

JURY DEMAND

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI

EASTERN DIVISION

RACE RESULT AG)	
)	
Plaintiff,)	
)	
vs.)	
)	Case No.
INNOVATIVE TIMING SYSTEMS, LLC)	
)	
Defendant.)	
)	
)	

COMPLAINT

1. Race Result AG (“Race Result”), by and for its Complaint against Defendant Innovative Timing Systems LLC (“Innovative”), alleges to the Court as follows:

PARTIES

2. Race Result is a company organized and existing under the laws of Germany with a principal place of business located at Joseph-von-Fraunhofer-Str. 11, Pfinztal, Germany, 76327.

3. Race Result is informed and believes that Defendant Innovative Timing Systems is a company organized and existing under the laws of the State of Missouri with a principal place of business located at 11671 Lilburn Park Road, Saint Louis, Missouri 63146.

JURISDICTION

4. This is an action for patent infringement arising out of Innovative’s unauthorized

importing, manufacturing, offering for sale, and/or selling race timing systems in violation of Race Result's patent rights. Because this is an action for infringement under the patent laws of the United States, 35 U.S.C. § 271, *et seq.*, this Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a).

5. This Court has personal jurisdiction over Innovative in that at all times pertinent hereto, upon information and belief, Innovative has systematic activities in this Judicial District and has and/or is committing infringing acts in Missouri and this District. More specifically, upon information and belief, Innovative has offered for sale and sold sports timing systems, including the accused infringing sports timing system, in this Judicial District. In addition, upon information and belief, Innovative is a limited liability company organized in Missouri and is headquartered and does business within this Judicial District.

VENUE

6. Venue is proper in this Judicial District pursuant to 28 U.S.C. § 1400(b) because Innovative resides in this District and has also committed acts of infringement and has a regular and established place business in this District.

BACKGROUND

RACE RESULT IS A MARKET LEADER FOR THE SPORTS TIMING INDUSTRY

7. Race Result is known for its distinctive and innovative sports timing system products. Race Result markets a highly regarded array of sports timing systems and accessories. Race Result's diversity of products and powerful portfolio of brands continually set new standards in design, craftsmanship, and innovation.

8. Race Result is a recognized leader in sports timing systems, and its products are well-known around the world by its global customer base in part because of Race Result's

extensive advertising and promotional efforts, which occur across many channels including, among others, on the Internet.

9. As a company rooted in innovation, Race Result continuously invests in the engineering, design, and development of new sports timing systems, positioning itself as an industry and market leader and owns patents in the United States and abroad covering innovations in the sports timing industry.

THE PATENT-IN-SUIT

10. Race Result is the assignee and owner of United States Patent No. 10,686,306 (“the ’306 patent”), which describes and discloses an original and unique product for use with timing systems. The ’306 patent, entitled “Floor Cable Channel,” was duly and legally issued by the United States Patent and Trademark Office on June 16, 2020, from Application Serial No. 16/435,717, filed on June 10, 2019. The ’306 patent claims priority to U.S. Non-Provisional Application No. 15/575,585, which was filed on November 17, 2017 and claims priority to International Application No. PCT/EP2016/061009, which was filed on May 17, 2016, and claims priority to German Patent Application No. 102015006502, which was filed on May 22, 2015. A true and correct copy of the ’306 patent is attached hereto as Exhibit A.

RACE RESULT’S NOVEL AND DISTINCTIVE SPORTS TIMING SYSTEMS ARE PROTECTED BY THE PATENTS-IN-SUIT

11. In and around 2015, after significant engineering and development expense, Race Result introduced sports timing systems that practice the inventions claimed in the ’306 patent. At least Race Result’s Ground Antenna lines of sports timing systems are embodiments of the ’306 patent.

12. Race Result has extensively promoted its category of sports timing systems.

13. As a result of their unique and distinctive features, the Ground Antenna lines of sports timing systems have become successful commercial products for Race Result.

INNOVATIVE'S INFRINGING ACTS

14. Race Result owns the exclusive right, title, and interest in and to the inventions claimed in the patent-in-suit.

15. Notwithstanding Race Result's rights, Innovative, without permission or authorization, has imported, manufactured, offered for sale, and/or sold and is continuing to import, manufacture, offer for sale, and/or sell certain sport timing systems, including at least the FGA 1400 (hereinafter, the "Infringing Sports Timing System"), which infringe at least one claim of the '306 patent. For example, the Infringing Sports Timing System is offered for sale online. *See* Exhibit B, which is a true and correct copy of Innovative's webpage, <https://www.innovativetimingssystems.com/products>; Exhibit C (Marketing Brochure, which was available at [innovativetimingssystems.com](https://www.innovativetimingssystems.com) at least as recently as January 2022); Innovative Timing Systems, *FGA1400 (Folding Ground Antenna) Product Video*, YouTube (June 20, 2018), <https://www.youtube.com/watch?v=qGrTNUbFX1g> (last visited Jan. 26 2022) (hereinafter referred to as the "ITS Video").

COUNT I

INFRINGEMENT OF U.S. PATENT NO. 10,686,306

16. Race Result repeats and realleges each and every allegation contained in paragraphs 1-18 inclusive, as though fully set forth herein.

17. The '306 patent is valid and enforceable.

18. Race Result is the owner of all right, title, and interest in and to the inventions claimed in the '306 patent. Race Result is entitled to receive all damages and the benefits of all

other remedies for Innovative's infringement.

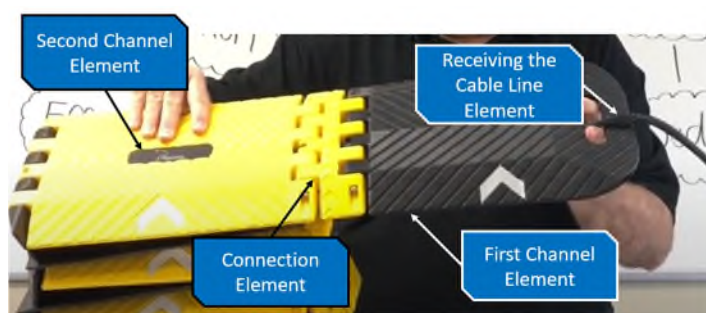
19. Without permission or authorization from Race Result and in violation of 35 U.S.C. § 271(a), Innovative has imported, manufactured, sold, and offered for sale, and is continuing to import, manufacture, sell, and offer for sale in this District and elsewhere in the United States, certain sports timing systems, including, but not limited to, the Infringing Sports Timing System that infringe at least claims 1-4, 8, 11 and 12 of the '306 patent (the "Asserted Claims").

20. More specifically, in violation of the Asserted Claims, the Infringing Sports Timing System is positioned on an underlying surface for protecting the cable line element from the effects of external forces. *See* Annotated Illustration No. 1 below.

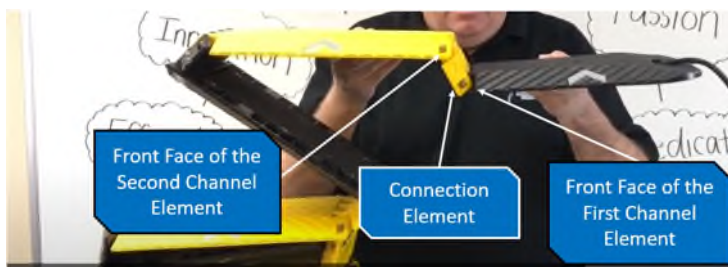


Annotated Illustration No. 1. (ITS Video)

21. The Infringing Sports Timing System has a first channel element and a second channel element for receiving the cable line element and a connection element for connecting the first channel element to the second channel element at front faces of the first channel element and the second channel element. *See* Annotated Illustration No. 2 and 3 below.



Annotated Illustration No. 2. (ITS Video)



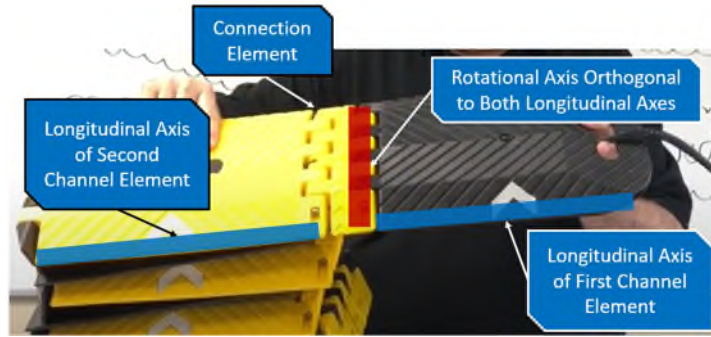
Annotated Illustration No. 3. (ITS Video)

22. The connection element of the Infringing Sports Timing System is joint-like. *See* Annotated Illustration No. 4 below.

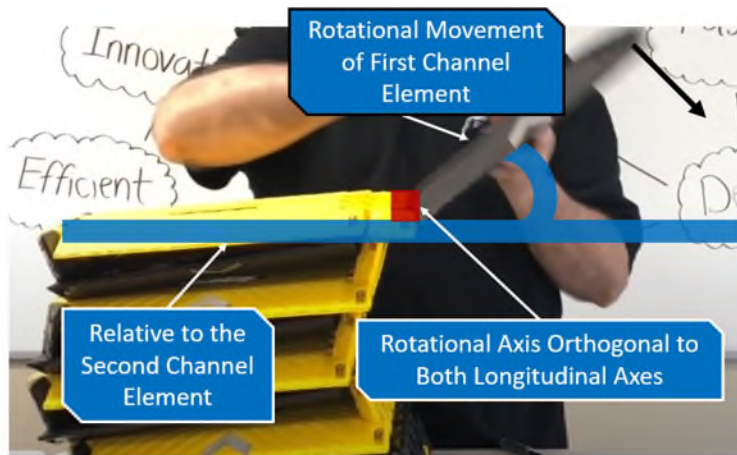


Annotated Illustration No. 4. (ITS Video)

23. The connection element of the Infringing Sports Timing System allows a rotational movement of the first channel element relative to the second channel element about a rotational axis orthogonal to a first longitudinal axis of the first channel element and orthogonal to a second longitudinal axis of the second channel element. *See* Annotated Illustration No. 5 and No. 6 below.



Annotated Illustration No. 5. (ITS Video)



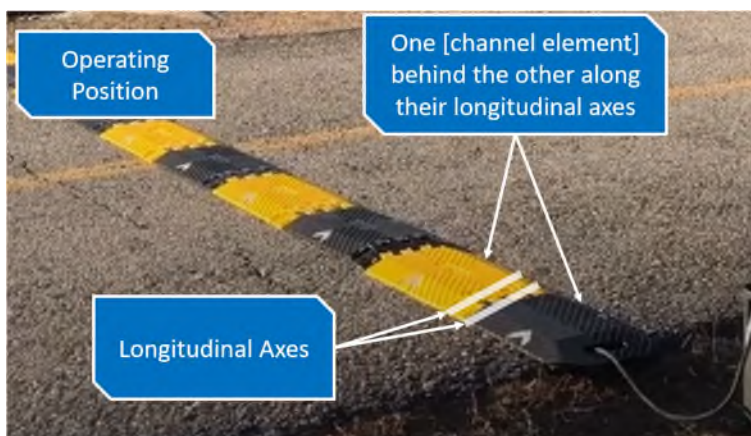
Annotated Illustration No. 6. (ITS Video)

24. The Infringing Sports Timing System can by means of the rotational movement of the floor cable channel be brought into a transport position in which the channel elements are parallel to each other. *See* Annotated Illustration No. 7 below.



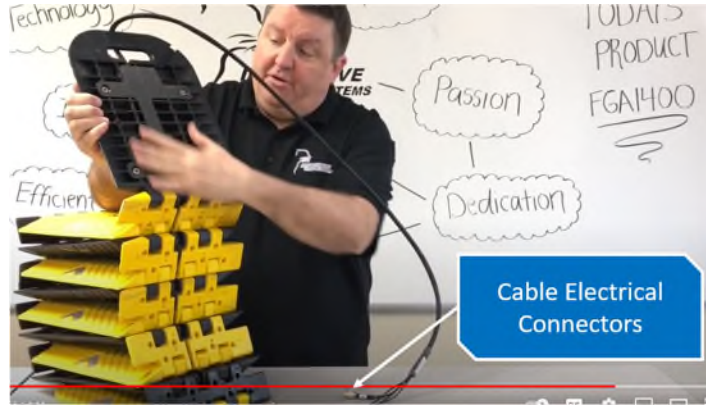
Annotated Illustration No. 7. (ITS Video)

25. The Infringing Sports Timing System has an operating position in which the channel elements are arranged one behind the other along their longitudinal axes. *See* Annotated Illustration No. 8 below.



Annotated Illustration No. 8. (ITS Video)

26. The Infringing Sports Timing System has a cable line element that is an electrical conductor. *See* Annotated Illustration No. 9 below.



Annotated Illustration No. 9. (ITS Video)

27. The Infringing Sports Timing System has a first channel element and a second channel element that are disposed to receive an antenna. *See* Annotated Illustration No. 10 below.

28. In the transport position, Infringing Sports Timing System has the electrical conductor and the antenna positioned inside the floor cable channel. *See* Annotated Illustration No. 10 below.



Annotated Illustration No. 10. (ITS Video)

29. Innovative has had actual notice of the '306 patent since at least from service of this lawsuit (formal or otherwise).

30. Innovative's infringement of the '306 patent has been and continues to be willful and deliberate.

31. Innovative's conduct has caused and will continue to cause Race Result

substantial damage, including irreparable harm, for which Race Result has no adequate remedy at law, unless and until Innovative is enjoined from infringing the '306 patent.

PRAYER FOR RELIEF

Wherefore, Race Result respectfully prays for entry of a judgment and relief as follows:

- A. For a judgment that Innovative has infringed the '306 patent;
- B. For a preliminary and permanent injunction enjoining Innovative and its agents, officers, directors, employees and all persons in privity or active concert or participation with them, directly or indirectly, from infringing, inducing others to infringe, or contributing to the infringement of the '306 patent;
- C. For a judgment and award that Innovative account for and pay to Race Result damages adequate to compensate for Innovative's infringement of the '306 patent, including lost profits but in no event less than a reasonable royalty;
- D. For a judgment and award of Innovative's total profits in an amount subject to proof at trial, pursuant to 35 U.S.C. § 289;
- E. For a judgment and award of any supplemental damages sustained by Race Result for any continuing post-verdict infringement of the '306 patent until entry of final judgment with an accounting as needed;
- F. For a finding that Innovative's infringement is willful and an award of increased damages for willful infringement pursuant to 35 U.S.C. § 284;
- G. For an order finding that this case is exceptional case under 35 U.S.C. § 285 and awarding Race Result its costs, expenses, and disbursements incurred in this action, including reasonable attorneys' fees as available by law to be paid by Innovative;

H. For an award of pre-judgment interest, post-judgment interest, and costs in this action; and

I. For an award of such other relief to Race Result as this Court deems just and proper.

DEMAND FOR JURY TRIAL

Race Result demands a trial by jury on all issues so triable.

Dated: January 26, 2022

FOLEY & LARDNER LLP

By: /s/ Felicia S. O'Connor

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