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15 Attorneys for Plaintiff  
16 Shane Chen

17 UNITED STATES DISTRICT COURT  
18 FOR THE CENTRAL DISTRICT OF CALIFORNIA  
19 WESTERN DIVISION

20 SHANE CHEN, a Washington resident,  
21 Plaintiff,  
22 v.  
23 SOIBATIAN CORPORATION, dba IO  
24 HAWK and dba SMART WHEELS, a  
25 California corporation,  
26 Defendant.

Case No.: 2:15-cv-4562

**COMPLAINT FOR PATENT  
INFRINGEMENT**

DEMAND FOR JURY TRIAL

**COMPLAINT**

27 Plaintiff Shane Chen (“Mr. Chen”) brings this Complaint for patent  
28 infringement against Defendant Soibatian Corporation, dba IO HAWK and dba Smart  
Wheels (hereafter “Soibatian”) and alleges as follows:

1                    **NATURE OF THE ACTION AND THIS COURT’S JURISDICTION**

2            1.        This is an action for patent infringement arising under the patent laws of  
3 the United States, 35 U.S.C. §101 *et seq.*, and specifically §§271 and 281-285, alleging  
4 Defendant’s infringement of U.S. Patent Number 8,738,278 (the “‘278 Patent”),  
5 entitled “TWO-WHEEL, SELF-BALANCING VEHICLE WITH  
6 INDEPENDENTLY MOVABLE FOOT PLACEMENT SECTIONS.” A copy of the  
7 ‘278 Patent is attached as Exhibit 1.

8            2.        This Court has subject matter jurisdiction over this action pursuant to  
9 28 U.S.C. §§ 1331 and 1338(a).

10           3.        This Court has personal jurisdiction over Soibatian Corporation, dba  
11 IO HAWK and dba Smart Wheels because Soibatian Corporation is incorporated in  
12 this district and accordingly has continuous and systematic business and commercial  
13 contacts with this judicial district. Soibatian has registered with the State of  
14 California to conduct business and has designated an agent for service of process  
15 within the Western Division of this judicial district. Mr. Chen’s claims for relief arise  
16 out of Soibatian’s patent infringement in this district, among other parts of the United  
17 States. Soibatian has purposefully availed itself of the benefits and protections of  
18 California’s laws such that it should reasonably anticipate being haled into court here.

19           4.        Venue is proper in the Central District of California, Western Division,  
20 pursuant to 28 U.S.C. §§ 1391(d) and § 1400(b).

21                    **PARTIES**

22           5.        Plaintiff Shane Chen is a resident of Camas, Washington, and an  
23 innovator of sports-related products that are genuinely new, fun to use, and add an  
24 element of fitness at the same time. To date, Mr. Chen has patented thirty-seven  
25 inventions, including the vehicle covered by the ‘278 Patent.

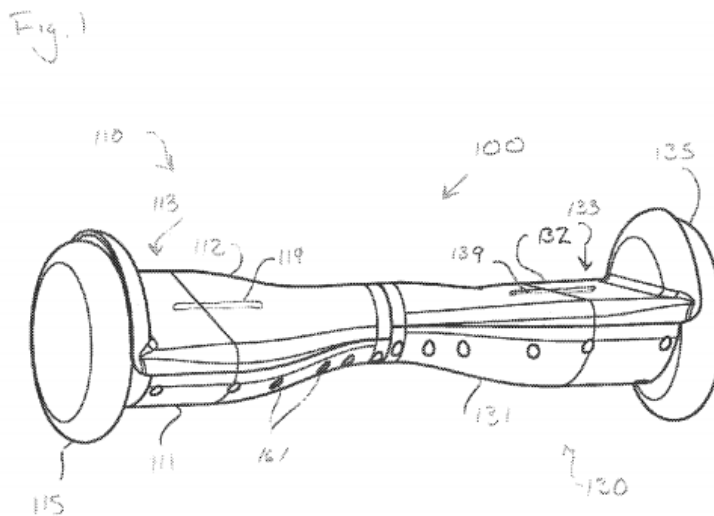
26           6.        Soibatian Corporation, dba IO HAWK and dba Smart Wheels  
27 (“Soibatian”) is a California corporation with a principal place of business in  
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1 Glendale, California. Upon information and belief, Soibatian Corporation is owned in  
 2 whole or in part by John Soibatian. Upon information and belief, Soibatian imports,  
 3 offers to sell, and sells in and from the United States a two-wheel self-balancing  
 4 vehicle with independently movable foot placement sections under the trademark  
 5 IO HAWK (“the IO HAWK product”, or “the infringing product”).

6 **FACTUAL BACKGROUND**

7 7. The United States Patent Office duly and lawfully issued the ‘278 Patent  
 8 to Mr. Chen, in 2014. Mr. Chen is the inventor of and owns all right, title and interest  
 9 in the ‘278 Patent.

10 8. The ‘278 Patent is directed to and claims a personal vehicle with two  
 11 wheels as shown in Figure 1 below:



24 Unlike a skateboard, this innovative vehicle travels in the direction of the  
 25 wheels, providing the viewer improved visibility and the advantage of mechanized  
 26 power. The patented vehicle employs sensors to accept position data from the user  
 27 and to provide self-balancing ability; when the user tips forward to signal the direction  
 28

1 of his/her desired movement, the sensors translate the position data to drive motor  
2 signals within the vehicle, while also maintaining a balanced position for the user's  
3 stability and comfort.

4 9. Mr. Chen offers a product made under the '278 Patent, called "The  
5 Hovertrax", through his company Inventist, Inc. ("Inventist"). Photographs of the  
6 Hovertrax from the [www.inventist.com](http://www.inventist.com) website are shown below:



23 10. Soibatian sells a two-wheeled self-balancing transport vehicle under the  
24 brand name "IO HAWK." A representative photograph of the IO HAWK Product  
25 from the [www.iohawk.com](http://www.iohawk.com) website is shown below:



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10 11. Soibatian has advertised the IO HAWK product on the Internet at  
11 [www.iohawk.com](http://www.iohawk.com), on television, on YouTube, and at consumer trade shows including  
12 the International Consumer Electronics Show (“CES”) in Las Vegas, Nevada in  
13 January 2015.

14 12. At the CES trade show, representatives from Inventist inspected the IO  
15 HAWK Product and advised John Soibatian of Soibatian Corporation that the IO  
16 HAWK Product infringed the ‘278 Patent. Representatives from Inventist showed  
17 Mr. Soibatian the ‘278 Patent. Accordingly, Soibatian has had actual notice of  
18 Inventist’s claim of infringement since on or about January 9, 2015. Soibatian denied  
19 infringement.

20 13. On January 22, 2015, counsel for Inventist and Mr. Chen sent Soibatian a  
21 detailed letter explaining how the IO HAWK product infringed the ‘278 Patent, and  
22 requested that Soibatian cease and desist the infringing acts. Upon information and  
23 belief, both the notice at the CES trade show and the letter notice of January 22<sup>nd</sup> were  
24 prior to Soibatian’s first sale of an infringing IO HAWK device. Yet, despite this  
25 notice and explanation, Soibatian began to sell the IO HAWK product in  
26 approximately February 2015 and has continued to infringe since that time, including  
27 expanding promotion of the infringing IO HAWK product.  
28

1 14. A person that imports, sells or offers to sell the IO HAWK device  
2 directly infringes at least claim 1 of the ‘278 Patent.

3 15. A person using the IO HAWK device directly infringes at least claim 1 of  
4 the ‘278 Patent.

5 **COUNT I –INFRINGEMENT**  
6 **OF UNITED STATES PATENT NO. 8,738,278**  
7 **AGAINST DEFENDANT SOIBATIAN**

8 16. Mr. Chen re-alleges and incorporates by reference the allegations of  
9 paragraphs 1-15 as if fully set forth herein.

10 17. Soibatian directly infringes at least claim 1 of the ‘278 Patent, literally  
11 and under the doctrine of equivalents, by its past and present importation, sale and  
12 offers to sell the IO HAWK product, in violation of 35 U.S.C. §§ 271.

13 18. Mr. Chen has not licensed or otherwise authorized Soibatian to import,  
14 sell, or offer to sell the IO HAWK or any two-wheel self-balancing vehicle with  
15 independently movable foot placement sections covered by the ‘278 Patent and  
16 Soibatian’s conduct is, in every instance, without Mr. Chen’s consent. Since  
17 Soibatian’s first actual knowledge of the ‘278 Patent, every act of infringement has  
18 been willful and without regard to Mr. Chen’s rights.

19 19. Mr. Chen is entitled to recover from Soibatian the damages he has  
20 sustained as a result of Soibatian’s wrongful acts in an amount subject to proof at trial,  
21 and in any event not less than a reasonable royalty, together with interest and costs as  
22 fixed by this Court under 35 U.S.C. § 284.

23 20. Soibatian’s infringement of the ‘278 Patent will continue to cause  
24 Mr. Chen irreparable injury and damage for which there is no adequate remedy at law  
25 unless and until Soibatian is enjoined from infringing the ‘278 Patent.

26 21. This is an exceptional case under 35 U.S.C. § 285, and Mr. Chen is  
27 entitled to enhanced damages, attorneys’ fees and litigation expenses incurred.  
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1 infringement, including all pre-judgment and post-judgment interest at the  
2 maximum rate permitted by law and enhanced damages pursuant to 35 U.S.C.  
3 § 284;

4 d. A judgment that this is an exceptional case and an award to  
5 Mr. Chen of his costs and reasonable attorneys’ fees incurred in this action  
6 pursuant to 35 U.S.C. § 285;

7 e. A post-verdict and post-judgment accounting for any infringement  
8 of the ‘278 Patent not otherwise covered by a damages award and the requested  
9 injunctive relief; and

10 f. Such other and further relief as the Court may deem just and  
11 proper under the circumstances.

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Dated: June 16, 2015

**APOGEE LAW group**

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Shane Chen



**DEMAND FOR JURY TRIAL**

Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, Mr. Chen respectfully requests a trial by jury of any and all issues on which a trial by jury is available under applicable law.

Dated: June 16, 2015

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