

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

INDIAN INDUSTRIES, INC. d/b/a	:	
ESCALADE SPORTS,	:	
	:	
<i>Plaintiff,</i>	:	
	:	
v.	:	Civil Action No. _____
	:	
PCKL, LLC	:	
	:	
<i>Defendant.</i>	:	JURY TRIAL DEMANDED

COMPLAINT

Plaintiff, Indian Industries, Inc. d/b/a Escalade Sports (“Escalade Sports”) brings this action against Defendant, PCKL, LLC (“PCKL”). In support of the Complaint, Escalade Sports alleges as follows:

NATURE OF THE ACTION

1. This is an action for patent infringement. Defendant has violated and continues to violate the patent laws of the United States, including 35 U.S.C. §§ 271(g) and 281-285 by importing and selling a product which is made by a process patented in the United States under U.S. Patent No. 11,597,169.

PARTIES

2. Plaintiff, Indian Industries, Inc. d/b/a Escalade Sports is a private corporation organized and existing under the laws of the State of Indiana, having a principal place of business at 817 Maxwell Ave, Evansville, IN 4711.

3. Upon information and belief, Defendant, PCKL, LLC is a private limited company having a principal place of business at 1266 W Paces Ferry Road NW, Suite 153, Atlanta, GA 30327.

JURISDICTION AND VENUE

4. This Court has subject matter jurisdiction pursuant to 28 U.S.C. § 1338(a).

5. This Court has personal jurisdiction over PCKL because, on information and belief, (a) PCKL is properly “at home” in this District; (b) PCKL has marketed, distributed, offered for sale, and/or sold the infringing products to persons within the State of Georgia; (c) PCKL regularly transacts and conducts business within the State of Georgia; and/or (d) PCKL has otherwise made or established contacts within the State of Georgia sufficient to permit the exercise of personal jurisdiction.

6. Venue is proper in this judicial district pursuant to 28 USC §§ 1391 and 1400 because, on information and belief, PCKL resides in this District, PCKL is subject to personal jurisdiction in this District, and a substantial part of the infringing acts or omissions giving rise to Escalade Sports’ claims occurred in this District.

FACTUAL BACKGROUND

1. Escalade Sports is the owner and manufacturer of the ONIX[®] brand of pickleball paddles, among other pickleball equipment and apparel since at least as early as 2005. ONIX[®] is a leading manufacturer of performance pickleball paddles and is recognized within the industry

as the sport of pickleball has grown in popularity. ONIX® brand pickleball paddles are sold throughout the United States and abroad.

2. ONIX® is well known in the industry for making and selling an assortment of quality pickleball products including paddles, balls, nets, apparel, and accessories. Information on their product lines can be viewed at <https://www.onixpickleball.com>.

3. Escalade Sports has invested significant time, money, and resources into developing a proprietary method of manufacturing pickleball paddles.

4. PCKL is and has been a direct competitor of Escalade Sports for pickleball paddles.

Escalade Sports' Intellectual Property

5. Escalade Sports is the full owner of U.S. Patent No. 11,597,169 entitled "Pickleball Paddle and Method of Manufacture" (hereinafter "the '169 Patent"). The '169 Patent issued on March 7, 2023. A true and accurate copy of the '169 Patent is attached as Exhibit 1.

6. Escalade Sports sells pickleball paddles in the United States manufactured with the patented process.

PCKL's Infringement of Escalade's Intellectual Property

7. In 2023, Escalade Sports conducted an investigation of third-party uses of pickleball paddles manufactured using the method patented under the '169 Patent. During the course of this investigation, it came to Escalade Sports' attention that PCKL was selling pickleball paddles which appeared to infringe the '169 Patent. Namely, PCKL's sale of its "PCKL PRO SERIES 13" and "PCKL PRO SERIES 16" appeared to be manufactured using the process covered by the '169 Patent.

8. Escalade Sports wrote a letter to PCKL on September 5, 2023, informing PCKL of the infringing products. In the letter, Escalade Sports provided PCKL with an example claim chart and offered PCKL a proposed license agreement in an attempt to resolve the matter.

9. After several exchanges of correspondence during which the parties did not reach agreement, PCKL wrote on January 5, 2024 that it has ceased all orders from its supplier and was investigating alternate suppliers.

10. On information and belief, PCKL continues to sell infringing products manufactured by the same patented process of the '169 Patent.

11. On information and belief, PCKL continues to sell paddles manufactured by the same process at least as recently as February 1, 2024.

12. Escalade Sports filed this Complaint in response.

COUNT I
INFRINGEMENT OF U.S. PATENT 11,597,169

13. Escalade Sports repeats and incorporates by reference the allegations in the preceding paragraphs.

14. On information and belief, PCKL has infringed (directly, contributory, and/or by inducement) Claims 1-15 of the '169 Patent.

15. On information and belief, PCKL is and has been aware of the '169 Patent.

16. On information and belief, PCKL's infringement of the '169 Patent has been with knowledge and was wilful.

17. Escalade Sports has been damaged by Defendant's infringement and will suffer irreparable injury unless PCKL is enjoined by this Court.

DEMAND FOR JURY TRIAL

Escalade Sports demands a jury trial on all issues so triable.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for judgment as follows:

A. A judgment of infringement of the '169 Patent entered in favor of Plaintiff against Defendant.

B. An order enjoining Defendant and Defendant's officers, agents, servants, employees, and attorneys and other persons who are in active concert or participation with Defendant, officers, agents, servants, employees, and attorneys from further acts of infringement of the '169 Patent.

C. An award of damages for infringement, and in any event not less than a reasonable royalty.

D. The amount of damages and profits enhanced by three times.

E. An award of Plaintiff's interest, fees, and costs.

F. An order granting all relief that is legal and/or equitable.

G. Plaintiff requests that the Court grant all such other relief that the Court deems just.

Respectfully submitted,

By: /s/ Brantley C. Rowlen
Brantley C. Rowlen
Stephen McDonald
Lewis Brisbois Bisgaard & Smith, LLP
600 Peachtree Street NE, Suite 4700
Atlanta, GA 30308
912-525-4960
Brantley.Rowlen@lewisbrisbois.com
Stephen.McDonald@lewisbrisbois.com

Charles J. Meyer (PHV forthcoming)
Chris Roberts (PHV forthcoming)
WOODARD, EMHARDT, HENRY,
REEVES & WAGNER LLP
111 Monument Circle, Suite 3700
Indianapolis, Indiana 46204-5137
(317) 634-3456 – Telephone
(317) 637-7561 – Facsimile
cjmeyer@uspatent.com

Counsel for Plaintiff,
Indian Industries, Inc. d/b/a Escalade Sports

#2193156