendant's profits, as well as interest and costs.

## CONTRIBUTORY PATENT INFRINGEMENT

35. Plaintiff has not authorized Defendant to make, use, offer for sale, sell or import components of products that when combined with other components result in products that infringe Plaintiff's patent.

36. Plaintiff is informed and believes, and based thereon alleges that Defendant has infringed the '754 Patent by, among other things, selling one or more devices which comprise a material part of the patented invention especially



1 adapted for use in an infringement of Plaintiff's patent, without Plaintiff's  
2 permission or authority.

3 37. Defendant is thereby contributorily infringing said patent, pursuant to  
4 35 U.S.C. § 271(c).

5 38. Unless enjoined, Defendant will continue to contributorily infringe the  
6 '754 Patent, and Plaintiff will suffer irreparable injury as a direct and proximate  
7 result of Defendant's conduct.

8 39. Plaintiff has been damaged and injured by Defendant's conduct, and  
9 until an injunction issues will continue to be damaged and injured in an amount yet  
10 to be determined.

11 40. On information and belief, Defendant knew or should have known of  
12 the '754 patent and the Plaintiff's rights to the patented structure.

13 41. Defendant proceeded to knowingly and willfully disregard Plaintiff's  
14 right and to infringement Plaintiff's patent.

15 42. Plaintiff is therefore entitled to an amount which is treble the amount  
16 of Plaintiff's damages found or assessed.

17 43. Based on Defendant's willful infringement, Plaintiff believes this to be  
18 an "exceptional" case, which entitles Plaintiff to attorney's fees pursuant to 35  
19 U.S.C. § 285.

20 44. Pursuant to 35 U.S.C. § 289, Plaintiff seeks the additional remedy of  
21 the Defendant's revenues attributable to their infringement. In addition, Plaintiff  
22 seeks an accounting of Defendant's profits, as well as interest and costs.

### 23 PRAYER FOR RELIEF

24 WHEREFORE, Plaintiff, The Irrevocable Trust of Anthony J. Antonious,  
25 prays that the Court enter a judgment in favor of Plaintiff as follows:  
26

- 27 (1) That the '754 Patent is valid and enforceable;  
28 (2) That the '754 Patent is infringed by the Defendant;

1 (3) That Defendant's infringement was willful;

2 (4) That Defendant and its directors, officers, employees, attorneys,  
3 agents, and all persons in active concert or participation with any of the foregoing  
4 be preliminarily and permanently enjoined from further acts of infringement of the  
5 '754 Patent;

6 (5) That Defendant be required to pay Plaintiff damages according to the  
7 following:

8 a) In accordance with 35 U.S.C. § 284, including actual damages,  
9 and in no event less than a reasonable royalty regarding Defendant's revenues and  
10 those of its agents from infringing sales revenues and of revenue conveyed thereby,  
11 consequential of Defendant's infringements, pursuant to 35 U.S.C. § 271(a), (b),  
12 and (c);

13 b) In accordance with 35 U.S.C. § 289, Defendant's revenue  
14 attributable to their infringement and an accounting of Defendant's profits, interest  
15 and costs of Plaintiff;

16 (6) That the foregoing damages awards be trebled, pursuant to 35 U.S.C. §  
17 284;

18 (7) That this is an exceptional case and that Plaintiff be awarded its  
19 reasonable costs and attorney's fees, pursuant to 35 U.S.C. § 285;

20 (8) That Plaintiff be awarded interest from the date of the commencement  
21 of infringement; and

22 (9) That Plaintiff has such other and further relief as the Court may deem  
23 equitable.

24 ///

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4 Dated: April 8, 2010  
5  
6

Respectfully submitted,  
**LAW OFFICES OF SEPEHR DAGHIGHIAN, P.C.**



**SEPEHR DAGHIGHIAN, ESQ.**  
Attorney for Plaintiff: The Irrevocable Trust of Anthony  
J. Antonious  
7  
8  
9

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**DEMAND FOR JURY TRIAL**

Pursuant to Fed. R. Civ. P. 38(b), Plaintiff demands a trial by jury of all issues raised by this Complaint which are triable by jury.

Respectfully submitted,

Dated: April 8, 2010

**LAW OFFICES OF SEPEHR DAGHIGHIAN, P.C.**



**SEPEHR DAGHIGHIAN, ESQ.**

Attorney for Plaintiff: The Irrevocable Trust of Anthony J. Antonious

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**EXHIBIT "A"**



US005735754A

**United States Patent** [19][11] **Patent Number:** **5,735,754****Antonious**[45] **Date of Patent:** **Apr. 7, 1998**[54] **AERODYNAMIC METAL WOOD GOLF CLUB HEAD**[76] **Inventor:** **Anthony J. Antonious, 7738 Calle Facil, Sarasota, Fla. 34238**[21] **Appl. No.:** **759,924**[22] **Filed:** **Dec. 4, 1996**[51] **Int. Cl.<sup>6</sup>** ..... **A63B 53/04**[52] **U.S. Cl.** ..... **473/328; 473/345**[58] **Field of Search** ..... **D21/214, 215, D21/216, 217, 218, 219, 220; 473/327, 328, 324, 228, 286, 345, 346**[56] **References Cited****U.S. PATENT DOCUMENTS**

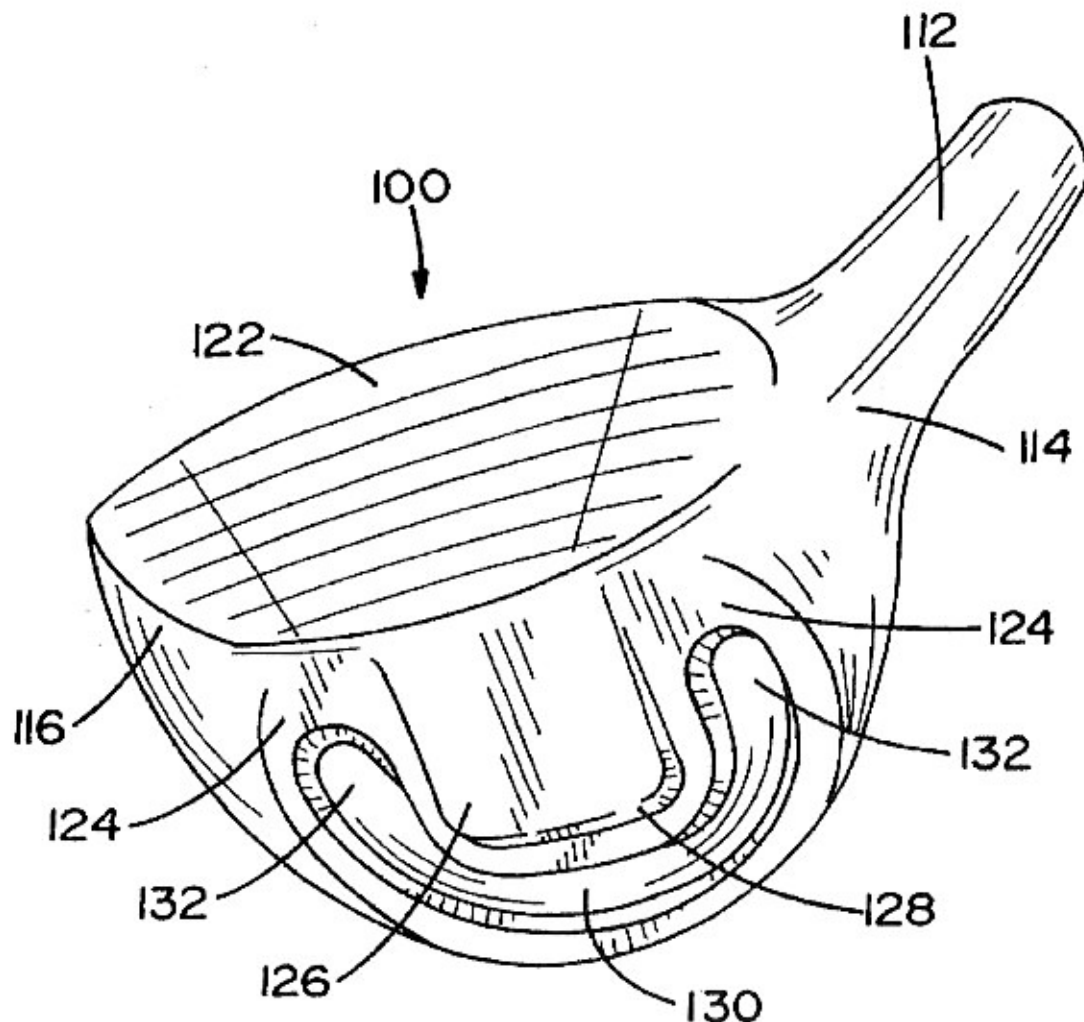
D. 350,176 8/1994 Antonious ..... D21/214  
 D. 363,749 10/1995 Keumi ..... D21/214

D. 364,204 11/1995 Lin ..... D21/214  
 2,041,676 5/1936 Gallagher ..... 473/328  
 2,550,846 5/1951 Milligan ..... 473/327  
 3,841,639 10/1974 Werner ..... 473/286  
 5,271,622 12/1993 Rogerson ..... 473/327  
 5,314,185 5/1994 Gorman ..... 473/327  
 5,456,469 10/1995 MacDougall ..... 473/328  
 5,467,988 11/1995 Henwood ..... 473/328  
 5,524,890 6/1996 Kim ..... 473/327

*Primary Examiner*—Sebastiano Passaniti  
*Attorney, Agent, or Firm*—Aquilino & Welsh

[57] **ABSTRACT**

A metal wood type golf club head having a c-shaped aerodynamic configuration formed in the bottom surface adjacent a rear surface and having an open end extending forwardly toward the ball striking face in combination with a skid surface.

**8 Claims, 3 Drawing Sheets**

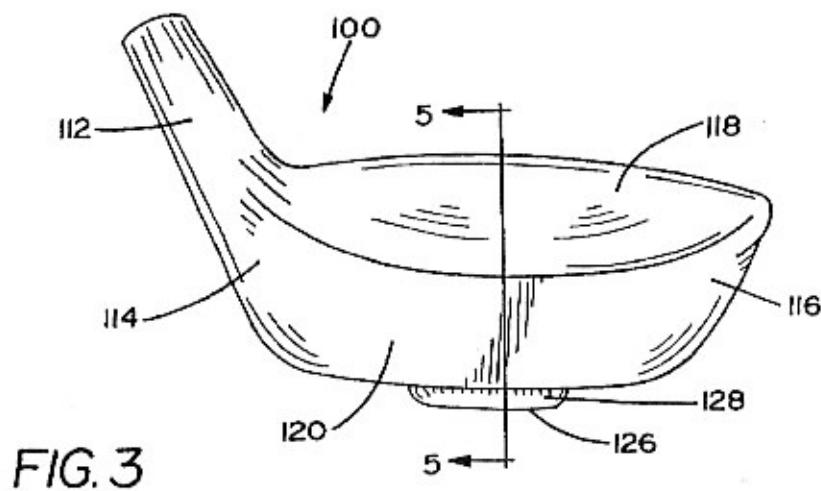
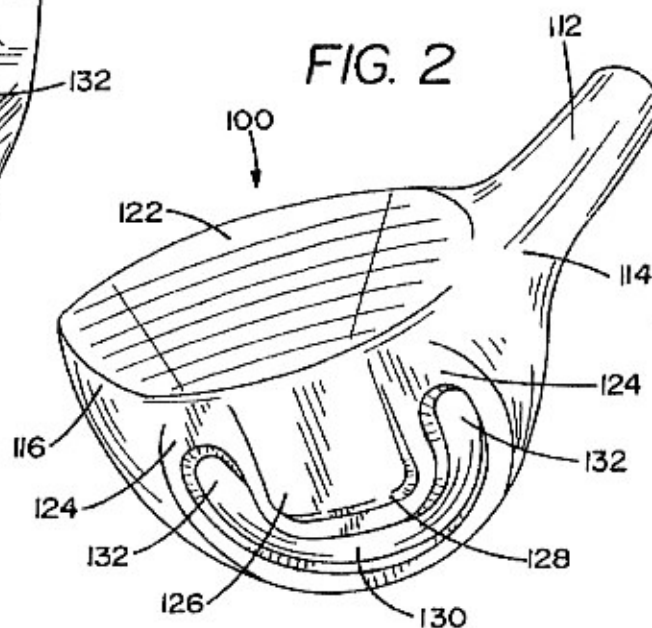
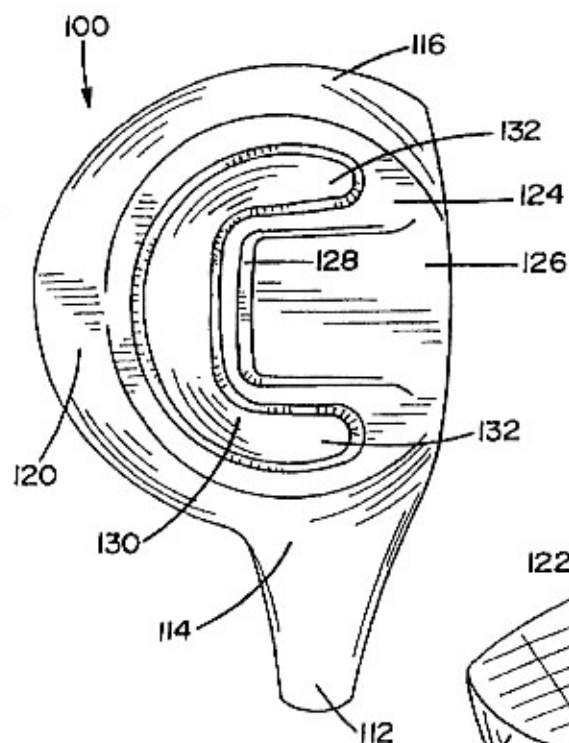


U.S. Patent

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Sheet 1 of 3

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Sheet 2 of 3

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FIG. 4

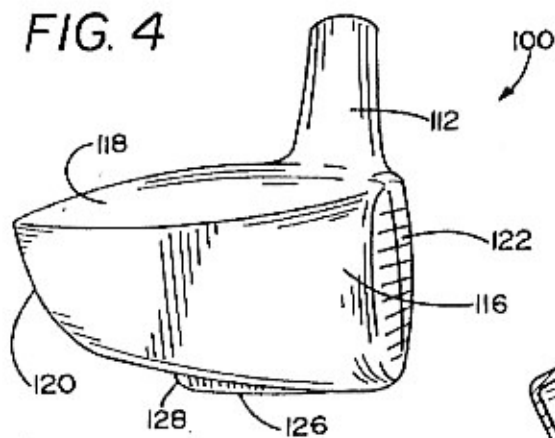


FIG. 5

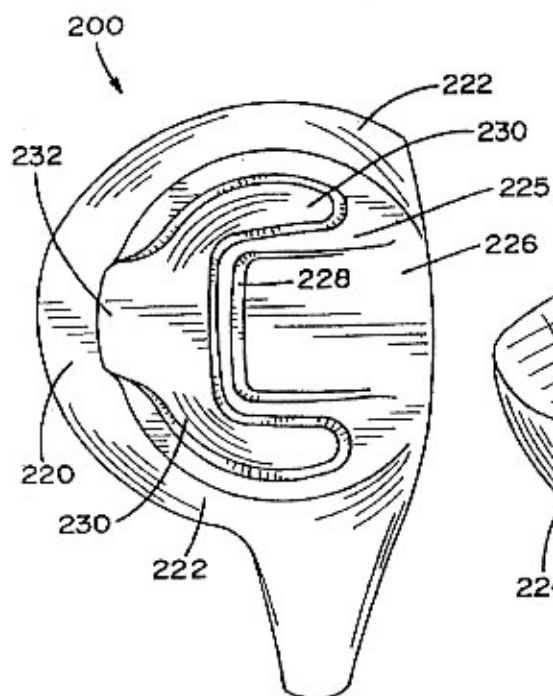
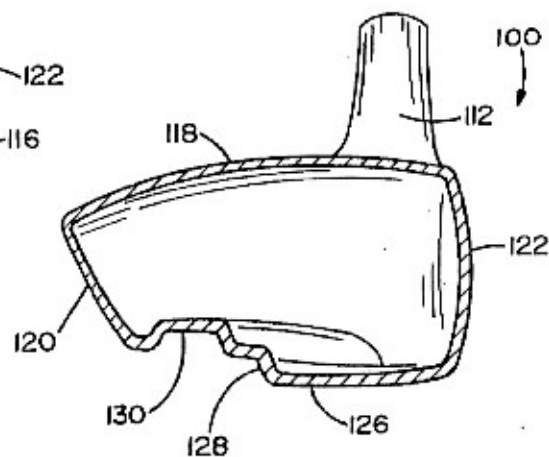


FIG. 6

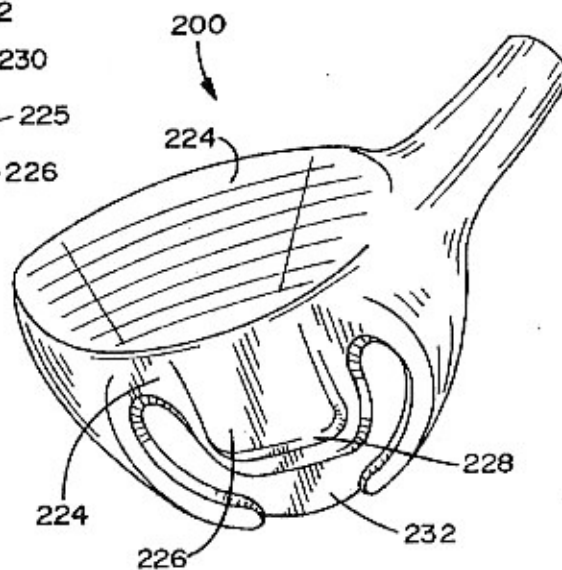


FIG. 7

U.S. Patent

Apr. 7, 1998

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FIG. 8

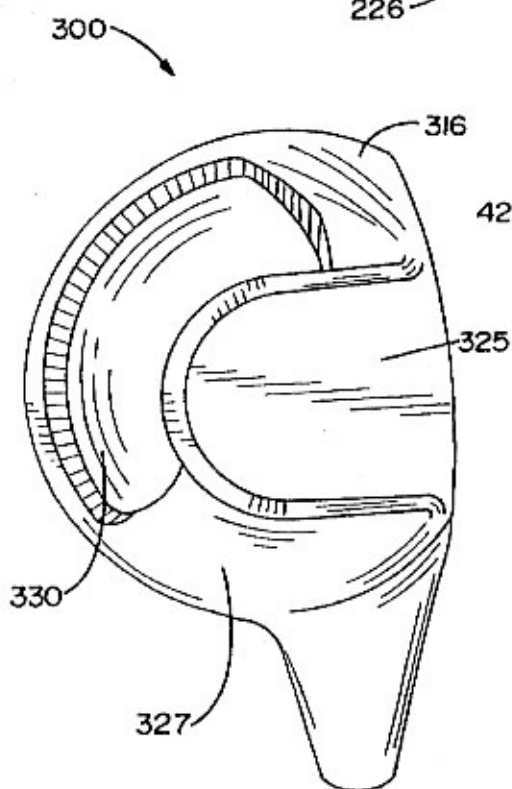
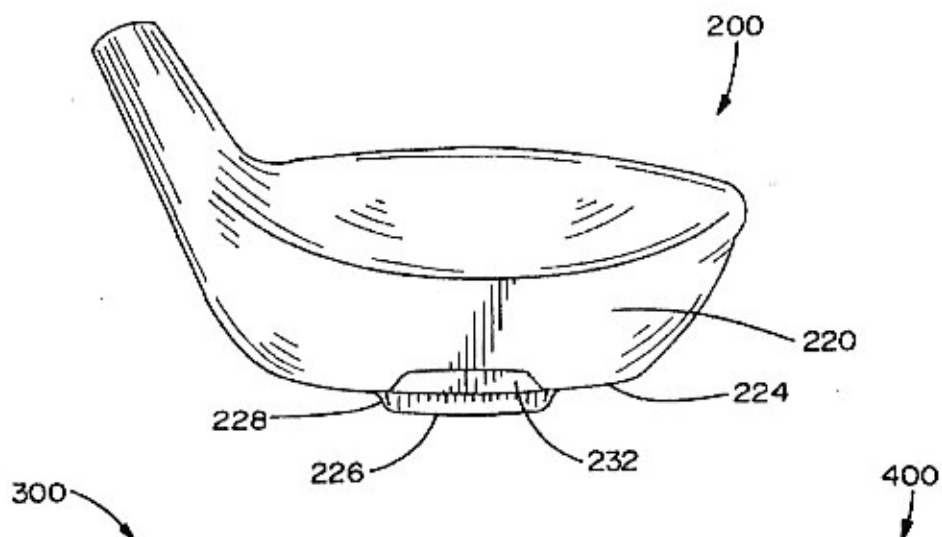


FIG. 9

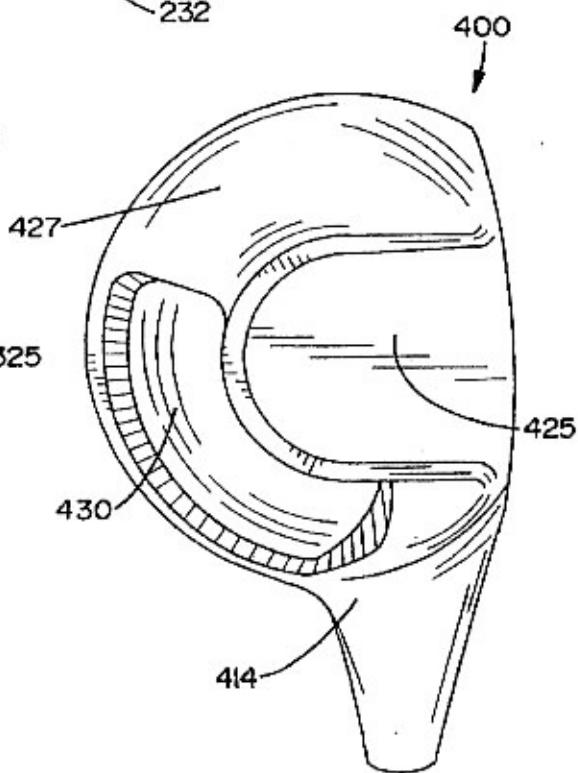


FIG. 10



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## AERODYNAMIC METAL WOOD GOLF CLUB HEAD

### BACKGROUND OF THE INVENTION

The present invention relates to golf club heads and in particular to a metal wood type golf club head having an improved aerodynamic surface on the bottom rear of the sole.

Wood and metal wood type golf club heads are used for hitting a golf ball a longer distance and are usually used for the first shot of a given golf hole from a tee position. Fairway clubs of the same type are also used "through the green" on a golf hole to obtain maximum distance in the direction of or onto a putting surface. The distance the ball travels is determined by the club head speed at the moment of impact and the weight of the club head in accordance with well known laws of physics. Typical wood and metalwood golf club of this type have aerodynamic surfaces, but conventional shapes create substantial air turbulence, which, in turn, causes adverse erratic movement and aerodynamic drag that reduces the club head speed generated for a given force developed by a golfer for a particular golf swing.

Over the years, club heads have been developed with aerodynamic shapes to increase club head speed by reducing the aerodynamic drag of the club head as it is swung. Prior art examples of these type of golf club heads include U.S. Pat. Nos. D275,412 to Simmons, 2,550,840 to Milligan, 3,997,170 to Goldberg, 4,065,133 to Gordos, 4,900,029 to Sinclair, 5,203,565 to Murray et al, and 5,467,989 to Good et al. as well as my own U.S. Pat. Nos. 4,828,265, 4,930,783, 5,004,241, 5,193,810, 5,221,086 and 5,511,786 among others.

### SUMMARY OF THE INVENTION

The present invention represents an improvement over known prior art wood type golf club heads by providing an aerodynamic surface on the bottom sole adjacent the rear edge of the club head, which produces greater club head speed when the club head is swung. This aerodynamic surface reduces undesirable air turbulence which causes aerodynamic drag and creates a smoother, laminar type air flow around the club head. A golf club using this improvement permits a golfer to hit longer and straighter golf shots for a given applied swing force. The aerodynamic structure also creates increased aerodynamic stability of the club head resulting in increased control of the club head position during the swing, especially at impact, thereby producing more consistent golf shots.

The golf club head of the present invention includes a c-shaped aerodynamic slot formed on the bottom sole surface of the club head. In a preferred embodiment, a metal wood type golf club head, having a smooth upper surface and sloped side walls, includes a c-shaped aerodynamic slot located adjacent the rear surface on the bottom surface or sole which generally follows the contours of the peripheral edges of the club head between the sole and the side walls. The open end of the c-shaped slot faces forwardly toward the front ball striking face of the club. The club head may also include a raised sole plate on the bottom surface having a spacer wall which also provides an aerodynamic effect and creates a skid structure enabling the club to skim across the ground surface when the club head is swung to hit a golf ball.

In another preferred embodiment, a venturi slot is provided between the c-shaped slot and the rear surface of the club head to further direct air flow adjacent the rear surface of the club head where most turbulence occurs.

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The aerodynamic surfaces of the club head create aerodynamic effects which minimize turbulence and increase laminar air flow to reduce drag resulting in a more stable club head with higher speed for a given application of swing force by the golfer.

A primary object of the present invention is to provide a golf club head having an improved aerodynamic surface on the bottom sole adjacent the rear of the club head to substantially reduce drag and improve swing stability.

Another object is to provide a golf club head which increases club head speed and lift by concentrating air flow near the rear surface of the club head where turbulence occurs to reduce drag on the club head as it is swung.

Other objects and advantages of the present invention will become apparent in the following description of the preferred embodiments taken into conjunction with the accompanying drawings which are incorporated in and constitute a part of the specification and together with the description, serve to explain the principles of the present invention.

### BRIEF DESCRIPTION OF THE DRAWINGS

FIG. 1 is a bottom view of an aerodynamic golf club head in accordance with the present invention.

FIG. 2 is a bottom perspective view of the golf club head of FIG. 1.

FIG. 3 is a rear elevational view thereof.

FIG. 4 is an end elevational view thereof.

FIG. 5 is a sectional view taken along the lines 5—5 of FIG. 3.

FIG. 6 is a bottom view of a second embodiment of an aerodynamic golf club in accordance with the present invention.

FIG. 7 is a bottom perspective view of the golf club head of FIG. 6.

FIG. 8 is rear elevational view thereof.

FIG. 9 is a bottom view of a third embodiment of the present invention.

FIG. 10 is a bottom view of a fourth embodiment of the present invention.

### DESCRIPTION OF THE PREFERRED EMBODIMENTS

The detailed embodiments of the present invention are disclosed herein. It should be understood, however, that the disclosed embodiments are merely exemplary of the invention, which may be embodied in various forms. Therefore, the details disclosed herein are not to be interpreted as limited, but merely as the basis for the claims and as a basis for teaching one skilled in the art how to make and/or use the invention.

FIGS. 1-5 show a first embodiment of a golf club head 100 in accordance with the present invention. The golf club head 100 is conventional in shape, except for the aerodynamic surfaces and includes a hosel 112, heel 114, toe 116, upper surface 118, rear surface 120, ball striking face 122 and bottom surface 124. The bottom sole 124 includes a skid member 126 which extends outwardly from the bottom sole 124 and is separated therefrom by a spacer wall 128. A c-shaped aerodynamic slot 130 is formed on the bottom surface 124 and faces forwardly with open ends 132 of the c-shaped slot 130 being toward the ball striking face 122. Preferably, the c-shaped slot 130 extends from a point adjacent the interface of the bottom surface 124 and rear surface 120 across approximately two thirds of the distance to the ball striking face 122.



5,735,754

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The aerodynamic slot 130 catches air just behind the ball striking face 122 and directs it toward the rear surface 120 within the curved walls of the c-shaped slot 130 of the club head 100. The air is expelled rearwardly out of the slot to minimize turbulence and reduce drag as the club head 100 is swung. At the same time, the skid 126 and spacer walls 128 also serve to direct the air flow rearwardly to increase laminar flow in that area of the club head 100.

FIGS. 6, 7, and 8 show a second embodiment of a golf club head 200 in accordance with the present invention. This club head 200 is similar to that described to the club head hereinabove and includes a hosel 212, heel 214, toe 216, upper surface 218, rear surface 220, upper toe 230, side walls 222, a ball striking face 224, bottom surface 225, a skid 226 and a spacer wall 228 separating the skid 226 from the bottom surface 225. A c-shaped aerodynamic slot 230 is formed on the bottom surface 225 adjacent the rear surface 220. The open end of the slot 230 faces forwardly toward the ball striking face 224.

The slot 230 is formed with a venturi opening 232 which extends rearwardly and upwardly into the rear surface 220 creating an additional air channel to direct the air flow.

FIG. 9 shows another embodiment of the present invention. A golf club head 300 is similar to the club head described in FIGS. 1-5 and includes a bottom surface 325, a side surface 327 and an aerodynamic slot 330 which is offset in the direction of the toe 316 of the club head 300.

FIG. 10 shows another embodiment similar to FIG. 9. A golf club head 400 and includes a bottom surface 425, a side surface 427 and an aerodynamic slot 430 which is offset in the direction of the heel 414 of the club head 400.

It will be appreciated that the offset aerodynamic slots of FIGS. 9 and 10 allow greater club head speed at the heel or toe selectively in order to more effectively accommodate the swing characteristics of a particular golfer, whether left-handed or right-handed.

While various preferred embodiments have been shown and described, it will be understood that there is no intent to limit the invention by such disclosure, but rather, is intended to cover all modifications and alternate constructions falling within the spirit and scope of the invention as defined in the appended claims.

I claim:

1. An aerodynamic golf club head including a club head body having a heel, toe, rear surface, ball striking face, upper surface and bottom surface, wherein the improvement comprises:

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an aerodynamic configuration on said bottom surface adjacent said rear surface in the form of a c-shaped slot having an open end facing forwardly toward said ball striking face; said aerodynamic configuration further including a skid surface formed on and raised from said bottom surface; said skid surface having a wall separating said skid surface from said bottom surface.

2. The aerodynamic golf club head of claim 1 further including a venturi opening in fluid communication with and extending rearwardly from said c-shaped aerodynamic slot toward said rear surface.

3. The aerodynamic golf club head of claim 1 wherein said slot is further defined by being offset from said heel of said club head.

4. An aerodynamic golf club head including a club head body having a heel, toe, rear surface, ball striking face, upper surface and bottom surface, wherein the improvement comprises:

an aerodynamic configuration on said bottom surface adjacent said rear surface in the form of a c-shaped slot having an open end facing forwardly toward said ball striking face; said slot being offset from a center of said bottom surface centerline passing through a longitudinal in a heel-to-toe direction.

5. The aerodynamic golf club head of claim 4 wherein said slot is offset toward said heel.

6. The aerodynamic golf club head of claim 3 wherein said slot is offset toward said toe.

7. The aerodynamic golf club of claim 1 wherein said slot is further defined by being offset from said toe of said club head.

8. An aerodynamic golf club head including a club head body having a heel, toe, rear surface, ball striking face, upper surface and bottom surface, wherein the improvement comprises:

an aerodynamic configuration on said bottom surface adjacent said rear surface in the form of a c-shaped slot having an open end facing forwardly toward said ball striking face; said aerodynamic configuration further including a venturi opening in fluid communication with and extending rearwardly from said c-shaped aerodynamic slot toward said rear surface.

\* \* \* \* \*

UNITED STATES PATENT AND TRADEMARK OFFICE  
**CERTIFICATE OF CORRECTION**

PATENT NO. : 5,735,754  
APPLICATION NO. : 08/759924  
DATED : April 7, 1998  
INVENTOR(S) : Anthony J. Antonious

Page 1 of 1

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

In Col. 4, Line 28, Claim 6: Change "3" to --4--

Signed and Sealed this

First Day of July, 2008

A handwritten signature in black ink, appearing to read "Jon W. Dudas". The signature is stylized with a large, looped initial "J" and a distinct "D".

JON W. DUDAS  
*Director of the United States Patent and Trademark Office*



LAW OFFICES OF SEPEHR DAGHIGHIAN, P.C.  
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**EXHIBIT "B"**



US005735754C1

**(12) EX PARTE REEXAMINATION CERTIFICATE (7290th)****United States Patent****Antonious****(10) Number: US 5,735,754 C1****(45) Certificate Issued: Jan. 5, 2010****(54) AERODYNAMIC METAL WOOD GOLF CLUB HEAD****(75) Inventor: Anthony J. Antonious, Sarasota, FL (US)****(73) Assignee: Anthony J Antonious Irrevocable Trust, Wanaque, NJ (US)****Reexamination Request:**

No. 90/010,266, Sep. 2, 2008

**Reexamination Certificate for:**

Patent No.: 5,735,754

Issued: Apr. 7, 1998

Appl. No.: 08/759,924

Filed: Dec. 4, 1996

Certificate of Correction issued Jul. 1, 2008.

**(51) Int. Cl.**  
**A63B 53/04 (2006.01)****(52) U.S. Cl. .... 473/328; 473/345****(58) Field of Classification Search .... None**  
See application file for complete search history.**(56) References Cited****U.S. PATENT DOCUMENTS**

D350,176 S \* 8/1994 Antonious ..... D21/752  
 5,456,469 A \* 10/1995 MacDougall ..... 473/328  
 D363,961 S 11/1995 Krzynowek et al.  
 D372,063 S 7/1996 Hueber  
 6,257,991 B1 7/2001 Ortiz

**OTHER PUBLICATIONS**

Golf Magazine, Mar. 1994, p. 66, Ben Hogan H40 irons, H40 Woods.

Golf Digest, Mar. 1994, p. 11, Advertisement for Ben Hogan H40s.

Golf Digest, Apr. 1994, p. 93, Advertisement for Ben Hogan H40 cast clubs.

Golf Magazine, May 1994, Advertisement for Ben Hogan H40 cast clubs.

Golf Digest, May 1994, p. 175, Advertisement for Ben Hogan H40 cast clubs.

Golf Magazine, Jun. 1994, p. 145, Advertisement for Ben Hogan H40 cast clubs.

Golf Digest, Jun. 1994, p. 185, Advertisement for Ben Hogan H40 cast clubs.

Nicklaus Golf Equipment, Promotional Materials Issued Prior to the 1996 PGA Merchandise Show held in Orlando, FL on Jan. 26-29, 1996.

Petersen's Golfing, 1996, Test Drive: The Nicklaus air Bear Driver.

Golf Digest, Apr. 1996, 196 Show Products, A titanium sampler . . . Nicklaus Golf's Air Bear.

Golf Magazine, Mar. 1996, Advertisement for Nicklaus Air Bear.

Golf Magazine, Apr. 1996, Advertisement for Nicklaus Air Bear.

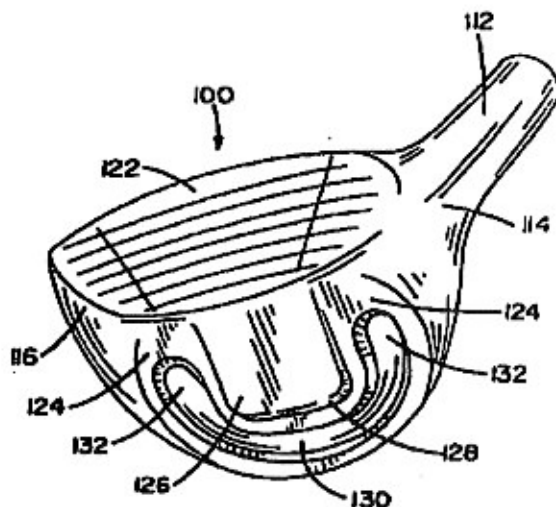
Golf Magazine, May 1996, Advertisement for Nicklaus golf products.

Golf Magazine, Sep. 1996, p. 70, Sizing It Up by Rob Sauerhaft.

\* cited by examiner

**Primary Examiner—Peter C. English****(57) ABSTRACT**

A metal wood type golf club head having a c-shaped aerodynamic configuration formed in the bottom surface adjacent a rear surface and having an open end extending forwardly toward the ball striking face in combination with a skid surface.



US 5,735,754 C1

**1**  
**EX PARTE**  
**REEXAMINATION CERTIFICATE**  
**ISSUED UNDER 35 U.S.C. 307**

THE PATENT IS HEREBY AMENDED AS  
INDICATED BELOW.

Matter enclosed in heavy brackets [ ] appeared in the patent, but has been deleted and is no longer a part of the patent; matter printed in *italics* indicates additions made to the patent.

ONLY THOSE PARAGRAPHS OF THE  
SPECIFICATION AFFECTED BY AMENDMENT  
ARE PRINTED HEREIN.

Column 2, lines 53-67:

FIGS. 1-5 show a first embodiment of a golf club head 100 in accordance with the present invention. The golf club head 100 is conventional in shape, except for the aerodynamic surfaces and includes a hosel 112, heel 114, toe 116, upper surface 118, rear surface 120, ball striking face 122 and bottom surface 124. The bottom sole 124 includes a skid member 126 which extends outwardly from the bottom sole 124 and is separated therefrom by a spacer wall 128. A c-shaped aerodynamic slot 130 is formed on, and substantially parallel with, the bottom surface 124 and faces forwardly with open ends 132 of the c-shaped slot 130 being toward the ball striking face 122. As shown in FIG. 1, c-shaped aerodynamic slot 130 transects a virtual centerline that passes through ball striking face 122 and rear surface 120 of the club head. Preferably, the c-shaped slot 130 extends from a point adjacent the interface of the bottom surface 124 and rear surface 120 across approximately two thirds of the distance to the ball striking face 122.

Column 3, lines 22-26:

FIG. 9 shows another embodiment of the present invention. A golf club head 300 is similar to the club head described in FIGS. 1-5 and includes a bottom surface 325, a side surface 327 and an aerodynamic slot 330 on said bottom surface which is substantially parallel with the bottom surface, and offset from a virtual centerline that passes transversely through a heel-to-toe axis of the club head, in the direction of the toe 316 of the club head 300, with a portion of slot 330 passing through the virtual centerline.

Column 3, lines 27-30:

FIG. 10 shows another embodiment similar to FIG. 9. A golf club head 400 [and] includes a bottom surface 425, a side surface 427 and an aerodynamic slot 430 on said bottom surface which is offset from a virtual centerline that passes transversely through a heel-to-toe axis of the club head, in the direction of the heel 414 of the club head 400, with a portion of slot 430 passing through the virtual centerline.

**2**

AS A RESULT OF REEXAMINATION, IT HAS BEEN  
DETERMINED THAT:

The patentability of claim 8 is confirmed.

Claim 4 is cancelled.

Claims 1, 3, 5, 6 and 7 are determined to be patentable as amended.

Claim 2 dependent on an amended claim, is determined to be patentable.

New claim 9 is added and determined to be patentable.

1. An aerodynamic golf club head including a club head body having a heel, toe, rear surface, ball striking face, upper surface and bottom surface, wherein the improvement comprises:

an aerodynamic configuration on, and substantially parallel with, said bottom surface adjacent said rear surface in the form of a c-shaped slot having an open end facing forwardly toward said ball striking face; said aerodynamic configuration further including a skid surface formed on and raised from said bottom surface; said skid surface having a wall separating said skid surface from said bottom surface, said c-shaped slot transecting a virtual centerline passing through said ball striking face and said rear surface of said club head.

3. The aerodynamic golf club head of claim 1 wherein said slot is [further defined by being] offset from said heel of said club head.

5. The aerodynamic golf club head of claim [4] 9 wherein said slot is offset toward said heel.

6. The aerodynamic golf club head of claim [4] 9 wherein said slot is offset toward said toe.

7. The aerodynamic golf club of claim 1 wherein said slot is [further defined by being] offset from said toe of said club head.

9. An aerodynamic golf club head including a club head body having a heel, toe, rear surface, ball striking face, upper surface and bottom surface, in which the improvement comprises:

an aerodynamic configuration within, and substantially parallel to, said bottom surface, adjacent said rear surface, in the form of a c-shaped slot having an open end facing forwardly toward said ball striking face, said slot offset from, and a portion thereof passing through, a virtual centerline passing transversely through a heel-to-toe axis of said club head.

\* \* \* \* \*



**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

**NOTICE OF ASSIGNMENT TO UNITED STATES MAGISTRATE JUDGE FOR DISCOVERY**

This case has been assigned to District Judge Otis D. Wright II and the assigned discovery Magistrate Judge is Carla Woehrle.

The case number on all documents filed with the Court should read as follows:

**CV10- 2634 ODW (CWx)**

Pursuant to General Order 05-07 of the United States District Court for the Central District of California, the Magistrate Judge has been designated to hear discovery related motions.

All discovery related motions should be noticed on the calendar of the Magistrate Judge

=====:

**NOTICE TO COUNSEL**

*A copy of this notice must be served with the summons and complaint on all defendants (if a removal action is filed, a copy of this notice must be served on all plaintiffs).*

Subsequent documents must be filed at the following location:

☒ **Western Division**  
312 N. Spring St., Rm. G-8  
Los Angeles, CA 90012

☐ **Southern Division**  
411 West Fourth St., Rm. 1-053  
Santa Ana, CA 92701-4516

☐ **Eastern Division**  
3470 Twelfth St., Rm. 134  
Riverside, CA 92501

Failure to file at the proper location will result in your documents being returned to you.

SEPEHR DAGHIGHIAN, State Bar No. 239349  
 LAW OFFICES OF SEPEHR DAGHIGHIAN, P.C.  
 433 North Camden Drive, Fourth Floor  
 Beverly Hills, California 90210  
 Telephone: (310) 887-1333  
 Facsimile: (310) 887-1334

**UNITED STATES DISTRICT COURT  
 CENTRAL DISTRICT OF CALIFORNIA**

THE IRREVOCABLE TRUST OF ANTHONY J.  
 ANTONIOUS, a Florida Trust,

PLAINTIFF(S)

v.

MERCHANTS OF GOLF, INC., an California  
 Corporation,

DEFENDANT(S).

CASE NUMBER

**CV10 2634 ODW (CWx)**

**SUMMONS**

TO: DEFENDANT(S): MERCHANTS OF GOLF, INC., an California Corporation,

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it), you must serve on the plaintiff an answer to the attached ☒ complaint ☐ amended complaint ☐ counterclaim ☐ cross-claim or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff's attorney, Sepehr Daghighian, Esq., whose address is 433 N. Camden Drive, 4th Floor, Beverly Hills, CA 90210. If you fail to do so, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Clerk, U.S. District Court

Dated: APR 12 2010

By: CHRISTOPHER POWERS  
 Deputy Clerk  
 (Seal of the Court)

**SEAL**

[Use 60 days if the defendant is the United States or a United States agency, or is an officer or employee of the United States. Allowed 60 days by Rule 12(a)(3)].

**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA  
CIVIL COVER SHEET**

COPY

**I (a) PLAINTIFFS** (Check box if you are representing yourself ☐)

THE IRREVOCABLE TRUST OF ANTHONY J. ANTONIOUS, a Florida Trust,

**DEFENDANTS**

MERCHANTS OF GOLF, INC., an California Corporation,

**(b) Attorneys** (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.)**Attorneys (If Known)**

Sepehr Daghighian, Law Offices of Sepehr Daghighian, P.C.  
433 N. Camden Drive, 4th Floor, Beverly Hills, CA 90201  
Tel: (310) 887-1333; Fax (310) 887-1334

**II. BASIS OF JURISDICTION** (Place an X in one box only.)

- ☐ 1 U.S. Government Plaintiff ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES - For Diversity Cases Only**  
(Place an X in one box for plaintiff and one for defendant.)

	PTF	DEF		PTF	DEF
Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business in this State	<input type="checkbox"/> 4	<input type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

**IV. ORIGIN** (Place an X in one box only.)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify): ☐ 6 Multi-District Litigation ☐ 7 Appeal to District Judge from Magistrate Judge

**V. REQUESTED IN COMPLAINT: JURY DEMAND:** ☒ Yes ☐ No (Check "Yes" only if demanded in complaint.)**CLASS ACTION** under F.R.C.P. 23: ☐ Yes ☒ No☒ **MONEY DEMANDED IN COMPLAINT:** \$ Not Specified**VI. CAUSE OF ACTION** (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.)

Patent Infringement, Inducement of Patent Infringement, Contributory Patent Infringement

**VII. NATURE OF SUIT** (Place an X in one box only.)

OTHER STATUTES	CONTRACT	TORTS	TORTS	PRISONER PETITIONS	LABOR
<input type="checkbox"/> 400 State Reapportionment	<input type="checkbox"/> 110 Insurance	<b>PERSONAL INJURY</b>	<b>PERSONAL PROPERTY</b>	<input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus	<input type="checkbox"/> 710 Fair Labor Standards Act
<input type="checkbox"/> 410 Antitrust	<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 530 General	<input type="checkbox"/> 720 Labor/Mgmt. Relations
<input type="checkbox"/> 430 Banks and Banking	<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 371 Truth in Lending	<input type="checkbox"/> 535 Death Penalty	<input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act
<input type="checkbox"/> 450 Commerce/ICC Rates/etc.	<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 380 Other Personal Property Damage	<input type="checkbox"/> 540 Mandamus/Other	<input type="checkbox"/> 740 Railway Labor Act
<input type="checkbox"/> 460 Deportation	<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 330 Fed. Employers' Liability	<input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 550 Civil Rights	<input type="checkbox"/> 790 Other Labor Litigation
<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations	<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 340 Marine	<b>BANKRUPTCY</b>	<input type="checkbox"/> 555 Prison Condition	<input type="checkbox"/> 791 Empl. Ret. Inc. Security Act
<input type="checkbox"/> 480 Consumer Credit	<input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Veterans)	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 422 Appeal 28 USC 158	<b>FORFEITURE / PENALTY</b>	<b>PROPERTY RIGHTS</b>
<input type="checkbox"/> 490 Cable/Sat TV	<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 610 Agriculture	<input type="checkbox"/> 820 Copyrights
<input type="checkbox"/> 810 Selective Service	<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 355 Motor Vehicle Product Liability	<b>CIVIL RIGHTS</b>	<input type="checkbox"/> 620 Other Food & Drug	<input checked="" type="checkbox"/> 830 Patent
<input type="checkbox"/> 850 Securities/Commodities/Exchange	<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881	<input type="checkbox"/> 840 Trademark
<input type="checkbox"/> 875 Customer Challenge 12 USC 3410	<input type="checkbox"/> 195 Contract Product Liability	<input type="checkbox"/> 362 Personal Injury-Med Malpractice	<input type="checkbox"/> 443 Housing/Accommodations	<input type="checkbox"/> 630 Liquor Laws	<b>SOCIAL SECURITY</b>
<input type="checkbox"/> 890 Other Statutory Actions	<input type="checkbox"/> 196 Franchise	<input type="checkbox"/> 365 Personal Injury-Product Liability	<input type="checkbox"/> 444 Welfare	<input type="checkbox"/> 640 R.R. & Truck	<input type="checkbox"/> 861 HIA (1395ff)
<input type="checkbox"/> 891 Agricultural Act	<b>REAL PROPERTY</b>	<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 445 American with Disabilities - Employment	<input type="checkbox"/> 650 Airline Regs	<input type="checkbox"/> 862 Black Lung (923)
<input type="checkbox"/> 892 Economic Stabilization Act	<input type="checkbox"/> 210 Land Condemnation	<b>IMMIGRATION</b>	<input type="checkbox"/> 446 American with Disabilities - Other	<input type="checkbox"/> 660 Occupational Safety /Health	<input type="checkbox"/> 863 DIWC/DIWW (405(g))
<input type="checkbox"/> 893 Environmental Matters	<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 462 Naturalization Application	<input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 690 Other	<input type="checkbox"/> 864 SSID Title XVI
<input type="checkbox"/> 894 Energy Allocation Act	<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 463 Habeas Corpus-Alien Detainee			<input type="checkbox"/> 865 RSI (405(g))
<input type="checkbox"/> 895 Freedom of Info. Act	<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 465 Other Immigration Actions			<b>FEDERAL TAX SUITS</b>
<input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice	<input type="checkbox"/> 245 Tort Product Liability				<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)
<input type="checkbox"/> 950 Constitutionality of State Statutes	<input type="checkbox"/> 290 All Other Real Property				<input type="checkbox"/> 871 IRS-Third Party 26 USC 7609

**CV10 2634 1**

**FOR OFFICE USE ONLY:** Case Number: \_\_\_\_\_

**AFTER COMPLETING THE FRONT SIDE OF FORM CV-71, COMPLETE THE INFORMATION REQUESTED BELOW.**



**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA**  
**CIVIL COVER SHEET**

**VIII(a). IDENTICAL CASES:** Has this action been previously filed in this court and dismissed, remanded or closed? ☒ No ☐ Yes

If yes, list case number(s): \_\_\_\_\_

**VIII(b). RELATED CASES:** Have any cases been previously filed in this court that are related to the present case? ☒ No ☐ Yes

If yes, list case number(s): \_\_\_\_\_

**Civil cases are deemed related if a previously filed case and the present case:**

- (Check all boxes that apply) ☐ A. Arise from the same or closely related transactions, happenings, or events; or  
☐ B. Call for determination of the same or substantially related or similar questions of law and fact; or  
☐ C. For other reasons would entail substantial duplication of labor if heard by different judges; or  
☐ D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

**IX. VENUE:** (When completing the following information, use an additional sheet if necessary.)

(a) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named plaintiff resides.

☐ Check here if the government, its agencies or employees is a named plaintiff. If this box is checked, go to item (b).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
	New Jersey

(b) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named defendant resides.

☐ Check here if the government, its agencies or employees is a named defendant. If this box is checked, go to item (c).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Los Angeles, California	

(c) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** claim arose.

**Note: In land condemnation cases, use the location of the tract of land involved.**

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Los Angeles, California	

\* Los Angeles, Orange, San Bernardino, Riverside, Ventura, Santa Barbara, or San Luis Obispo Counties

**Note: In land condemnation cases, use the location of the tract of land involved**

**X. SIGNATURE OF ATTORNEY (OR PRO PER):** \_\_\_\_\_

Date 4-9-10

**Notice to Counsel/Parties:** The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet.)

**Key to Statistical codes relating to Social Security Cases:**

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405(g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405(g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. (g))