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Attorneys for Plaintiff T.M. Designworks LLC

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

**T.M. DESIGNWORKS LLC,**  
**an Oregon corporation,**

Plaintiff,

vs.

**BILLET RACING PRODUCTS LLC,**  
**a California corporation,**

Defendant.

Civil No. \_\_\_\_\_

**COMPLAINT for**  
**Patent Infringement under**  
**35 U.S.C. § 271, 281**

**DEMAND FOR JURY TRIAL**

Plaintiff T.M. Designworks LLC, by and through its attorneys, hereby alleges the following:

**JURISDICTION AND VENUE**

1. This is a civil action for patent infringement and damages arising under the Acts of Congress relating to patents, 35 U.S.C. § 1 *et seq.*, particularly including 35 U.S.C. §§ 271, 281, 284, 285, and 289. This Court has jurisdiction over the subject matter of this action pursuant to 28 U.S.C. §§ 1331 and 1338.

2. Venue is proper in this Judicial District pursuant to 28 U.S.C. §§ 1391(b), (c), and 1400(b). On information and belief, Defendants have engaged in the complained of activities in this Judicial District.

**THE PARTIES**

3. Plaintiff T.M. Designworks LLC (“T.M. Designworks”) is an Oregon corporation having its principal place of business at P.O. Box 355, Phoenix, Oregon 97535.

4. On information and belief, Defendant Billet Racing Products LLC (“BRP”) is a California corporation having a principal place of business at 23011 Moulton Parkway, Suite J5, Laguna Hills, CA 92653.

5. Plaintiff T.M. Designworks is informed and believes, and on that basis alleges, that Defendant BRP has ongoing and systematic contacts with this Judicial District, and has placed the products accused of infringement herein into the stream of commerce knowing and expecting that such products would end up in this Judicial District.

**ALLEGATIONS COMMON TO ALL CLAIMS FOR RELIEF**

6. Plaintiff T.M. Designworks is engaged in the design, manufacture, and sale of motorcycle related products, including chain guides.

7. On November 28, 2006, the United States Patent and Trademark Office (“PTO”) duly and legally issued U.S. Patent Number D532,720 (“U.S. D532,720”) to T.M. Designworks as the assignee. Attached hereto as Exhibit 1 is a true and correct copy of U.S. D532,720. T.M. Designworks is the owner of the entire right, title and interest in and to U.S. D532,720.

8. U.S. D532,720 claims “the ornamental design for a motorcycle chain guide”, which is shown and described in U.S. D532,720.

9. On information and belief, Defendant BRP is engaged in the business of manufacturing, distributing, and selling motorcycle chain guide products within the United States. On information and belief, the BRP chain guide products are sold in this Judicial District and that otherwise BRP has business contacts in this Judicial District.

#### **FIRST COUNT – PATENT INFRINGEMENT**

10. T.M. Designworks hereby incorporates paragraphs 1 through 9, inclusive, herein by reference.

11. On information and belief, Defendant BRP has made, used, sold, and/or offered for sale products that infringe U.S. D532,720, including products designated as model number CGD-7088 “Frictionless Chain Glide Block”, an example of which is depicted in Exhibit 2.

12. On information and belief, BRP has induced others, to infringe U.S. D532,720 by encouraging and promoting the use, manufacture, sale and/or offer for sale by others of products that infringe U.S. D532,720, including the products designated as model number CGD-7088 “Frictionless Chain Glide Block”.

13. On information and belief, BRP had notice and actual knowledge of U.S. D532,720 before the filing of this suit, and its infringement of U.S. D532,720 has been and continues to be willful and deliberate.

14. T.M. Designworks has been damaged by infringement of U.S. D532,720 by Defendant BRP in an amount to be determined at trial, such damages including all of its profits from the infringement alleged herein. Furthermore, by these infringing acts, each Defendant has irreparably injured T.M. Designworks and such injury will continue unless Defendant BRP is enjoined by this Court.

**PRAYER FOR RELIEF**

WHEREFORE, T.M. Designworks prays for judgment against Defendant as follows:

A. That Defendant BRP be adjudged to have infringed U.S. D532,720, under 35 U.S.C. § 271;

B. That Defendant BRP be adjudged to have induced infringement of U.S. D532,720, under 35 U.S.C. § 271;

C. That Defendant BRP's infringement of U.S. D532,720 be adjudged willful and deliberate;

D. That this case be deemed exceptional under 35 U.S.C. § 285, and that the damages for patent infringement be enhanced accordingly;

E. That Defendant BRP, its subsidiaries, affiliates, parents, successors, assigns, officers, agents, servants, employees, attorneys, and all persons acting in concert or in participation with such Defendant be preliminarily and permanently enjoined from infringing or inducing infringement of U.S. D532,720 and, specifically, from directly or indirectly making,

using, selling, or offering for sale, any products embodying the inventions of U.S. D532,720 during its terms, without the express written authority of T.M. Designworks;

F. An accounting for Defendant BRP's profits derived by reason of the acts of infringement and inducing infringement alleged in this Complaint pursuant to 35 U.S.C. § 289 or, alternatively, an award of damages suffered by T.M. Designworks, and the trebling thereof, pursuant to 35 U.S.C. § 284;

G. Reasonable attorney's fees pursuant to 35 U.S.C. § 285, prejudgment interest, and costs of this action;

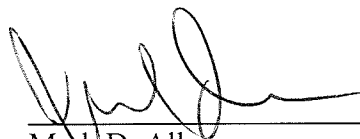
H. Judgment, relief, and requests as set forth in this Complaint; and

I. All such other, further, and different relief as the Court deems proper under the circumstances.

**DEMAND FOR JURY TRIAL**

Pursuant to FED. R. CIV. P. 38(b), Plaintiff T.M. Designworks LLC hereby demands a trial by jury of all issues so triable.

Dated: March 28, 2007



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US00D532720S

(12) **United States Design Patent**  
**McGarry**

(10) **Patent No.:** **US D532,720 S**

(45) **Date of Patent:** **\*\* Nov. 28, 2006**

(54) **MOTORCYCLE CHAIN GUIDE**

(75) **Inventor:** Timothy McGarry, Phoenix, OR (US)

(73) **Assignee:** T.M. Designworks, LLC, Phoenix, OR (US)

(\*\*) **Term:** 14 Years

(21) **Appl. No.:** 29/240,535

(22) **Filed:** Oct. 14, 2005

(51) **LOC (8) Cl.** ..... 12-11

(52) **U.S. Cl.** ..... D12/127

(58) **Field of Classification Search** ..... D12/110,  
D12/114, 126, 127; 180/219; 280/304.3;  
474/69, 101, 78-82, 91, 109, 111, 135, 140,  
474/174, 144-146

See application file for complete search history.

(56) **References Cited**

**U.S. PATENT DOCUMENTS**

2005/0159260 A1 \* 7/2005 Gogo ..... 474/111

**OTHER PUBLICATIONS**

- Photograph of chain guide bracket #1.
- Photograph of chain guide bracket #2.
- Photograph of chain guide bracket #3.

Photograph of chain guide bracket #4, photograph of side of chain guide bracket #4.

\* cited by examiner

*Primary Examiner*—Alan P. Douglas

*Assistant Examiner*—Linda Brooks

(74) *Attorney, Agent, or Firm*—Alleman Hall McCoy Russell & Tuttle LLP

(57) **CLAIM**

The ornamental design for a motorcycle chain guide, as shown and described.

**DESCRIPTION**

FIG. 1 is a rear perspective view of a motorcycle chain guide according to the present invention.

FIG. 2 is a right side view of the motorcycle chain guide of FIG. 1.

FIG. 3 is a left view of the motorcycle chain guide of FIG. 1.

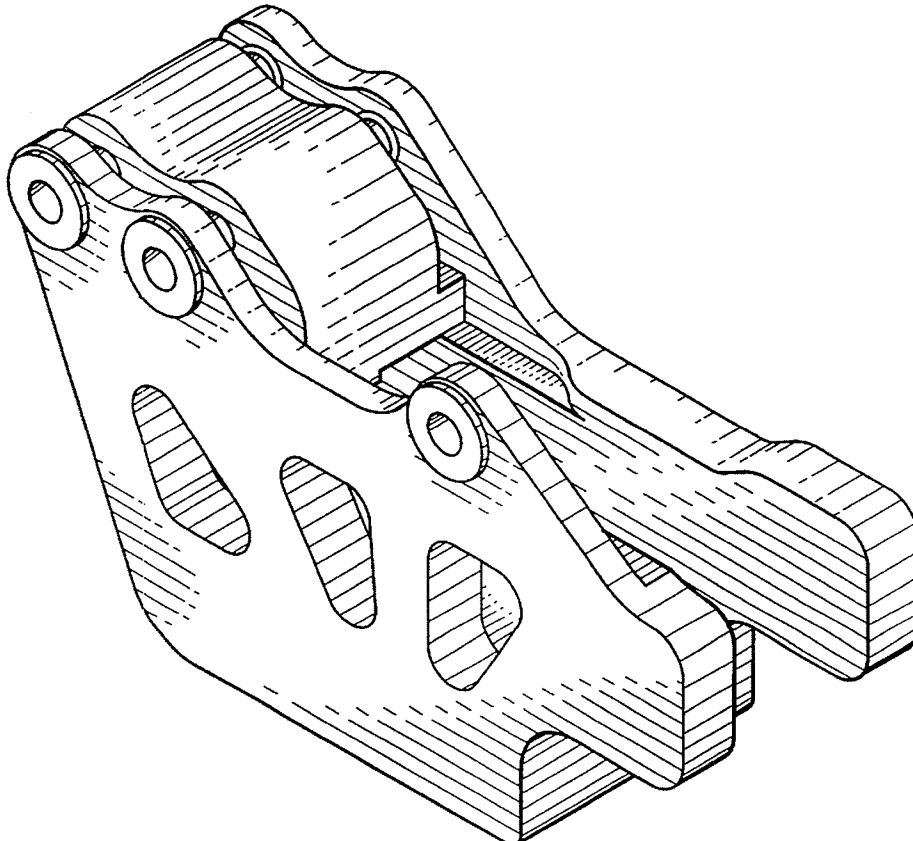
FIG. 4 is a rear view of the motorcycle chain guide of FIG. 1.

FIG. 5 is a front view of the motorcycle chain guide of FIG. 1.

FIG. 6 is a top view of the motorcycle chain guide of FIG. 1; and,

FIG. 7 is a bottom view of the motorcycle chain guide of FIG. 1.

**1 Claim, 4 Drawing Sheets**



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US D532,720 S

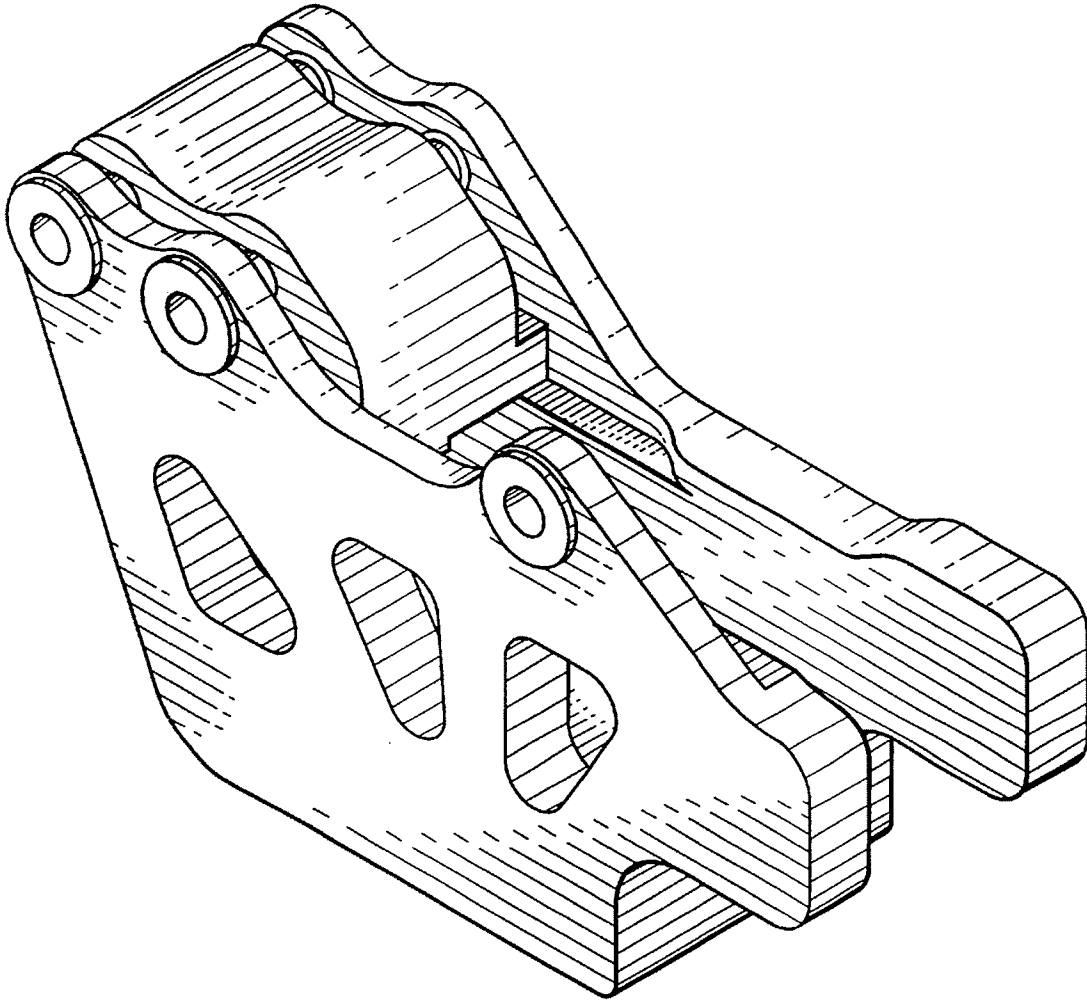


FIG. 1

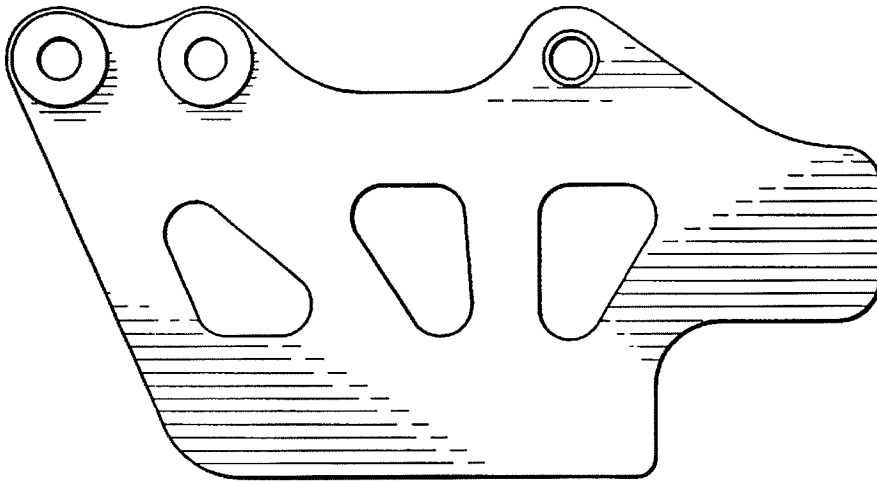


FIG. 2

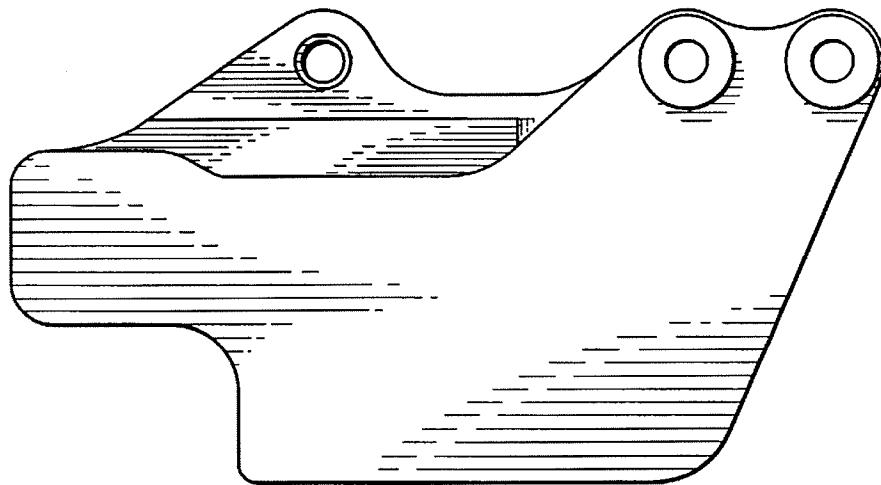


FIG. 3



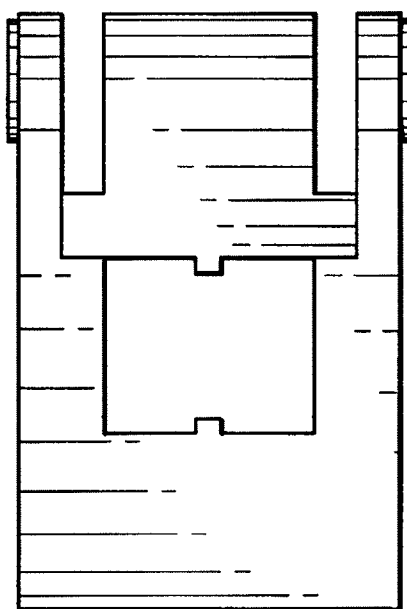


FIG. 4

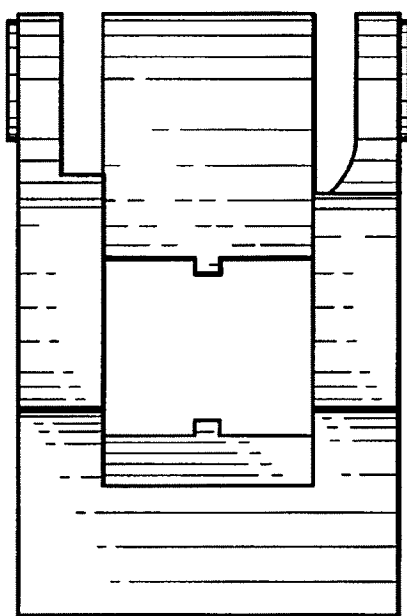


FIG. 5

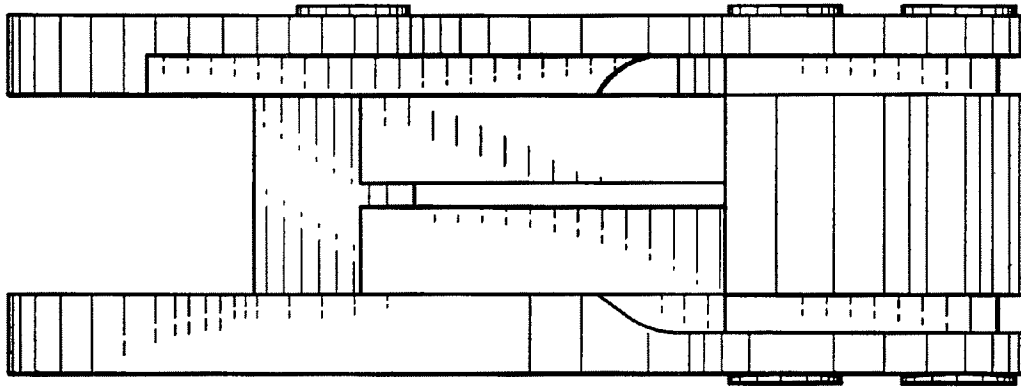


FIG. 6

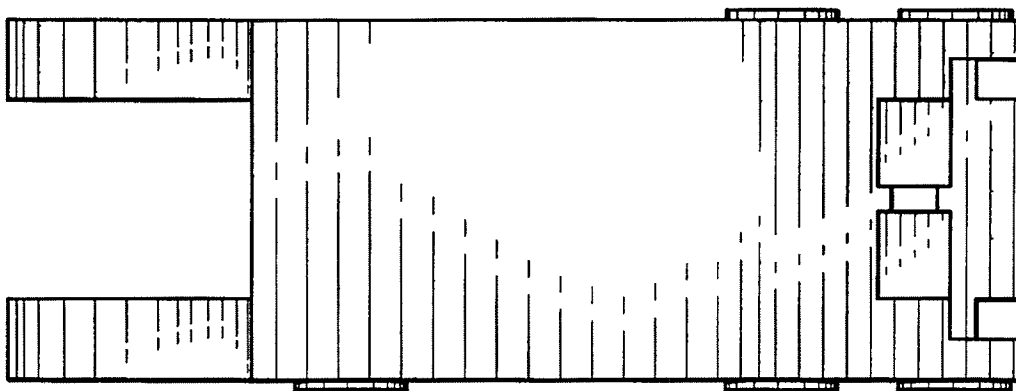
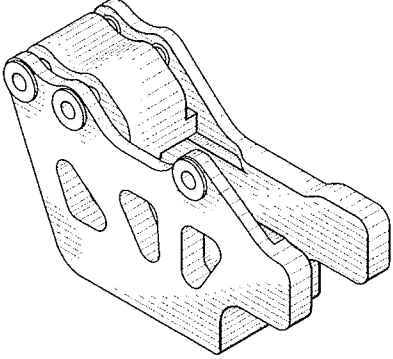
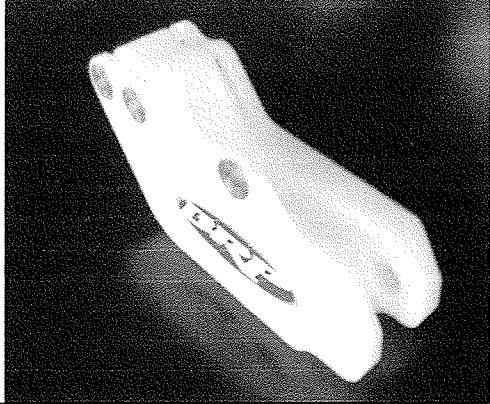
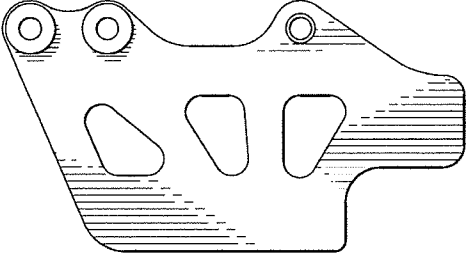

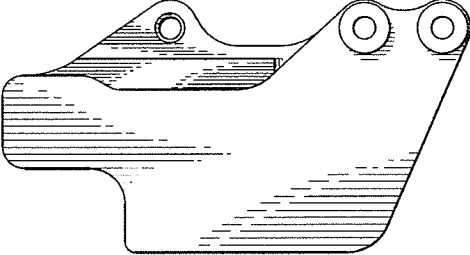
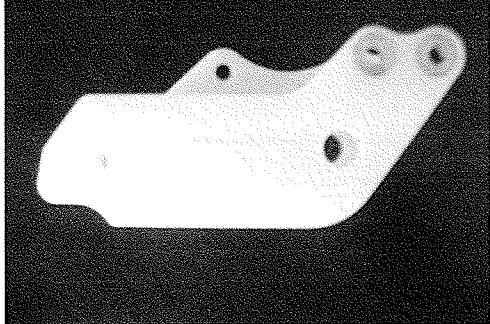
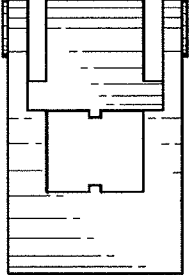
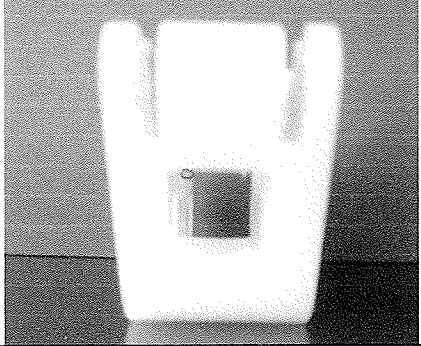


FIG. 7

## EXHIBIT 2

	
<p>Overview of U.S. Patent Number (D532,720)</p>	<p>Overview of Billet Racing Products Chain Guide (Model Number CGD-7088)</p>
	
<p>Left Side View of U.S. Patent Number (D532,720)</p>	<p>Left Side View of Billet Racing Products Chain Guide (Model Number CGD-7088)</p>
	
<p>Right Side View of U.S. Patent Number (D532,720)</p>	<p>Right Side View of Billet Racing Products Chain Guide (Model Number CGD-7088)</p>
	
<p>Front View of U.S. Patent Number (D532,720)</p>	<p>Front View of Billet Racing Products Chain Guide (Model Number CGD-7088)</p>