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9 Attorneys for Plaintiff
SLICK SLIDE LLC

10 **UNITED STATES DISTRICT COURT**
11 **FOR THE SOUTHERN DISTRICT OF CALIFORNIA**

12 SLICK SLIDE LLC,

Case No. '23CV2319 LL KSC

13
14 Plaintiff,

Judge:
Magistrate Judge:

15 v.

COMPLAINT

16 SPORTS INOVATION CORP.
17 DBA TRUE MOVEMENT TECH.,
18 AND DBA AIRTRACK,

JURY TRIAL DEMANDED

19 Defendant.

20
21 Plaintiff, Slick Slide LLC (“Slick Slide”), for its Complaint against
22 Defendant Sports Inovation Corp., dba True Movement Tech. and dba AirTrack
23 (“Defendant”), states and alleges the following:

24
25 **NATURE OF THE ACTION**

26 1. This is an action for patent infringement and inducement of patent
27 infringement, copyright infringement and inducement of copyright infringement,
28

1 trademark infringement, and violation of state law, including laws governing
2 deceptive trade practices, and arises under the patent laws of the United States,
3 codified in Title 35 of the United States Code, the copyright laws of the United
4 States codified in Title 17, federal trademark law, and state law.

5
6 **THE PARTIES**

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8 2. Plaintiff Slick Slide LLC has a place of business at 4247 E. Casitas
9 Del Rio, Phoenix, Arizona 85050, and is a well-known provider of recreational
10 attractions and equipment, including recreational slides.

11
12 3. Defendant Sports Inovation Corp. dba True Movement Tech. and dba
13 AirTrack, is a California corporation and has a place of business at 7698 Miramar
14 Road, San Diego, California 92126. Defendant is a designer, supplier,
15 manufacturer, offeror for sale, and seller, of recreational attractions and equipment.
16

17 **JURISDICTION AND VENUE**

18
19 4. This is a patent infringement, copyright infringement, and trademark
20 infringement case arising out of federal law, and this Court has subject matter
21 jurisdiction under 28 U.S.C. § 1331 and 28 U.S.C. § 1338(a), and under 15 U.S.C. §
22 1221 and 28 U.S.C. §§ 1338(a) and (b). This is also a case arising out of California
23 state law, and this Court has supplemental jurisdiction under 28 U.S.C. § 1367.
24

25 5. Venue in this judicial district is appropriate based on 28 U.S.C. §
26 1400(b), in that the Defendant resides therein, and the Defendant has committed
27 acts of infringement and has a regular and established place of business therein.
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BACKGROUND FACTS

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6. Slick Slide is a family-friendly business, providing entertainment for children and adults in the form of recreational attractions and equipment, including innovative and customized recreational slides. Slick Slide has provided its innovative and customized recreational slides throughout the United States.

7. Slick Slide incorporates unique technology and innovative designs in its products to provide a customized experience for its customers. Slick Slide’s products are also customized to its customers’ environment, including amusement parks and water parks. Slick Slide’s product offerings include indoor and outdoor customized recreational slides.

8. The slide designs offered by Slick Slide are the original creation of Slick Slide. By way of example only, Slick Slide’s Launch Slide design is an original creation of Slick Slide. In addition, Slick Slide’s Hybrid Slide design is an original creation of Slick Slide.

9. Slick Slide’s Launch Slide design is protected by United States Design Patent No. D973,821, entitled “Recreational Slide” (“the ‘821 patent”), which issued from the United States Patent and Trademark Office (“USPTO”) on December 27, 2022, to inventor Gary Schmit. Mr. Schmit assigned the ‘821 patent to Slick Slide, which at all times relevant to this action has been the owner of the ‘821 patent. A copy of the ‘821 patent is attached to this Complaint as Exhibit A.

1 10. Slick Slide marks its Launch Slide, including through its website, with
2 the '821 patent.

3
4 11. Slick Slide is the owner of original work, including design information
5 and artwork, relating to the Slick Slide Launch Slide, and other slides, including the
6 Slick Slide Hybrid Slide. Slick Slide used and uses this design information and
7 artwork for the Slick Slide Launch Slide and other slides in connection with its
8 business.
9

10 12. Slick Slide has duly complied with the provisions of the copyright laws
11 of the United States and has secured rights and privileges in and to the design
12 information and artwork described above relating to the Slick Slide Launch Slide.
13 Slick Slide has Certificates of Registration, duly issued from the Register of
14 Copyrights, pertaining to said design information and artwork.
15
16

17 13. By way of example, the Certificate of Registration attached hereto as
18 Exhibit B and associated Deposit Material attached hereto as Exhibit C relates to the
19 design information and artwork described above relating to the Slick Slide Launch
20 Slide.
21

22 14. In addition, the Certificate of Registration attached hereto as Exhibit D
23 and associated Deposit Material attached hereto as Exhibit E relates to the design
24 information and artwork described above relating to the Slick Slide Launch Slide.
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1 15. In addition, the Certificate of Registration attached hereto as Exhibit F
2 and associated Deposit Material attached hereto as Exhibit G relates to the design
3 information and artwork described above relating to the Slick Slide Launch Slide.
4

5 16. In addition, the Certificate of Registration attached hereto as Exhibit H
6 and associated Deposit Material attached hereto as Exhibit I relates to the design
7 information and artwork described above relating to the Slick Slide Launch Slide.
8

9 17. At all times relevant hereto, Slick Slide has been and still is the holder
10 of the exclusive rights under the Copyright Act of 1976 (17 U.S.C. §§ 101 et. seq., and
11 all amendments thereto) to reproduce, distribute, display, or license the reproduction,
12 all amendments thereto) to reproduce, distribute, display, or license the reproduction,
13 distribution, and/or display of the design information and artwork that is the subject of
14 the Certificates of Registration attached hereto as Exhibit B, D, F, and H.
15

16 18. Slick Slide started operating in 2019, and at that time began using the
17 trademark SLICK SLIDE in connection with the design, supply, manufacture, offer for
18 sale, and sales, of recreational attractions and equipment.
19

20 19. By way of example, Slick Slide uses the trademark SLICK SLIDE in
21 connection with its website, located at www.slickslide.com, where Slick Slide offers,
22 promotes, and markets recreational attractions and equipment.
23

24 20. Slick Slide made its first transaction of its recreational attractions and
25 equipment in 2019, including in connection with the trademark SLICK SLIDE.
26

27 21. Since 2019, Slick Slide has sold hundreds of recreational attractions and
28 equipment, including innovative and customized recreational slides, all in connection

1 with its trademark SLICK SLIDE. Slick Slide has provided its innovative and
2 customized recreational slides throughout the United States, all in connection with its
3 trademark SLICK SLIDE.
4

5 22. Slick Slide has offered, promoted, and marketed its recreational
6 attractions and equipment to the public, including through and at trade shows,
7 including the annual International Association of Amusement Parks and Attractions
8 Expo (“IAAPA Expo”), and the International Adventure and Trampoline Park
9 Association (“IATP”). In doing so, Slick Slide has penetrated the market for
10 recreational attractions and equipment, all in connection with its trademark SLICK
11 SLIDE.
12
13

14 23. By way of further example only, Slick Slide has distributed marketing
15 literature that includes its trademark SLICK SLIDE, to the public through the Internet,
16 through electronic distribution, and by providing physical copies of its marketing
17 literature to customers and potential customers.
18
19

20 24. From its start in 2019, Slick Slide has grown into a nationwide business,
21 continuously expanding with customers throughout the United States, earning millions
22 of dollars in revenue and serving the market for recreational attractions and equipment,
23 all in connection with its trademark SLICK SLIDE.
24

25 25. To promote its business, Slick Slide has used the SLICK SLIDE
26 trademark in many ways, including on its website, on social media sites, on signage
27
28

1 displayed at trade shows, through email marketing, and on other email
2 correspondence.

3
4 26. Slick Slide markets its services to the national market for recreational
5 attractions and equipment, all in connection with the SLICK SLIDE trademark.

6
7 27. Slick Slide has built a substantial amount of goodwill in the SLICK
8 SLIDE trademark in connection with its business. Slick Slide has become well
9 known to the trade and the general public, and Slick Slide has established extensive
10 goodwill, public recognition, and secondary meaning for the SLICK SLIDE
11 trademark as an identifier of Slick Slide in the United States. As a result of these
12 activities, the SLICK SLIDE trademark is distinctive and is an identifier of Slick
13 Slide.
14

15
16 28. Defendant is a designer, supplier, manufacturer, offeror for sale, and
17 seller, of recreational attractions and equipment.

18
19 29. In 2022, Defendant approach Slick Slide about a potential project
20 associated with Aviate Extreme Air Sports in Wichita Kansas (“the Aviate
21 Project”).

22
23 30. In connection with the Aviate Project, Defendant enticed Slick Slide to
24 provide to Defendant a proposal by which Slick Slide would supply recreational
25 slides.

26
27 31. Also in connection with the Aviate Project, Defendant enticed Slick
28 Slide to provide to Defendant engineering and design information associated with

1 the Launch Slide. Defendant represented to Slick Slide that Defendant would only
2 use the engineering and design information associated with the Launch Slide for
3 marketing purposes. Defendant represented that Defendant was not making slides,
4 not engineering slides, and not doing anything but marketing equipment.
5

6 32. In about August 2022, Slick Slide did provide to Defendant
7 engineering and design information associated with the Launch Slide. The
8 engineering and design information that Slick Slide provided to Defendant included
9 a design proposal for the Aviate Project.
10

11 33. Defendant used the engineering and design information associated
12 with the Launch Slide for more than just marketing purposes. Defendant made
13 derivative works, or caused and induced others to make derivative works, based on
14 the engineering and design information associated with the Launch Slide.
15

16 34. Defendant also used the engineering and design information associated
17 with the Launch Slide to design and manufacture recreational slides, or caused and
18 induced others to design and manufacture recreational slides based on the
19 engineering and design information associated with the Launch Slide.
20

21 35. The derivative works, and the recreational slides, that Defendant
22 created or caused and induced others to create, were for purposes of subterfuge and
23 deception of Slick Slide. By way of example only, Defendant led Slick Slide to
24 believe that Slick Slide was to be the supplier for the Aviate Project.
25
26
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1 36. Defendant failed to inform Slick Slide that the derivative works, and
2 the recreational slides, that Defendant created or caused and induced others to
3 create, were for purposes of offering for sale and selling recreational slides for the
4 Aviate Project, whereby Slick Slide would not be the supplier.
5

6 37. Defendant's subterfuge and deception worked, in that a recreational
7 slide based on the engineering and design information associated with the Launch
8 Slide was designed, engineered, manufactured, offered for sale, and sold in
9 connection with the Aviate Project.
10

11 38. Defendant facilitated its subterfuge and deception by falsely
12 representing that he was acting in cooperation with Slick Slide. By way of example
13 only, Defendant repeatedly advised Slick Slide regarding the status of the Aviate
14 Project, advising that it was a viable project for Slick Slide, while in fact Defendant
15 was creating or causing and inducing others to create derivative works, and create
16 the recreational slides, based on the engineering and design information associated
17 with the Launch Slide. In doing so, Defendant was acting in cooperation with third
18 parties, despite representing to Slick Slide that it was acting in cooperation with
19 Slick Slide.
20
21
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23

24 39. Defendant was successful in its subterfuge, and gained through
25 deceptive and unlawful means confidential business information, engineering and
26 design information, that only rightfully belonged to Slick Slide.
27
28

1 40. In connection with its subterfuge, and based on his knowledge of Slick
2 Slide and the recreational slide industry generally, Defendant gained knowledge
3 that Slick Slide's Launch Slide design is protected by the '821 patent.
4

5 41. In connection with its subterfuge, Defendant gained knowledge
6 regarding the design, supply, manufacture, and sale of recreational slides, including
7 slides that are intended to be a copy of Slick Slide's Launch Slide design.
8

9 42. With its knowledge regarding the '821 patent, Defendant caused the
10 design, supply, manufacture, offer for sale, and purchase of slides that are based on
11 the engineering and design information associated with the Launch Slide, including
12 a slide associated with the Aviate Project.
13

14 43. Defendant did so with the ulterior purpose of making unlawful
15 monetary gain for itself, to the detriment of Slick Slide.
16

17 44. Defendant did so knowing that the manufacture, offer for sale, and sale
18 of the slides based on the engineering and design information associated with the
19 Launch Slide constitutes infringement of the '821 patent, in part because those
20 slides are intended to be a copy of Slick Slide's Launch Slide. Defendant also did
21 so knowing that the slides based on the engineering and design information
22 associated with the Launch Slide are an infringement of the '821 patent, in part
23 because those slides are intended to be a copy of Slick Slide's Launch Slide.
24
25

26 45. Defendant also did so knowing that the derivative works relied upon to
27 manufacture, offer for sale, and sell of the slides based on the engineering and
28

1 design information associated with the Launch Slide constitutes infringement of the
2 copyrights associated with the Launch Slide, in part because those slides are
3 intended to be a copy of Slick Slide’s Launch Slide.
4

5 46. The purchaser of the slide for the Aviate Project purchased and used
6 the slide based on the promotion, instruction, suggestion, and advice from
7 Defendant.
8

9 47. The purchaser of the slide for the Aviate Project was caused to
10 purchase and use the slide by Defendant.
11

12
13 **COUNT I – PATENT INFRINGEMENT**

14 48. The allegations of Paragraphs 1-47 are incorporated by reference as if
15 fully set forth herein. This is an allegation of patent infringement under 35 U.S.C. §
16 271(a).
17

18 49. The recreational slide depicted in the image attached as Exhibit J
19 infringes the ‘821 patent. The respective designs of the ‘821 patent and the
20 recreational slide depicted in the image attached as Exhibit J are substantially the
21 same such that an ordinary observer, confusing one for the other, could be induced
22 to purchase the infringing design. By way of example only, the ’821 patent depicts
23 a novel hood design that encloses the first section of the claimed slide, and that
24 nearly identical feature is found in the image of the accused product in Exhibit J. In
25 addition, the ’821 patent depicts a novel slide exit trajectory at the end of the slide
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1 design, and that nearly identical feature is found in the image of the accused
2 product in Exhibit J.

3
4 50. Defendant has infringed infringe the ‘821 patent by its design, supply,
5 manufacture, offer for sale, and sale of recreational slides, including the slide
6 depicted in the image attached hereto as Exhibit J.

7
8 51. Defendant’s acts of patent infringement complained of herein are
9 being carried out willfully and with full knowledge of Slick Slide’s rights in the
10 ‘821 patent. By way of example only, Defendant’s acts of patent infringement are
11 being carried out despite having been made aware of the ‘821 patent through its
12 subterfuge with Slick Slide.

13
14 52. As a result of Defendant’s actions, Slick Slide has suffered and
15 continues to suffer substantial injury, including irreparable injury and monetary
16 damage, including but not limited to the loss of sales and profits, which Slick Slide
17 would have made but for the acts of infringement by the Defendant. Such injury
18 and damage to Slick Slide will continue unless Defendant is enjoined by this Court
19 from further infringement.
20
21

22
23 **COUNT II – INDUCEMENT OF PATENT INFRINGEMENT**

24 53. The allegations of Paragraphs 1-52 are incorporated by reference as if
25 fully set forth herein. This is an allegation of inducement of patent infringement
26 under 35 U.S.C. § 271(b).
27
28

1 54. Defendant caused the design, supply, manufacture, offer for sale, and
2 purchase of the slide that is depicted in the image attached hereto as Exhibit J.
3
4 Defendant also convinced others to design, supply, manufacture, offer for sale, and
5 purchase of the slide that is depicted in the image attached hereto as Exhibit J.
6
7 Defendant also convinced the purchaser of the slide that is depicted in the image
8 hereto as Exhibit J, to have that slide designed, supplied, manufactured, purchased,
9 and used.

10 55. Through its promotion of the slide that is depicted in the image hereto
11 as Exhibit J, Defendant convinced others to design, supply, manufacture, offer for
12 sale, and purchase of the slide that is depicted in the image attached hereto as
13 Exhibit J, and other slides, and also convinced the purchaser of the slide that is
14 depicted in the image hereto as Exhibit J to have that slide designed, supplied,
15 manufactured, purchased, and used. In doing so, Defendant induced others to
16 infringe the '821 patent and specifically intended to encourage and facilitate that
17 infringement.
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21 56. Defendant's acts of inducing patent infringement complained of herein
22 were being carried out willfully and with full knowledge of Slick Slide's rights in
23 the '821 patent. By way of example only, Defendant's acts of inducement of patent
24 infringement are being carried out despite having been made aware of the '821
25 patent through their subterfuge with Slick Slide.
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1 57. Defendant has induced infringement of the ‘821 patent thereby.
2 Defendant encouraged customers and potential customers to infringe the ‘821
3 patent thereby.
4

5 58. As a result of Defendant’s actions, Slick Slide has suffered and
6 continues to suffer substantial injury, including irreparable injury and monetary
7 damage, including but not limited to the loss of sales and profits, which Slick Slide
8 would have made but for the acts of inducement of infringement by the Defendant.
9 Such injury and damage to Slick Slide will continue unless Defendant is enjoined
10 by this Court from further infringement.
11

12
13 **COUNT III – COPYRIGHT INFRINGEMENT**
14

15 59. This cause of action arises under the copyright laws of the United
16 States, Title 17 United States Code.

17 60. The allegations of 1-59 are incorporated by reference as if fully set
18 forth herein.
19

20 61. Slick Slide is the owner of original work, including design and uses
21 this design information and artwork for the Slick Slide Launch Slide and Hybrid
22 Slide in connection with its business.
23

24 62. The Slick Slide Launch Slide design information and artwork used by
25 Defendant in connection with its business is a reproduction, counterfeit, copy,
26 and/or derivation of Slick Slide’s original and copyrightable subject matter under
27 the copyright laws of the United States, 17 U.S.C. § 101 *et seq.*
28

1 63. Slick Slide has duly complied with the provisions of the copyright
2 laws of the United States and has secured rights and privileges in and to the design
3 information and artwork described above relating to the Slick Slide Launch Slide.
4 Slick Slide has Certificates of Registration, duly issued from the Register of
5 Copyrights, pertaining to said design information and artwork. (See Certificates of
6 Registration, attached hereto as Exhibits B, D, F, and H). At all times relevant
7 hereto, Slick Slide has been and still is the holder of the exclusive rights under the
8 Copyright Act of 1976 (17 U.S.C. §§ 101 et. seq., and all amendments thereto) to
9 reproduce, distribute, display, or license the reproduction, distribution, and/or
10 display of the design information and artwork that is the subject of the Certificates
11 of Registration attached hereto as Exhibits B, D, F, and H.

12 64. All of the acts of the Defendant as set forth in the preceding
13 paragraphs are without permission, license, or consent of Slick Slide. These acts
14 have and will cause serious and irreparable damage to Slick Slide for which Slick
15 Slide is without adequate remedy at law.

16 **COUNT IV – INDUCEMENT OF COPYRIGHT INFRINGEMENT**

17 65. This cause of action arises under the copyright laws of the United
18 States, Title 17 United States Code.

19 66. The allegations of 1-65 are incorporated by reference as if fully set
20 forth herein.

1 67. Slick Slide is the owner of original work, including design and uses
2 this design information and artwork for the Slick Slide Launch Slide and Hybrid
3 Slide in connection with its business.
4

5 68. The Slick Slide Launch Slide design information and artwork used by
6 Defendant in connection with its business is a reproduction, counterfeit, copy,
7 and/or derivation of Slick Slide's original and copyrightable subject matter under
8 the copyright laws of the United States, 17 U.S.C. § 101 et seq.
9

10 69. Slick Slide has duly complied with the provisions of the copyright
11 laws of the United States and has secured rights and privileges in and to the design
12 information and artwork described above relating to the Slick Slide Launch Slide.
13 Slick Slide has Certificates of Registration, duly issued from the Register of
14 Copyrights, pertaining to said design information and artwork. (See Certificates of
15 Registration, attached hereto as Exhibits B, D, F, and H). At all times relevant
16 hereto, Slick Slide has been and still is the holder of the exclusive rights under the
17 Copyright Act of 1976 (17 U.S.C. §§ 101 et. seq., and all amendments thereto) to
18 reproduce, distribute, display, or license the reproduction, distribution, and/or
19 display of the design information and artwork that is the subject of the Certificates
20 of Registration attached hereto as Exhibits B, D, F, and H.
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25 70. Defendant caused and induced others to make derivative works based
26 on the engineering and design information associated with the Launch Slide.
27 Defendant also did so knowing that the derivative works relied upon to
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1 manufacture, offer for sale, and sell of the slides based on the engineering and
2 design information associated with the Launch Slide constitutes infringement of the
3 copyrights associated with the Launch slide, in part because those slides are
4 intended to be a copy of Slick Slide’s Launch Slide.
5

6 71. All of the acts of the Defendant as set forth in the preceding
7 paragraphs are without permission, license, or consent of Slick Slide. These acts
8 have and will cause serious and irreparable damage to Slick Slide for which Slick
9 Slide is without adequate remedy at law.
10

11
12 **COUNT V –TRADEMARK INFRINGEMENT, FALSE DESIGNATION OF**
13 **ORIGIN, AND UNFAIR COMPETITION UNDER LANHAM ACT § 43(A)**

14 72. This cause of action arises under the trademark laws of the United
15 States, Title 15 United States Code, including 15 U.S.C. § 1125(a).
16

17 73. The allegations of 1-72 are incorporated by reference as if fully set
18 forth herein.

19 74. Defendant’s use of SLICK SLIDE in connection with recreational
20 attractions and equipment is confusingly similar to Slick Slide’s SLICK SLIDE
21 trademark, such that consumers and other members of the public are likely to
22 continue to confuse the two. For example, Defendant’s use of SLICK SLIDE
23 depicted in the image attached hereto as Exhibit K is confusingly similar to Slick
24 Slide’s SLICK SLIDE trademark, such that consumers and other members of the
25 public are likely to continue to confuse the two.
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1 75. Additionally, Defendant’s use of SLICK SLIDE in connection with
2 recreational attractions and equipment constitutes false designation of origin and
3 unfair competition by infringing the trademark rights of Slick Slide in the SLICK
4 SLIDE trademark.
5

6 76. Furthermore, the trademark SLICK SLIDE is so associated with the
7 recreational attractions and equipment offered by Slick Slide that use of SLICK
8 SLIDE by Defendant constitutes a false representation that Defendant’s recreational
9 attractions and equipment are, in fact, offered by Slick Slide, or are otherwise
10 affiliated with Slick Slide. In addition, Defendant’s advertising and promotion of
11 its recreational attractions and equipment has usurped Slick Slide’s business
12 identity, despite the fact the Slick Slide is the senior user.
13
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15

16 77. As a proximate result of the wrongful acts of the Defendant
17 complained of herein, Slick Slide has suffered and will continue to suffer
18 irreparable harm to its business and good will, and other damages.
19

20 78. The wrongful acts of the Defendant also entitle Slick Slide to recover a
21 disgorgement of all of Defendant’s profits associated with or derived from use of
22 the SLICK SLIDE trademark. Insofar as Defendant’s wrongful actions are
23 knowing and willful, Slick Slide is entitled to an award of enhanced damages.
24 Moreover, because the infringement is ongoing and willful, the case is exceptional,
25 entitling Slick Slide to recovery its legal costs, including attorney’s fees, from
26 Defendant.
27
28

1 **COUNT VI – TRADEMARK INFRINGEMENT UNDER COMMON LAW**

2 79. This cause of action arises under the common law.

3
4 80. The allegations of 1-79 are incorporated by reference as if fully set
5 forth herein.

6 81. As set forth above, Defendant has infringed and continues to infringe
7 the SLICK SLIDE trademark.

8
9 82. The SLICK SLIDE trademark is so associated with the recreational
10 attractions and equipment offered by Slick Slide that use of SLICK SLIDE by
11 Defendant constitutes a false representation that Defendant’s recreational
12 attractions and equipment are, in fact, offered by Slick Slide, or are otherwise
13 affiliated with Slick Slide. In addition, Defendant’s advertising and promotion of
14 its recreational attractions and equipment has usurped Slick Slide’s business
15 identity, despite the fact the Slick Slide is the senior user. Defendant’s actions
16 violate Slick Slide’s common law rights in California and throughout the United
17 States.
18
19
20

21 83. As a proximate result of the wrongful acts of the Defendant
22 complained of herein, Slick Slide has suffered and will continue to suffer
23 irreparable harm to its business and good will, and other damages which are
24 compensable by law.
25
26
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1 **COUNT VII –UNFAIR COMPETITION AND DECEPTIVE TRADE**
2 **PRACTICES BASED ON STATE LAW**

3 84. This cause of action arises under state law.

4 85. The allegations of 1-84 are incorporated by reference as if fully set
5 forth herein.

6 86. Defendant has engaged and continues to engage in knowing trademark
7 infringement and related deceptive advertising and promotion using the SLICK
8 SLIDE trademark fraudulent and deceptive acts and practices in violation of the
9 California Unfair Practices Act, and the deceptive trade practices acts of other
10 states, including the State of Arizona.

11 87. For example, Defendant has used and is using the SLICK SLIDE
12 trademark which is confusingly similar to Slick Slide’s SLICK SLIDE trademark
13 with nearly identical services and goods for which Slick Slide uses the SLICK
14 SLIDE trademark. Therefore, Defendant’s uses of the SLICK SLIDE trademark
15 misrepresents the source, sponsorship, approval or certification of its goods and
16 services.

17 88. Defendant’s uses of the SLICK SLIDE trademark is likely to cause
18 consumers to conclude falsely that there exists some affiliation, connection or
19 association between Defendant and Slick Slide. Defendant’s uses of the SLICK
20 SLIDE trademark constitute a false representation that Defendant’s services and
21 goods are, in fact, offered by Slick Slide, or are otherwise affiliated with Slick
22 SLIDE trademark constitute a false representation that Defendant’s services and
23 goods are, in fact, offered by Slick Slide, or are otherwise affiliated with Slick
24 SLIDE trademark constitute a false representation that Defendant’s services and
25 goods are, in fact, offered by Slick Slide, or are otherwise affiliated with Slick
26 SLIDE trademark constitute a false representation that Defendant’s services and
27 goods are, in fact, offered by Slick Slide, or are otherwise affiliated with Slick
28 SLIDE trademark constitute a false representation that Defendant’s services and

1 Slide. In addition, Defendant’s advertising and promotion of its services and goods
2 has usurped Slick Slide’s business identity, despite the fact the Slick Slide is the
3 senior user. The actual and probable tendency and impact of Defendant’s uses is to
4 enable Defendant to deceive the public, including citizens of the State of California
5 for whose protection the California Unfair Practices Act was enacted.
6

7
8 89. Defendant’s wrongful conduct constitutes unfair competition under
9 California state law and the laws of other states, including Arizona.

10 90. Moreover, at all times relevant to this Complaint, Defendant has had
11 actual or constructive knowledge of Slick Slide’s rights to its SLICK SLIDE
12 trademark and therefore Defendant’s infringement was willful and deliberate.
13

14 91. In addition, in connection with the Aviate Project discussed herein,
15 Defendant falsely enticed Slick Slide to provide to Defendant engineering and
16 design information associated with the Launch Slide. Defendant also falsely
17 represented that Defendant was not making slides, not engineering slides, and not
18 doing anything but marketing equipment. Contrary to Defendant’s representations,
19 Defendant facilitated the copying of Slick Slide’s designs, copied Slick Slide’s
20 designs, facilitated the creation of derivative works, created derivative works, and
21 participated in a scheme to engage in patent infringement, copyright infringement,
22 and trademark infringement.
23
24
25

26 **COUNT VIII – VIOLATION OF 17 U.S.C. § 1202**

27 92. This cause of action arises under federal copyright law.
28

1 93. The allegations of 1-92 are incorporated by reference as if fully set
2 forth herein.

3
4 94. As explained above, Defendant caused and induced others to make
5 derivative works based on the engineering and design information associated with
6 the Launch Slide. Defendant also did so knowing that the derivative works relied
7 upon to manufacture, offer for sale, and sell of the slides based on the engineering
8 and design information associated with the Launch Slide constitutes infringement
9 of the copyrights associated with the Launch slide, in part because those slides are
10 intended to be a copy of Slick Slide's Launch Slide.
11

12
13 95. In connection therewith, Defendant intentionally removed and altered
14 copyright management information, and induced and caused others to intentionally
15 remove and alter copyright management information, from the engineering and
16 design information associated with the Launch Slide. By way of example only,
17 Defendant removed and altered, and induced and caused others to remove and alter,
18 the title of the engineering and design information and the name of the author of the
19 work, i.e., Slick Slide. By way of further example, Defendant removed and altered,
20 and induced and caused others to remove and alter, the name of the copyright
21 owner of the work, i.e., Slick Slide.
22

23
24
25 96. In doing so, Defendant knew that the title and author of the work, and
26 the name of the copyright owner, was being removed and altered. Defendant had
27 that knowledge because, by its possession of the engineering and design
28

1 information, knew that the work had that information associated with it, and yet
2 removed and altered it, and induced and caused others to remove and alter it.

3
4 97. Defendant did so with the purpose of concealing the fact that its was
5 Slick Slide engineering and design information that was being altered, and so that
6 derivative works could and would be created to conceal that Slick Slide engineering
7 and design information was the origin of the derivative works.
8

9 98. One of Defendant's purposes in its actions was to create derivative
10 works on behalf of third parties, and to provide those derivative works to third
11 parties, so that the third parties could use the derivative works as templates to create
12 additional derivative works. In addition, Defendant agreed with third parties, and
13 therefore knew, that the derivative works would be used to create copies and
14 derivative works based Slick Slide's engineering and design information.
15
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17 99. Defendant agreed to create derivative works for the third parties, and
18 in doing so understood that the title and author of the work, and the name of the
19 copyright owner, would be removed and altered.
20

21 100. Based on that understanding, Defendant knew that the third parties
22 would also infringe Slick Slide's copyrights. For example, Defendant knew that
23 third parties would rely upon the altered Slick Slide engineering and design
24 information to create additional derivative works.
25

26 100. Based on that understanding, Defendant knew that its conduct was
27 inducing and causing third parties to infringement of Slick Slide's copyrights.
28

1 WHEREFORE, Slick Slide prays for the following relief against Defendant:

2 A. That a judgment be entered against Defendant, that the Defendant has
3
4 infringed United States Design Patent No. D973,821 and has induced infringement
5 of United States Design Patent No. D973,821.

6 B. That Defendant, its agents, sales representatives, servants and
7
8 employees, associates, attorneys, parents, successors and assigns, and any and all
9 persons or entities acting at, through, under or in active concert or participation with
10 any or all of them, be enjoined and permanently restrained from further infringing
11 United States Design Patent No. D973,821.

12 C. That a judgment be entered requiring Defendant to pay to Slick Slide
13
14 monetary damages sustained by Slick Slide due to such acts of infringement,
15 including lost profits or reasonable royalty under 35 U.S.C. § 284, or alternatively,
16 the Defendant's total profit under 35 U.S.C. § 289.

17 D. That such damages payable to Slick Slide be trebled under 35 U.S.C. §
18
19 284 for willful infringement.

20 E. That this case be adjudged and decreed exceptional under 35 U.S.C. §
21
22 285, and that Slick Slide be awarded its reasonable attorney fees.

23 F. That Slick Slide be awarded its costs and prejudgment interest on all
24
25 damages.

26 G. That this Court enter a decree holding that Defendant has infringed
27
28 Slick Slide's copyrights.

1 H. That Defendant be preliminarily and permanently enjoined and
2 restrained from any use of Slick Slide’s copyright materials, including but not
3 limited to in connection with the provision of recreational slides, and from any
4 other acts which will injure or be likely to injure Slick Slide.
5

6 I. That Defendant be ordered to deliver up for destruction all materials
7 containing Slick Slide’s original artwork, and to discontinue use of such materials.
8

9 J. That Defendant be ordered to file with this Court and serve on Slick
10 Slide within thirty (30) days after entry of the final judgment of this cause a report
11 in writing under oath setting forth in detail the manner and form in which
12 Defendant has complied with the final judgment.
13

14 K. That Slick Slide be awarded all profits realized by Defendant, and all
15 costs saved by Defendant, and all damages sustained by Slick Slide, by reason of
16 Defendant’s copyright infringement, and that Slick Slide be awarded damages and
17 attorneys fees, including statutory damages under 17 U.S.C. § 1203, for
18 Defendant’s conduct.
19

20 L. That this Court enter a decree holding that Defendant has infringed
21 Slick Slide’s trademark rights; that Defendant has falsely designated the origin of
22 its goods and services under federal trademark laws; that Defendant has competed
23 unfairly; that Defendant has violated the laws of the State of California and other
24 States;
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1 M. That Defendant, its agents, employees, successors and assigns, and any
2 and all persons or entities acting at, through, under or in active concert or
3 participation with or under authority of or from them, be preliminarily and
4 permanently enjoined and restrained from any use of the designation SLICK SLIDE
5 and any other colorable imitation thereof, and any other acts which will damage the
6 value of Slick Slide's SLICK SLIDE trademark.
7

9 N. That Defendant, its agents, employees, successors and assigns, and any
10 and all persons or entities acting at, through, under or in active concert or
11 participation with or under authority of or from them, be preliminarily and
12 permanently enjoined from representing or passing off by words or implications
13 that they and/or any company with which they are involved is affiliated or
14 associated with, are sponsored or authorized by Slick Slide, and that they be
15 enjoined from infringing Slick Slide's SLICK SLIDE trademark.
16
17

18 O. That Defendant deliver up for destruction all goods, and advertising
19 and promotional materials, containing the SLICK SLIDE designation, and
20 discontinue use of such designation.
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22 P. That Slick Slide be awarded such other and further relief as the Court
23 deems just and proper.
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JURY DEMAND

Slick Slide hereby demands and requests trial by jury of all issues raised that are triable by jury.

Dated: December 20, 2023

s/William F. Small
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