

CLERKS OFFICE U.S. DIST. COURT  
AT CHARLOTTESVILLE, VA  
FILED  
2/28/2024  
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**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
CHARLOTTESVILLE DIVISION**

LEISURE PRODUCTS, INC., )  
)  
d/b/a California Sidecar, )  
)  
Plaintiff, )  
)  
)  
)  
v. )  
)  
)  
TRIKE SHOP OF MINNESOTA, INC. )  
)  
d/b/a Roadsmith Trikes, )  
)  
Defendant. )

Civil Action No. 3:24cv00011

**JURY TRIAL DEMANDED**

**COMPLAINT**

Plaintiff Leisure Products, Inc., d/b/a California Sidecar (“Plaintiff” or “CSC”), by counsel, for its Complaint against Defendant Trike Shop of Minnesota, Inc., d/b/a Roadsmith Trikes (“Defendant” or “Roadsmith”), states as follows:

**NATURE OF THE ACTION**

1. This is a declaratory judgment action arising under the Declaratory Judgment Act, 28 U.S.C. § 2201 *et. seq.* and the Patent Laws of the United States, 35 U.S.C. § 1 *et seq.* CSC seeks a declaration of invalidity of U.S. Patent Nos. D912,582, D981,916 and 11,731,726 (“the ’582 patent” and “the ’916 patent,” and “the ’726 patent,” respectively, and “the asserted patents,” collectively). True and correct copies of the ’582, ’916, and ’726 patents are attached hereto as **Exhibit A**, **Exhibit B**, and **Exhibit C**, respectively.

**PARTIES**

2. Plaintiff CSC is a Virginia corporation with its principal place of business at 100 Motorcycle Run, Arrington, Virginia, 22922.

3. Defendant Roadsmith is a Minnesota company which, upon information and belief, is duly organized and existing under the laws of the State of Minnesota with offices at 3744 Schueneman Rd., White Bear Lake, Minnesota, 55110.

**JURISDICTION AND VENUE**

4. This action arises under the patent laws of the United States, 35 U.S.C. § 1 *et seq.*, with a specific remedy sought based upon the laws authorizing actions for declaratory judgment in the courts of the United States, 28 U.S.C. §§ 2201 and 2202. This Court has jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338(a).

5. Roadsmith is subject to personal jurisdiction in Virginia because of Roadsmith's continuous and systematic contacts with the Commonwealth. On information and belief, Roadsmith intentionally markets and directs its products to this Commonwealth and enjoys substantial income from sales in this Commonwealth. Further, Roadsmith has contacted CSC in connection with accusing CSC of patent infringement and demanding a license for the asserted patents, and Roadsmith has sent CSC a demanded licensing agreement for the asserted patents that give rise to this action.

6. Venue is proper in this judicial district pursuant to 28 U.S.C. §§ 1391(b) as a substantial part of the events or omissions giving rise to this claim occurred in this judicial district.

**FACTUAL BACKGROUND**

7. Upon information and belief, CSC is one of the largest motorcycle trike conversion manufacturers in the world.

8. A trike is a three-wheeled motorcycle. CSC converts standard two-wheel motorcycles into three-wheeled motorcycles with a trike conversion kit that is built according to the customer's specifications.

9. CSC's accused product incorporates a front suspension mechanism that is typical in the industry.

10. Upon information and belief, the front suspension mechanism that CSC utilizes is industry-standard and has been used by those of ordinary skill in the motorcycle arts for decades before the effective filing dates of the asserted patents.

11. On or about December 7, 2023, Westman, Champlin & Koehler, P.A., a law firm acting on behalf of Roadsmith, sent a letter to CSC regarding the asserted patents that contended that CSC was making, using, offering to sell, and/or selling allegedly infringing front suspension forks and practicing one or more techniques that infringed one or more claims of the '582, '916, and/or '726 patents. A copy of this correspondence is attached hereto as **Exhibit D**.

12. The December 7, 2023 letter goes on to state that Roadsmith requests that CSC cease making, using, offering to sell, and/or selling any of the allegedly unlicensed front suspension forks, as well as stop making trikes according to the claimed method by April 1, 2024.

13. On or about January 18, 2024, Westman, Champlin & Koehler, P.A. also submitted to CSC a demanded licensing agreement for the asserted patents based on their alleged infringement. The demanded licensing agreement is attached hereto as **Exhibit E**.

14. CSC responded to Roadsmith, through counsel, on February 23, 2024, explaining in detail that each and every one of the asserted patents is invalid due the patents and their claims being anticipated and obvious.

15. Roadsmith's correspondence as outlined above, the licensing demand based on the alleged patent infringement, the threats and accusations regarding infringement, and the claims made by Roadsmith alleging CSC's infringement of the '582, '916, and '726 patents, create a reasonable apprehension and substantial likelihood that, if CSC does not pay and agree to enter into a license with Roadsmith, Roadsmith will sue CSC for the alleged infringement of the '582, '916, and '726 patents. CSC is unwilling to pay Roadsmith, because each and every one of the '582, '916, and '726 patents, is invalid.

### **THE PATENTS-IN-SUIT**

16. The '582 patent, entitled "Front Fork," issued on March 9, 2021, from U.S. Patent Application No. 29/668,405 filed October 30, 2018.

17. Upon information and belief, the listed inventor of the '582 patent assigned his interests to Trike Shop of Minnesota, Inc. in Gem Lake, Minnesota, Roadsmith's parent company.

18. The '916 patent, also entitled "Front Fork," issued on March 28, 2023, from U.S. Patent Application No. 29/768,940 filed February 2, 2021. Upon information and belief, the effective filing date of the '916 patent is October 30, 2018 at the earliest.

19. Upon information and belief, the listed inventor of the '916 patent assigned his interests to Trike Shop of Minnesota, Inc., in Gem Lake, Minnesota, Roadsmith's parent company.

20. The '726 Patent, entitled "Method of Converting a Two-Wheel Motorcycle to a Three-Wheel Motorcycle with Reduced Trail Distance," issued on August 22, 2023, from U.S. Patent Application No. 17/221,078 filed April 2, 2021. Upon information and belief, the effective filing date of the '726 patent is October 31, 2017 at the earliest.

21. Upon information and belief, the listed inventor of the '726 patent assigned his interests to Trike Shop of Minnesota, Inc., in Gem Lake, Minnesota, Roadsmith's parent company.

**CLAIM 1 - DECLARATION OF INVALIDITY**

22. The foregoing paragraphs are incorporated by reference as though fully stated herein.

23. Roadsmith has alleged that CSC is infringing the '582, '916, and '726 patents.

24. By way of example and without limiting the grounds of invalidity that will be asserted in this action, one or more claims of the '582, '916, and '726 patents are invalid because they fail to meet the conditions of patentability and/or otherwise comply with one or more of 35 U.S.C. §§ 100 *et seq.*, including, but not limited to, 35 U.S.C. §§ 101, 102, 103, and/or 112.

25. In particular, the '582 and '916 patents are anticipated under 35 U.S.C. § 102 and rendered obvious under 35 U.S.C. § 103 based on the Honda Goldwing front fork, which was first revealed to the public as early as October of 2017, thereby constituting prior art to the '582 and '916 patents, which is effectively identical to the fork design claimed in the '582 and '916 patents. (See Kevin Cameron, *At Last! A Mainstream Motorcycle Without a Telescopic Fork*, CYCLE WORLD (October 28, 2017), <https://www.cycleworld.com/honda-gold-wing-mainstream-motorcycle-without-telescopic-fork/>; see also David Booth, *First Look: 2018 Honda Gold Wing*, DRIVING (October 24, 2017), <https://driving.ca/auto-news/news/first-look-2018-honda-gold-wing>; see also Morgan Gales, *The 2018 Gold Wing Is Lighter, More Compact, and Sportier Than Ever*, CYCLE WORLD (October 24, 2017), <https://www.cycleworld.com/2018-honda-gl1800-gold-wing-tour-motorcycle-review/>; see also Press Release, *Honda Announces 2018 Gold Wing*, HONDA (October 25, 2017), <https://global.honda/en/newsroom/worldnews/2017/2171025Gold-Wing-2018.html>). These documents are attached hereto as **Exhibit F**, **Exhibit G**, **Exhibit H**, and **Exhibit I**, respectively.

26. The '582 and '916 patents, both entitled "Front Fork," cover Honda's front fork design, and both patents have effective filing dates *after* Honda revealed its design to the public. Accordingly, upon information and belief, Honda's design is prior art to the '582 and '916 patents and renders the claimed design anticipated and obvious.

27. Upon information and belief, the Honda Goldwing front fork design, which constitutes prior art to both the '582 and '916 patents, was not cited during the prosecution of either patent, yet it teaches an effectively identical front suspension fork design that when taken alone renders the patent anticipated under 35 U.S.C. § 102 or obvious under 35 U.S.C. § 103, and/or when combined with other references, renders the patents obvious under 35 U.S.C. § 103.

28. The Honda Goldwing design was plainly material to patentability of the asserted '582 and '916 patents and, upon information and belief, Roadsmith's failure to disclose that design in any Information Disclosure Statement during the prosecution of the '582 and '916 patents would be considered inequitable conduct if Roadsmith intentionally withheld Honda's design from the United States Patent & Trademark Office ("USPTO").

29. As the Honda Goldwing design was clearly copied, the '582 and '916 patents are invalid, and because material prior art, including Honda's Goldwing design, was not cited to the USPTO, the '582 and '916 patents may be unenforceable due to inequitable conduct.

30. Regarding the '726 patent, it covers a well-known method of altering the steering geometry of a two-wheel motorcycle to make it suitable for a three-wheel motorcycle, such as a trike or sidecar.

31. In particular, the '726 patent is invalid under 35 U.S.C. § 102 based on anticipation and lack of novelty and under 35 U.S.C. § 103 as obvious, when viewed in light of decades of prior art and what would be known to one of ordinary skill in the art.

32. For example, upon information and belief, Harley-Davidson was manufacturing trikes based upon two-wheel motorcycle frame components as early as around 1932.

33. Specifically, upon information and belief, around 1958, Harley-Davidson offered an adjustable “rake” triple clamp set for their Servicar, Harley-Davidson’s original trike, which was released around 1932.

34. This allowed the operator to set the rake of the triple clamp to alter the trail of the front suspension to change the handling and steering effort, which is what is claimed in the ‘726 patent.

35. Upon information and belief, Harley-Davidson continues to alter the “rake” on the trikes that they currently manufacture in this same manner, and have been doing so on current trikes since at least around 2009.

36. Further, upon information and belief, a trike conversion company, Lehman Trikes, manufactured similar components for Harley-Davidson trikes according to the method claimed in the ‘726 patent starting around 2008 and continuing even after Harley Davidson started making triglides independent of Lehman Trikes around 2012, all prior to the effective filing date of the ‘726 patent.

37. Further, an individual of ordinary skill in the art of motorcycle mechanics would plainly know that, in order to convert from two-wheels to three-wheels, you must keep the steering axis the same relative to the first fork, while having the second fork axis in the bottom portion that intersects an axis of rotation of the front wheel, and have the fork axis spaced from and parallel to the steering axis such that the front wheel has a second trail distance that is less than the first trail distance.

38. An individual of ordinary skill in the art also knows that this is necessary to enable adequate steering responsiveness, and this has been known and practiced for decades prior to the effective filing date of the '726 patent.

39. As trikes were made according to the claimed method for more than 70 years prior to the effective filing date of the '726 patent, the '726 patent is anticipated and obvious.

40. CSC expressly reserves the right to assert additional grounds of invalidity after having the ability to conduct discovery and the Court has construed the claims.

41. Viewed in the light of Roadsmith's allegations of infringement against CSC and the demand that CSC enter into a licensing agreement, Roadsmith has created a substantial, immediate and real controversy between the parties as to the invalidity of the '582, '916, and '726 patents. A valid and justiciable controversy has arisen and exists between CSC and Roadsmith within the meaning of 28 U.S.C. § 2201.

42. A judicial determination of invalidity is necessary and appropriate so that CSC may ascertain its rights regarding the '582, '916, and '726 patents.

#### **PRAYER FOR RELIEF**

WHEREFORE, CSC prays for a declaration from this Court and judgment against Roadsmith as follows:

- A. That the '582, '916, and '726 patents are invalid;
- B. That this Court award CSC its costs, expenses and attorney's fees pursuant to 35 U.S.C. § 285; and
- C. Such other and further relief as this Court deems just, reasonable and proper.



**JURY DEMAND**

Pursuant to Fed. R. Civ. P. 38, Plaintiff hereby demands a trial by jury on all issues so triable.

Dated: February 28, 2024

Respectfully Submitted,

/s/ Nathan A. Evans

Nathan A. Evans (VSB No. 46840)  
**Woods Rogers Vandeventer Black PLC**  
123 East Main Street, 5th Floor  
Charlottesville, VA 22902  
Telephone: 434-220-6829  
nathan.evans@wrvblaw.com

Pietro F. Sanitate (VSB No. 89538)  
**Woods Rogers Vandeventer Black PLC**  
901 East Byrd Street, Suite 1550  
Richmond, VA 23219  
Telephone: 804-343-5029  
pietro.sanitate@wrvblaw.com