

FILED

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

2018 MAR -8 PM 2:31

US DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
Case No. 6:18-cv-00355-ORL-31-TBS

CHEROKEE GRAY EAGLE IP, LLC and
REBOUNDERZ FRANCHISE AND
DEVELOPMENT, INC.,

Plaintiffs,

vs.

SKY ZONE, LLC, SKY ZONE
FRANCHISE GROUP, LLC, RPSZ
CONSTRUCTION, LLC, FAMILY
CHRISTIAN SPORTS, LLC, MARJAC
VENTURES, LLC, MARJAC VENTURES
TAMPA, LLC, Y&J GLOBAL
ENTERPRISES OF FLORIDA, LLC,
SZSC, LLC, OTTWAY II LLC,
SZSARASOTA LLC, INNOVATIVE
HEIGHTS FLORIDA LLC, AND NO
CALL LLC,

Defendants.

INJUNCTIVE RELIEF REQUESTED
JURY TRIAL REQUESTED

COMPLAINT

Plaintiffs Cherokee Gray Eagle IP, LLC and Rebounderz Franchise and Development, Inc., (collectively, "Plaintiffs"), through their undersigned counsel, for their complaint against Defendant Sky Zone, LLC, Sky Zone Franchise Group LLC, RPSZ Construction, LLC, Family Christian Sports, LLC, Marjac Ventures, LLC, Marjac Ventures Tampa, LLC, Y&J Global Enterprises of Florida, LLC, SZSC, LLC, Ottway II LLC, SZSarasota LLC, Innovative Heights Florida LLC, and No Call LLC (collectively, "Defendants"), state:

PARTIES, JURISDICTION AND VENUE

a. Plaintiffs

1. Plaintiff Cherokee Gray Eagle IP, LLC ("Cherokee Gray Eagle") is a Florida limited liability company having a place of business at 605 Hickman Circle, Sanford, Florida 32771.

2. Plaintiff Rebounderz Franchise and Development, Inc. ("Rebounderz") is a Florida corporation having a place of business at 605 Hickman Circle, Sanford, Florida 32771.

c. Sky Zone Franchisor Defendants

3. Upon information and belief Defendant Sky Zone, LLC is a Nevada limited liability company, having a registered office address at 1201 West 5th Street, Suite T-340, Los Angeles, California 90017.

4. Upon information and belief Defendant Sky Zone Franchise Group, LLC is a Missouri limited liability company, having a registered office address at 221 Bolivar Street, Jefferson City, Missouri 65101 and registered entity mailing address at 1201 West 5th Street, Suite T-340, Los Angeles, California 90017.

5. Upon information and belief Defendant RPSZ Construction, LLC ("RPSZ Construction") has a principal place of business at 1201 West 5th Street, Suite T-340, Los Angeles, California 90017.

6. Collectively, Defendants identified in Paragraphs 3 through 5 are referred to as "Sky Zone Franchisors."

d. Sky Zone Franchisee Defendants

7. Upon information and belief Defendant Family Christian Sports, LLC is a Florida limited liability company, having a principal address at 2500 South US Highway 27 Clermont, Florida 34711.

8. Upon information and belief Defendant Marjac Ventures, LLC is a Florida limited liability company, having a registered mailing address at 14181 South Tamiami Trail Suite 140 Fort Myers, FL 33912.

9. Upon information and belief Defendant Marjac Ventures Tampa, LLC is a Florida limited liability company, having a registered mailing address at 14181 South Tamiami Trail Suite 140 Fort Myers, FL 33912.

10. Upon information and belief Defendant Y&J Global Enterprises of Florida, LLC is a Florida limited liability company, having a principal address at 2400 SW College Road, Ocala, Florida 34471.

11. Upon information and belief Defendant SZSC, LLC is a Florida limited liability company, having a principal address at 624 Barnes Boulevard, Rockledge, Florida 32955.

12. Upon information and belief Defendant Ottway II LLC is a Florida limited liability company, having a principal address at 18020 Crown Quay Lane, Jupiter, Florida 33458.

13. Upon information and belief Defendant SZSarasota LLC is a Florida limited liability company, having a principal address at 6180 Edgelake Drive, Sarasota, Florida 34240.

14. Upon information and belief Defendant Innovative Heights Florida, LLC is a Florida limited liability company, having a principal address at 9350 Caddyshack Drive, Saint Louis, Missouri 63127.

15. Upon information and belief Defendant No Call LLC is a Florida limited liability company, having a principal place of business at 1925 North Monroe Street, Suite 109, Tallahassee, Florida 32303.

16. Collectively, Defendants identified in Paragraphs 7 through 15 are referred to as "Sky Zone Franchisees."

d. Jurisdiction and Venue

17. This Court has jurisdiction over the subject matter of this action pursuant to 28 U.S.C. §§ 1331 and 1338(a).

18. This Court has *in personam* jurisdiction as to Defendants because, upon information and belief, Defendants are subject to both general and specific jurisdiction in this State. More particularly, upon information and belief, Defendants regularly conduct business activity in the State of Florida, and sell, offer to sell, and use products that infringe one or more claims of Rebounderz's patents in the State of Florida.

19. Venue properly lies within this judicial district and division pursuant to 28 U.S.C. §§1391(c) and 1400(b).

STATEMENT OF FACTS-ASSERTED PATENT

20. Rebounderz is a leading developer and franchisor in the indoor trampoline arena industry:



21. Cherokee Gray Eagle is the sole and exclusive owner of the valid and enforceable United States Patent No. 8,764,575 (“575 Patent”). A true and correct copy of the ‘575 Patent is attached hereto as Exhibit A.

22. Cherokee Gray Eagle has licensed the ‘575 Patent to Rebounderz.

23. Mark Gurley, inventor of the ‘575 Patent, is recognized as an innovator in the trampoline arena industry. Mr. Gurley has invented many improvements for the trampoline arena industry, including innovations covering the structure of trampoline arenas and for improving the safety of trampoline arenas.

24. The ‘575 Patent claims some of Mr. Gurley’s inventions in the field. Mr. Gurley has assigned all of his rights to the inventions claimed in the ‘575 Patent to Cherokee Gray Eagle.

STATEMENT OF FACTS-DEFENDANTS

25. Sky Zone Franchisees own and operate trampoline arenas at the following locations:

FRANCHISEE	ARENA NAME	ARENA LOCATION
Family Christian Sports LLC	Sky Zone Clermont	2510 S. Highway 27, Clermont, Florida 34711
Marjac Ventures LLC and	Sky Zone Fort Myers	14181 South Tamiami Trail Suite

Explore Litigation Insights



Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.