

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA**

STERLING TACKLE LLC	:	
	:	
Plaintiff,	:	CIVIL ACTION NO. _____
	:	
v.	:	
	:	
TORMENTER FISHING PRODUCTS INC.	:	
	:	
Defendant.	:	

**COMPLAINT**

Plaintiff Sterling Tackle LLC (“Sterling”), by and through its undersigned counsel for its Complaint against Defendant Tormenter Fishing Products Inc. (“Tormenter”), hereby alleges as follows:

**NATURE OF CLAIMS**

1. Sterling brings this action for patent infringement against Defendant for making, using, offering to sell, selling and/or importing a sidewinder directional bar product that incorporates patented technology owned by Sterling.
2. By this Complaint, Sterling asserts U.S. Patent No. 11,044,897 ("the '897 patent") against Defendant to prevent Defendant’s infringing conduct.

**THE PARTIES**

3. Sterling is a limited liability company organized under the laws of New Jersey, having its principal place of business at 518 RT. 9 South, Marmora, New Jersey. Sterling is a pioneer in developing and manufacturing improved fishing systems and devices.

4. Tormentor is a corporation organized under the laws of Florida, having its principal place of business at 613 Riverside Road, North Palm Beach, Florida.

5. Tormentor operates and maintains a website, <https://www.tormenterocean.com/> and a YouTube page at <https://www.youtube.com/user/TormentorTackle>, which promote and advertise its products including its sidewinder directional bar product, which infringes the '897 patent.

### **JURISDICTION AND VENUE**

6. This Court has subject matter jurisdiction over this action under 28 U.S.C. §§ 1331 and 1338(a).

7. Venue is proper in this District under 28 U.S.C. §§ 1391 and 1400(b).

8. Tormentor has engaged in business in this District, has advertised its infringing products in this District, has offered such infringing products for sale in this District and throughout the United States, and has harmed Plaintiff in this District and throughout the United States by its infringement of the '897 patent.

9. This Court has personal jurisdiction over Tormentor because Tormentor has established minimum contacts with the forum such that the exercise of personal jurisdiction over Tormentor will not offend the traditional notions of fair play and substantial justice.

10. For example, Tormentor has knowingly and actively engaged in acts that have infringed and will infringe and/or contribute, induce, aid and/or abet the direct infringement of the '897 patent in the Southern District of Florida and throughout the United States.

## FACTUAL BACKGROUND

### Sterling Tackle LLC

11. Since 2017 Sterling has been a supplier of fishing products related to its spreader bar technology - technology protected by the '897 patent. Sterling is a pioneer in developing and manufacturing improved fishing systems and devices, particularly improved trolling systems and devices.

12. The '897 patent, entitled "FISHING LURE TROLLING SPREADER BAR," was duly and legally issued by the U.S. Patent and Trademark Office ("USPTO") on June 29, 2021. A copy of the '897 patent is attached as **Exhibit A**.

13. Sterling Tackle is the assignee of, and owns all right, title and interest in, the '897 patent. Attached hereto as **Exhibit B** is a copy of the assignment for the '897 patent as executed on May 22, 2020 and was recorded at reel 056249 and frame 0696 on May 14, 2021.

### Sterling's Spreader Bar Products

14. Sterling, using the technology of the '897 patent, has developed its spreader bar products for trolling to catch fish. The spreader bar products are for trolling and designed to allow a user to easily set fishing lines behind a fishing vessel at varying angles and distances, thereby increasing the width of the full trolling lure spread and the number of lures that may be pulled behind a trolling vessel while fishing.

15. For example, a user may use the spreader bar product so that lures run wide from behind a fishing vessel in water that is essentially undisturbed by the vessel's engine turbulence/bubble trail and wake, thus providing better visibility of the lures as well as a more natural setting to the predator fish who do most of their feeding in natural undisturbed water.

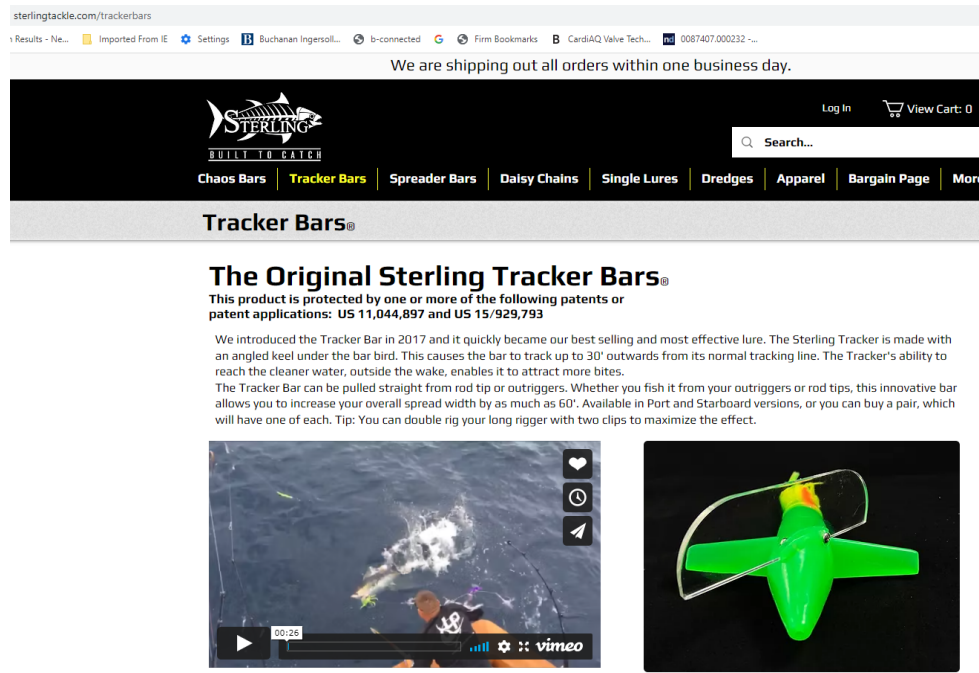
Further, lures that run wide can eliminate the need for expensive outriggers attached to each side of the fishing vessel.

16. Sterling markets its spreader bar products as Tracker Bar and Chaos Trackers. Information about Sterling's spreader bar products are included on its website at <https://www.sterlingtackle.com/trackerbars> and <https://www.sterlingtackle.com/chaosbars>.

17. Sterling practices the claimed invention of the '897 patent by making and selling the spreader bar products.

18. Sterling marks its spreader bar products that are covered by the '897 patent with the '897 patent to give public notice that the '897 patent covers those products.

19. For example, Sterling provides public notice of its patents on its website concerning the '897 patent and that it covers Sterling products at <https://www.sterlingtackle.com/trackerbars>.



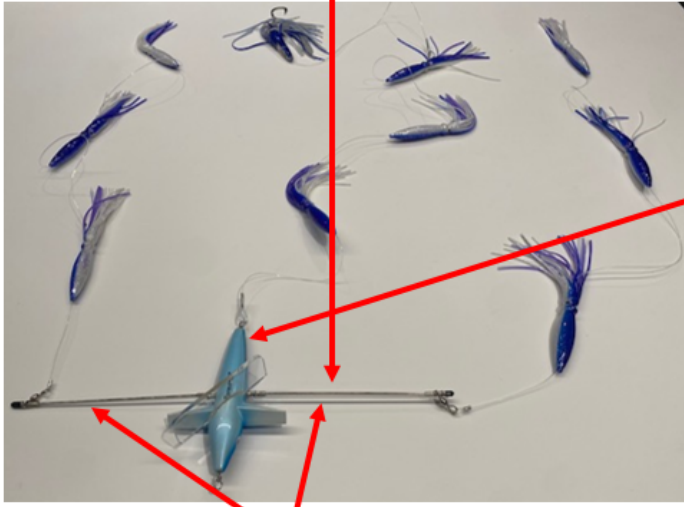


20. Sterling makes, sells and offers to sell its products in the Southern District of Florida and throughout the United States.

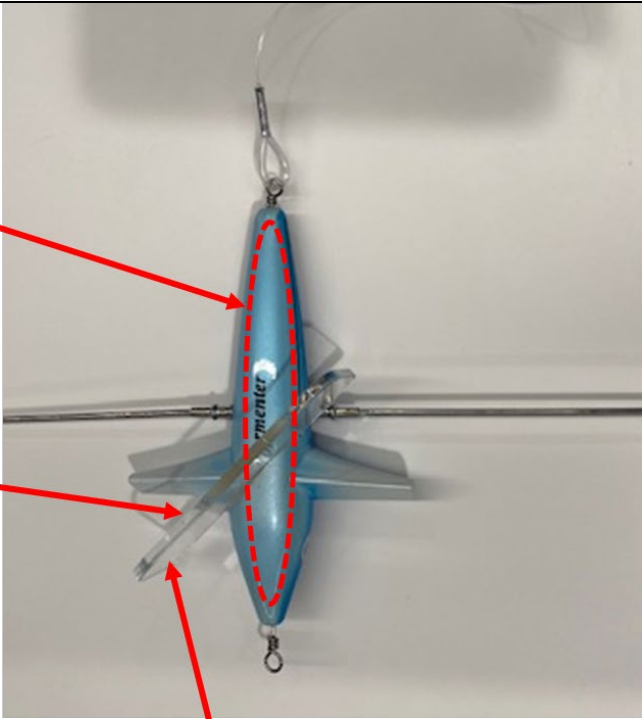
**Tormentor And Its Infringing Activities**

21. Defendant Tormentor is a provider of fishing products, including sidewinder directional bar products. Tormentor offers to sell, sells, transports, and/or imports its sidewinder directional bar products in this District and throughout the United States.

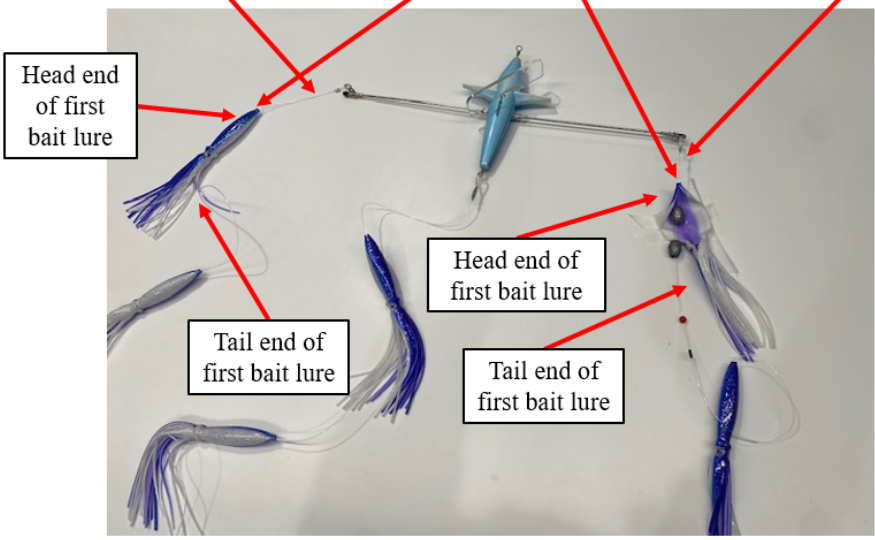
22. Tormentor's sidewinder directional bars contain each and every feature of claim 1 of the '897 patent. Below is a table comparing a Tormentor sidewinder directional bar product to claim 1 of the '897 patent:

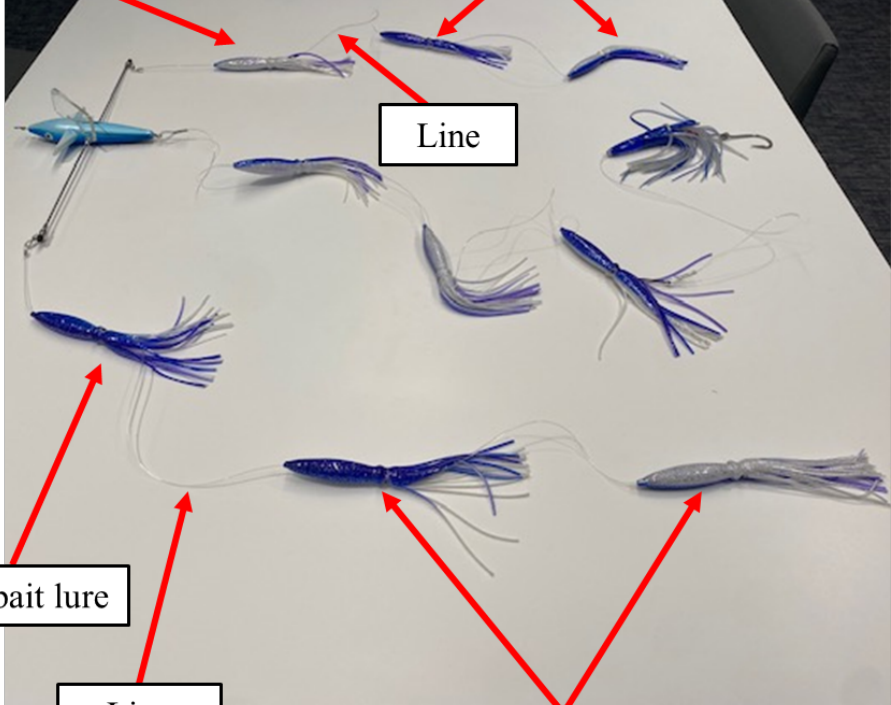
<p><b>Claim 1 of U.S. Pat. No. 11,044,897</b></p>	<p><b>Tormentor sidewinder directional bar product</b></p>
<p>[1.0] A trolling spreader bar comprising:</p>	<div style="text-align: center;"> <div data-bbox="630 321 881 415" style="border: 1px solid black; padding: 2px; display: inline-block;">Trolling spreader bar</div>   <div data-bbox="1211 527 1390 657" style="border: 1px solid black; padding: 2px; display: inline-block; margin-left: 200px;">Elongated central body</div>  <div data-bbox="451 951 1101 1161" style="border: 1px solid black; padding: 5px; margin-top: 10px;"> <p>A spreader bar that extends laterally outward from the elongated central body, wherein the spreader bar comprises a first rod and a second rod that extend laterally from the elongated central body</p> </div> </div>
<p>[1.1] an elongated body;</p>	<p>See [1.0] above</p>


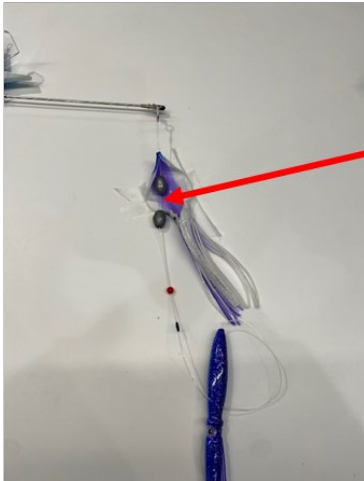
<b>Claim 1 of U.S. Pat. No. 11,044,897</b>	<b>Tormentor sidewinder directional bar product</b>
[1.2] a spreader bar that extends laterally outward from the elongated central body, wherein the spreader bar comprises a first rod and a second rod that extend laterally from the elongated central body;	See [1.0] above

<p><b>Claim 1 of U.S. Pat. No. 11,044,897</b></p>	<p><b>Tormentor sidewinder directional bar product</b></p>
<p>[1.3] a keel that extends from a ventral surface of the elongated central body at an angle relative to a longitudinal axis of the elongated central body, such that, when trolling in a body of water at or near a surface of the body of water, the elongated central body is guided laterally outwardly from a direction of travel of the trolling spreader bar while trolling;</p>	 <p>Ventral surface of elongated central body</p> <p>The keel extends at an angle relative to a longitudinal axis of the elongated central body</p> <p>Keel</p>



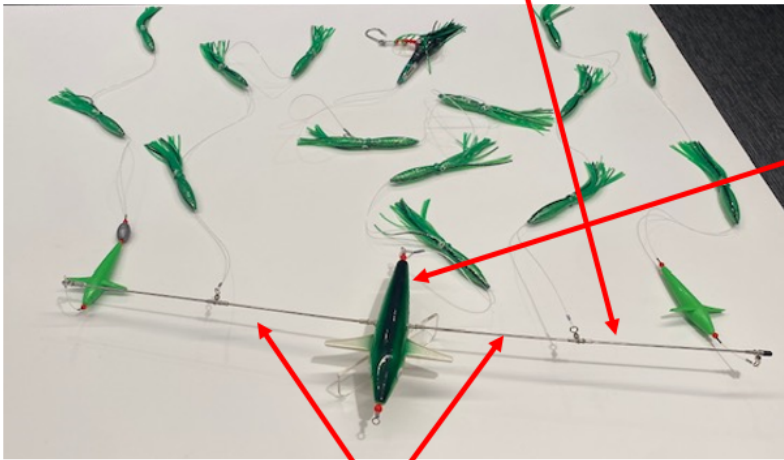
<p><b>Claim 1 of U.S. Pat. No. 11,044,897</b></p>	<p><b>Tormentor sidewinder directional bar product</b></p>
<p>[1.4] two first bait lures, each of the two first bait lures having a head end and a tail end, wherein one first bait lure of the two first bait lures is attached to a distal end of the first rod at its head end, and another first bait lure of the two first bait lures is attached to a distal end of the second rod at its head end; and</p>	<div style="display: flex; justify-content: space-around; margin-bottom: 10px;"> <div data-bbox="430 378 771 514" style="border: 1px solid black; padding: 5px;"> <p>One first bait lure of the two first bait lures is attached to a distal end of the first rod at its head end</p> </div> <div data-bbox="812 378 1112 514" style="border: 1px solid black; padding: 5px;"> <p>Two first bait lures, each of the two first bait lures having a head end and a tail end</p> </div> <div data-bbox="1144 378 1421 546" style="border: 1px solid black; padding: 5px;"> <p>Another first bait lure of the two first bait lures is attached to a distal end of the second rod at its head end</p> </div> </div> 

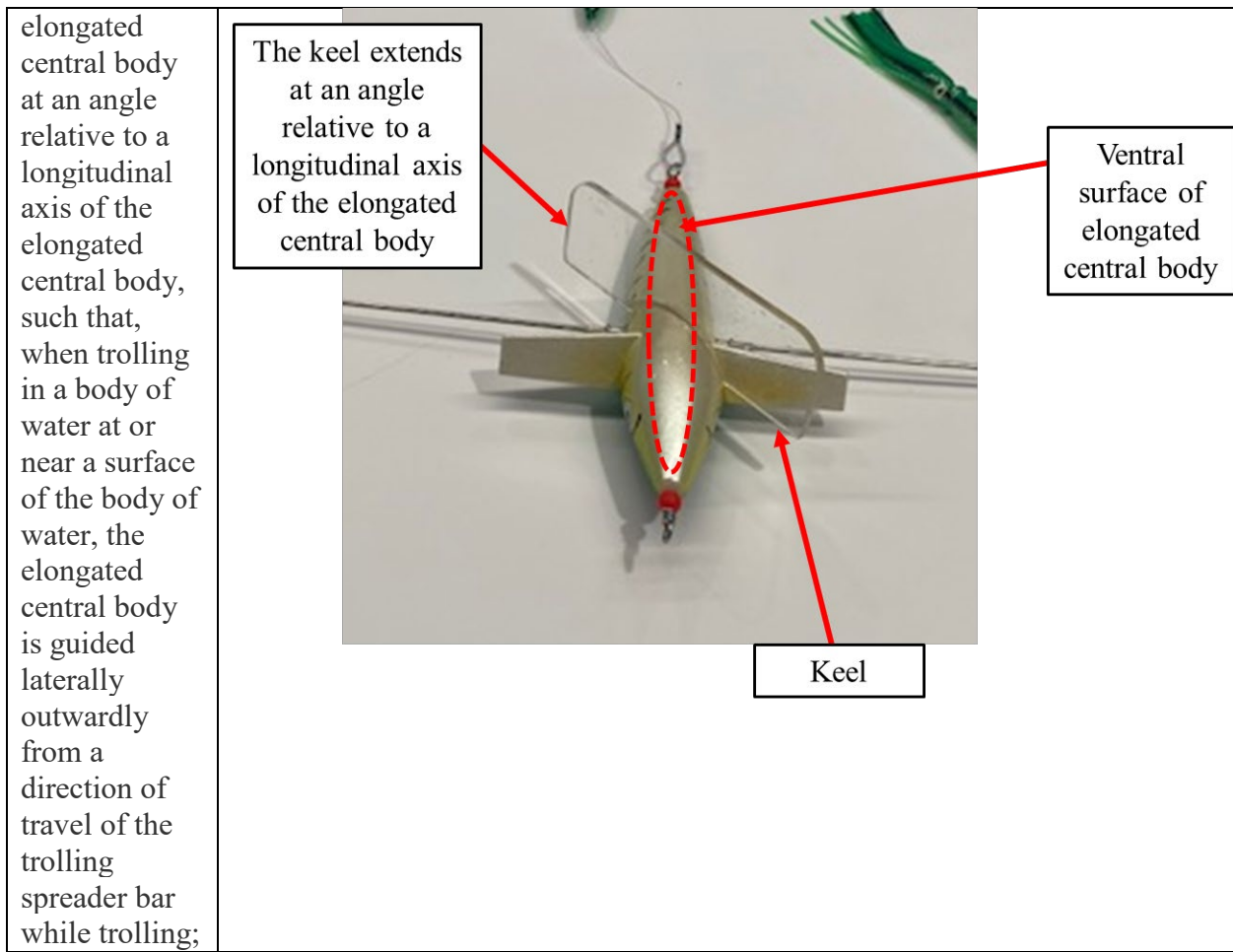
<p><b>Claim 1 of U.S. Pat. No. 11,044,897</b></p>	<p><b>Tormentor sidewinder directional bar product</b></p>
<p>[1.5] a plurality of bait lures interconnected to each of the two first bait lures by a line extending between a tail end of a preceding bait lure and a head end of a succeeding bait lure;</p>	<div data-bbox="695 310 1414 499" style="border: 1px solid black; padding: 5px; margin-bottom: 10px;"> <p>A plurality of bait lures interconnected to each of the two first bait lures by a line extending between a tail end of a preceding bait lure and a head end of a succeeding bait lure</p> </div> <div data-bbox="444 443 678 499" style="border: 1px solid black; padding: 2px; display: inline-block;"> <p>First bait lure</p> </div> <div data-bbox="906 646 1042 703" style="border: 1px solid black; padding: 2px; display: inline-block;"> <p>Line</p> </div>  <div data-bbox="423 1104 657 1161" style="border: 1px solid black; padding: 2px; display: inline-block;"> <p>First bait lure</p> </div> <div data-bbox="581 1220 750 1276" style="border: 1px solid black; padding: 2px; display: inline-block;"> <p>Line</p> </div> <div data-bbox="760 1251 1414 1480" style="border: 1px solid black; padding: 5px; margin-top: 10px;"> <p>A plurality of bait lures interconnected to each of the two first bait lures by a line extending between a tail end of a preceding bait lure and a head end of a succeeding bait lure</p> </div>

<p><b>Claim 1 of U.S. Pat. No. 11,044,897</b></p>	<p><b>Tormentor sidewinder directional bar product</b></p>
<p>[1.6] wherein at least one of the two first bait lures further comprises a counterweight, wherein the counterweight is carried within a body of the at least one of the two first bait lures.</p>	<div style="display: flex; flex-direction: column; align-items: center;">  <div style="border: 1px solid black; padding: 5px; margin: 5px;"> <p>At least one of the first two bait lures further comprises a counterweight</p> </div>  <div style="border: 1px solid black; padding: 5px; margin: 5px;"> <p>The counterweight is carried within a body of the at least one of the two first bait lures</p> </div> </div>

23. Tormentor’s sidewinder directional bars contain each and every feature of claim 13 of the ’897 patent. Below is a table comparing a Tormentor sidewinder directional bar product to claim 13 of the ’897 patent:

<p><b>Claim 13 of U.S. Pat. No. 11,044,897</b></p>	<p><b>Tormentor sidewinder directional bar product</b></p>
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<p>[13.0] A trolling spreader bar comprising:</p>	 <p>A trolling spreader bar comprising:</p> <p>Trolling spreader bar</p> <p>Elongated central body</p> <p>A spreader bar that extends laterally outward from the elongated central body, wherein the spreader bar comprises a first rod and a second rod that extend laterally from the elongated central body</p>
<p>[13.1] an elongated central body;</p>	<p>See [13.0] above</p>
<p>[13.2] a spreader bar that extends laterally outward from the elongated central body, wherein the spreader bar comprises a first rod and a second rod that extend laterally from the elongated central body;</p>	<p>See [13.0] above</p>
<p>[13.3] a keel that extends from a ventral surface of the</p>	

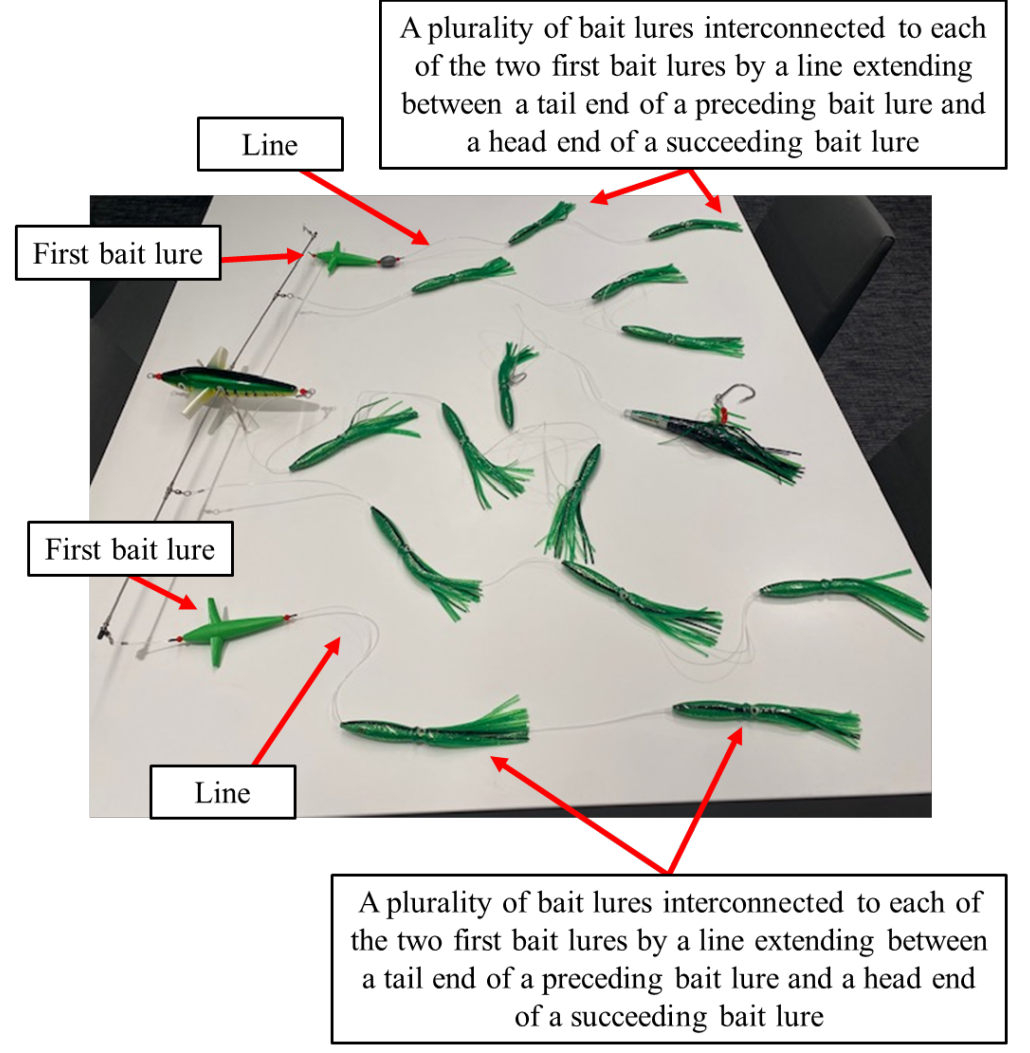


[13.4] two first bait lures, each of the two first bait lures having a head end and a tail end, wherein one first bait lure of the two first bait lures is attached to a distal end of the first rod at its head end, and another first bait lure of the two first bait lures is attached to a distal end of the second rod at its head end;

The diagram shows two fishing rods with various lures. Red arrows point from text boxes to specific parts of the lures and their attachment points on the rods. The callouts are as follows:

- One first bait lure of the two first bait lures is attached to a distal end of the first rod at its head end
- Two first bait lures, each of the two first bait lures having a head end and a tail end
- Another first bait lure of the two first bait lures is attached to a distal end of the second rod at its head end
- Head end of first bait lure
- Tail end of first bait lure
- Head end of first bait lure
- Tail end of first bait lure

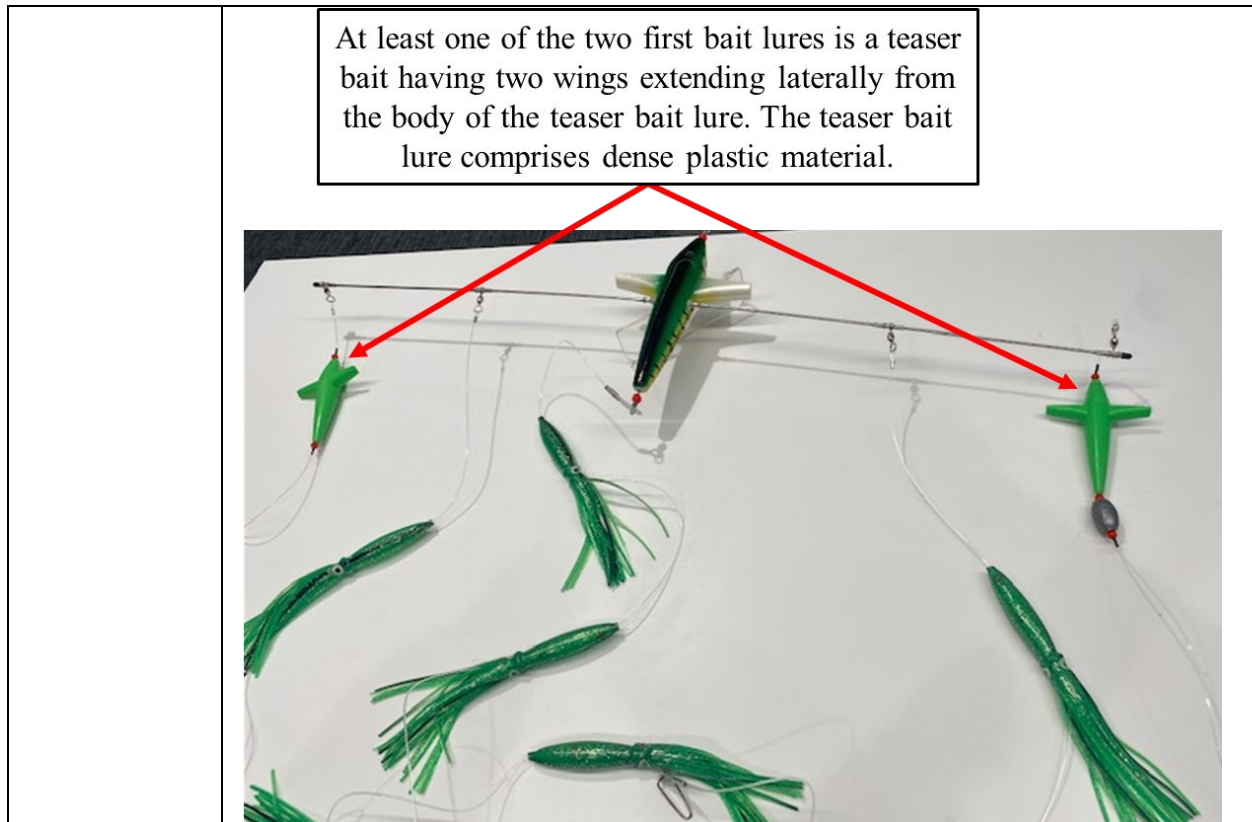
[13.5] and a plurality of bait lures interconnected to each of the two first bait lures by a line extending between a tail end of a preceding bait lure and a head end of a succeeding bait lure;



[13.6] wherein at least one of the two first bait lures is a teaser bait lure having two wings extending laterally from the body of the teaser bait lure, wherein the teaser bait lure comprises dense plastic material.



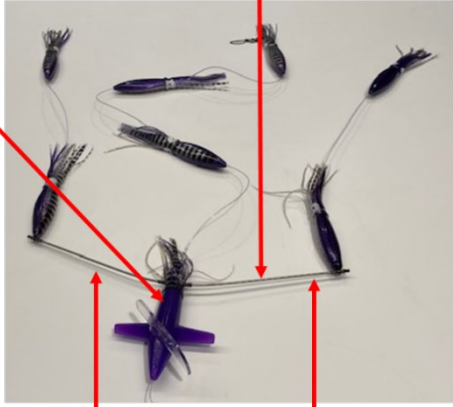
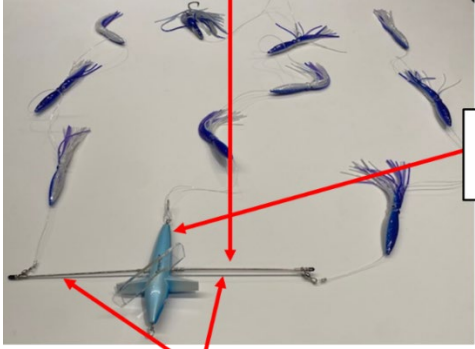
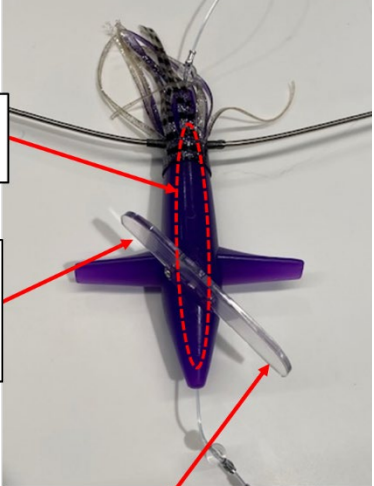
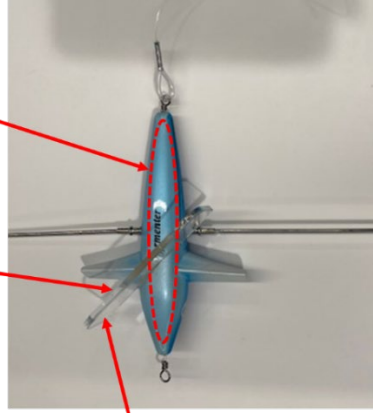


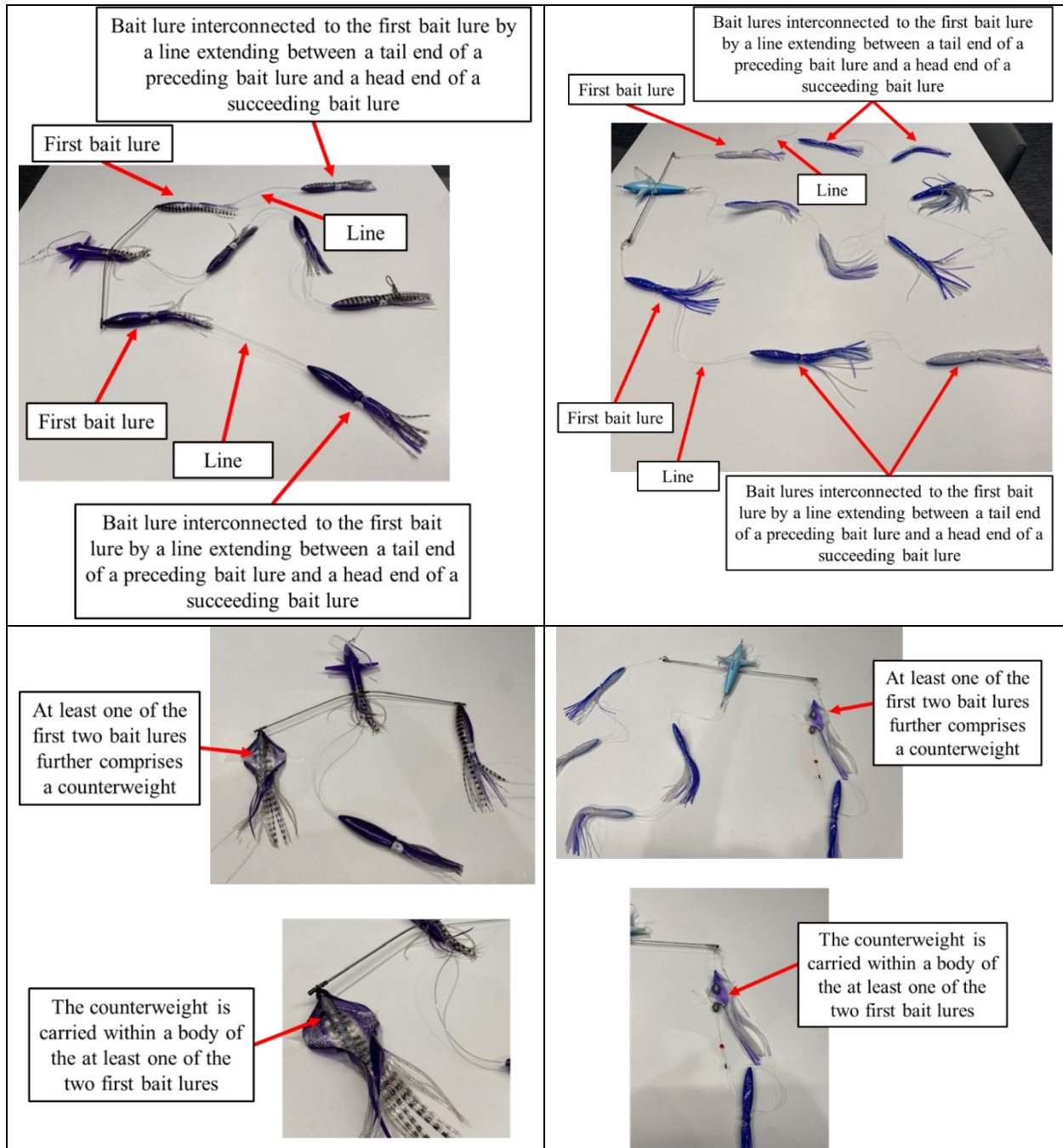


24. The above tables are non-limiting examples that illustrate how Tormentor's sidewinder directional bar products infringe claims of the '897 patent. Tormentor also offers other products that infringe claims of the '897 patent.

25. Tormentor's sidewinder directional bars are substantially the same as Sterling's spreader bar products, which are covered by the '897 patent. Below is a table providing a product-by-product comparison of the key features of a Sterling spreader bar product and a Tormentor sidewinder directional bar product:



Sterling spreader bar product covered by the '897 patent	Tormentor sidewinder directional bar product
<p data-bbox="505 275 672 331">Trolling spreader bar</p>  <p data-bbox="212 415 334 506">Elongated central body</p> <p data-bbox="345 772 794 919">a spreader bar that extends laterally outward from the elongated central body, wherein the spreader bar comprises a first rod and a second rod that extend laterally from the elongated central body;</p>	<p data-bbox="976 275 1143 331">Trolling spreader bar</p>  <p data-bbox="1304 453 1425 543">Elongated central body</p> <p data-bbox="846 709 1294 856">a spreader bar that extends laterally outward from the elongated central body, wherein the spreader bar comprises a first rod and a second rod that extend laterally from the elongated central body;</p>
<p data-bbox="269 1035 423 1125">Ventral surface of elongated central body</p>  <p data-bbox="212 1178 423 1314">The keel extends at an angle relative to a longitudinal axis of the elongated central body</p> <p data-bbox="532 1440 646 1472">Keel</p>	<p data-bbox="889 1020 1044 1110">Ventral surface of elongated central body</p>  <p data-bbox="837 1150 1044 1276">The keel extends at an angle relative to a longitudinal axis of the elongated central body</p> <p data-bbox="1130 1388 1243 1419">Keel</p>



26. The above table is a non-limiting example that illustrates how Tormentor’s sidewinder directional bar products are substantially the same as Sterling’s spreader bar product, which is covered by the ’897 patent.

27. As can be appreciated from the above, Tormentor copied Sterling's spreader bar trawling products to make and sell competitive products. As discussed herein, these Tormentor "knock-off" products infringe the '897 patent.

28. At least as early as August 29, 2021, Tormentor knew of the '897 patent and knew its sidewinder directional bar products infringed at least claims 1 and 13 of the '897 patent. Attached hereto as **Exhibit C** is a copy of a letter provided to Tormentor on August 29, 2021.

29. Tormentor sells its products to customers in the U.S. at least through its website, which contains descriptions and images of its products, including the sidewinder directional bars.

30. In addition to descriptions and images on its website, Tormentor also provides videos displaying use of its sidewinder directional bar product to help its customers infringe the '897 patent. For example, Tormentor provides a promotional video on its YouTube page (available at <https://www.youtube.com/user/TormenterTackle>) (e.g., the March 9, 2021 video). This video encourages customers to buy and use Tormentor's sidewinder directional bar products to infringe the '897 patent. Tormentor maintains this video on its YouTube page knowing that its customers' use of the sidewinder directional bar products infringe the '897 patent.

31. Tormentor directly and/or through intermediaries (including distributors, retailers and others), uses, ships, distributes, offers for sale, sells or advertises its sidewinder directional bar products within the United States and in the Southern District of Florida.

32. Tormentor has purposely and voluntarily placed and used infringing products using the claimed inventions of the '897 patent into the stream of commerce with the expectation that they will be purchased by consumers in the Southern District of Florida as well as other parts of the United States.

33. Tormentor's products have been made, used, sold and/or offered for sale in the Southern District of Florida and other parts of the United States.

34. Tormentor committed and continues to commit acts of patent infringement within the United States and in the Southern District of Florida by making, using, offering to sell, selling and/or importing its sidewinder directional bar products.

35. Tormentor's conduct has been willful in infringing Sterling's '897 patent.

36. Sterling has been and will continue to be irreparably harmed by Tormentor's infringement of the '897 patent.

### **COUNT I: INFRINGEMENT OF THE '897 PATENT**

Sterling restates and realleges the foregoing allegations as if fully stated herein.

37. Tormentor has infringed and continues to infringe at least claims 1 and 13 of the '897 patent in violation of 35 U.S.C. § 271(a).

38. Tormentor has indirectly infringed and continues to indirectly infringe at least claims 1 and 13 of the '897 patent in violation of 35 U.S.C. § 271(b) and (c), by actively inducing such infringement with knowledge of the '897 patent and by contributing to the infringement of such patent. Tormentor has taken active steps to instruct others in the U.S. (e.g. their customers and prospective customers) how to use Tormentor sidewinder directional bar products in infringement of the '897 Patent. This is done with the specific intent to infringe the '897 Patent and encourage its customers to infringe the '897 patent.

39. Tormentor's sidewinder directional bar products are not a staple article of commerce suitable for substantial noninfringing use.

40. Sterling has been, and continues to be, damaged and irreparably harmed by Tormentor's infringement, which will continue unless the Court enjoins that infringement.

41. Sterling under 35 U.S.C. § 284, is entitled to recover damages adequate to compensate for Tormentor's infringement.

42. The infringement of the '897 patent by Tormentor has been, and continues to be, deliberate, willful, and knowing.

43. The Court should declare this an exceptional case under 35 § U.S.C. 285, entitling Sterling to recover treble damages and attorney's fees.

WHEREFORE, Plaintiff requests that the Court grant the relief requested in the Prayer for Relief below.

**DEMAND FOR JURY TRIAL**

Sterling demands a trial by jury under Federal Rule of Civil Procedure 39 for all issues triable by jury.

**PRAYER FOR RELIEF**

Sterling prays for judgment in its favor and against Tormentor as follows:

- (a) That Tormentor has infringed, contributed to and induced the infringement of one or more claims of the '897 patent;
- (b) That Sterling be awarded damages for Tormentor's infringement of the '897 patent;
- (c) That Tormentor's infringement of the '897 patent has been willful;
- (d) That this case be declared an exceptional case under 35 U.S.C. § 285;
- (e) That Sterling's damages be trebled pursuant to 35 U.S.C. § 284;
- (f) That Sterling be awarded its attorney's fees and costs pursuant to 35 U.S.C. § 285;
- (g) That this Court permanently enjoin Tormentor, its officers, directors, principals, agents, servants, employees, successors, assigns, affiliates, and all that are in active concert or participation with Tormentor, or any of them, from further infringement of the '897 patent and

that Tormentor be permanently enjoined from infringing the '897 patent and from making, using, selling, offering to sell, or distributing Tormentor's sidewinder directional bar products and other infringing products;

(h) That Sterling is entitled to all forms of exemplary and punitive damages based on Tormentor's willful, intentional and malicious conduct;

(i) That Sterling be awarded pre- and post-judgment interest on all damages;

(j) That Sterling be awarded all its costs and expenses in this action; and

(k) Such further and other relief as the Court may deem just and proper.

Dated: February 1, 2022

Respectfully submitted,

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