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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION

NEVER LOST GOLF, LLC., an Indiana Limited Liability Company,)

MICHAEL CARNELL d/b/a)
The Never Lost Golf Tee Saver and)
d/b/a The Never Lost Golf Tee Saver Mat System,)

and)

THE N.L.G. LIVING TRUST by Teresa O’Keefe)
and Grant L. Holloway, Trustees,)

Plaintiffs,)

vs.)

MAIA STEINERT)

CHRISOPH STEPHAN,)

RALF MENWEGEN,)

STEINERT & STEPHAN, Attorneys at Law,)

MARKUS SCHUMANN,)

and)

HARRIBERT PAMP,)

Defendants.)

CIVIL ACTION: 3:15-CV-00489
JURY TRIAL DEMAND

COMPLAINT FOR PATENT INFRINGEMENT AND MISAPPROPRIATION

Never Lost Golf, an Indiana limited liability company (first plaintiff), and Michael Carnell d/b/a The Never Lost Golf Tee Saver and d/b/a The Never Lost Golf Tee Saver Mat System (second

plaintiff), for their complaint herein, allege and state:

The Parties, Jurisdiction, and Venue

1. Never Lost Golf, LLC (NLG) is a Indiana limited liability company created in June of 2014, with an office address in South Bend, St . Joseph County, Indiana.

2. Michael Carnell (Michael) is domiciled in California but has been a long term resident in Berlin, Germany. Michael is the creator and inventor of a new golf product with two components termed "The Never Lost Golf Tee Saver" and "The Never Lost Golf Tee Saver Mat System." This new golf product, intended for sale and distribution in Europe, in the United States, and throughout the world was created in 2000 by Michael.

3. The N.L.G. Living Trust (N.L.G. meaning Never Lost Golf) by Teresa O'Keefe and Grant Holloway, Trustees of said living trust, are necessary parties in this action because the living trust has a substantial and significant interest in the NLG and any patent or patents owned by NLG and/or Michael Carnell.

4. Defendants Maia Steinert, Chrisoph Stephan, Ralf Menwegen, and Steinert & Stephan are partners and/or members of a German law firm with four different offices in Germany.

5. Defendant Markus Schumann is a person who conspired with Maia Steinert to commit fraud and perjury to support Maia Steinert's aggregious conduct in asserting ownership interest in the NLG German patent. Accordingly, pursuant to said conspiracy, this defendant went forward to further that conspiracy all to the great detriment and harm to NLG and Michael Carnell.

6. Defendant Harribert Pamp, similar to defendant Markus Schumann, also is a person who conspired with Maia Steinert to commit fraud and perjury to support Maia Steinert's aggregious conduct in asserting ownership interest in the NLG German patent. Accordingly, pursuant to said

conspiracy, this defendant went forward to further that conspiracy all to the great detriment and harm to NLG and Michael Carnell.

7. There are other potential but as yet unnamed defendants that might be added to this case as additional defendants as may be determined through investigation and discovery.

8. This is a complaint for patent infringement and misappropriation pursuant to 35 U.S.C. Sec. 271 *et seq.* This court has subject matter jurisdiction over NLG's and Carnell's claims pursuant to 28 U.S.C. Sec. 1331 (federal question) and 1338 (patent).

9. NLG is located in the strict district and has attempted to do business within this judicial district (which attempts have been interfered with, usurped, and prevented by defendants) subjecting defendants to jurisdiction within this judicial district and making venue proper in this district pursuant to 28 U.S.C. Secs. 1391 and 1400.

10. In 2010, Michael retained the law firm of Stewert & Stephan, and dealt primarily with Maia Steinert, to represent Michael in filing for a German patent for the Never Lost Golf product, which Never Lost Golf product was always supposed to be the property of Michael and no one else.

11. Steinert undertook most of the attorney services for the presumed use and benefit of Michael concerning the Never Lost Golf product and patent, other attorneys in that German law firm were also involved in the patent process, namely, Stephan and Menwegen. Moreover, Michael made it clear to Steinert that this patent will not only be processed and perfected in German but, further, a similar patent application would be perfected in the United States and, potentially, many other countries in the world wherever it would be determined that there would be a market for this new golf product.

Nature of the Action

12. In December of 2010, Steinert submitted the patent application for Michael and the supporting documents with different identification numbers, were all presented to the German patent office and a true copy of said documents submitted to the German patent office by Steinert are attached hereto and are marked, collectively, "Exhibit No. 1."

13. In February of 2012, Steinert applied for a Never Lost Golf patent with the United States Patent and Trademark office in Alexandria, Virginia, in a blatant attempt to steal the rights to the United States portion of the Never Lost Golf patents that were filed by Michael. Her letter clearly shows that she not only was making a false and illegal claim for intellectual property that she knew was not hers, but she also presented false and misleading information to the USPTO in the same manner in which she was able to illegally gain control of the patent rights in Germany. A true copy of the cover letter submitted by Steinert to the United States Patent and Trademark office together with supporting documentation issued by the German patent office which accompanied said Steinert letter of transmission, are also all attached hereto and marked, collectively, "Exhibit No. 2."

14. The actions of Steinert in rendering legal services to apply for and promote a Never Lost Golf patent in both Germany and the United States and her transgressions are described in the following paragraph.

15. Michael was unaware of the specifics of the legal services rendered by Steinert on his behalf in that Michael always believed (and that was a significant part of the retention of Steinert and her law firm) to always show Michael or Michael's designee as the true and sole owner of the Never Lost Golf patent in Germany and anywhere else in the world where such or any similar patent would

be applied for and perfected. However, in breach and violation of the clear scope of the retention of Steinert and her law firm by Michael, Steinert and her law firm embarked in the following:

- A. Steinert, without notifying Michael (and concealing from him) listed herself as the sole owner of the Never Lost Golf patent.
- B. Steinert violated her professional and ethical obligation toward Michael in placing herself as the sole owner of Michael's creation and invention.
- C. After Michael learned of the concealment and deception on the part of Steinert and her law firm in attempting to steal his creation and invention from him to his exclusion, demanded that Steinert rectify what she did but she has declined and refused to take any action to remedy her wrongful conduct but, rather, has aggressively defended her position as the claimed true owner of Michael's Never Lost Golf creation and invention.

16. Steinert and her law firm have benefitted from utilizing Michael's property (his creation and invention which ripened into the issuance of a German patent and, thereafter, United States patent (pending)).

17. Michael retained a different attorney in Germany and a German court or courts in two separate opinions specifically found that Steinert and her law firm conducted themselves wrongfully and entered findings and orders favorable to Michael, all of which occurred in 2013. Nonetheless, Steinert and her law firm continue to refuse to rectify and remedy the initial and ongoing wrongful conduct of Steinert and her law firm.

18. NLG and Michael have been damaged by the defendants' actions and NLG and Michael are entitled to recover damages no less than a reasonable royalty from defendants under 35 U.S.C. Sec. 284. Further, NLG and Michael are entitled to recover profits lost on account of products made and/or sold by defendants which infringed the German and United States patents.

Defendants' infringement will continue to damage NLG and Michael unless enjoined by this court under 35 U.S.C. Sec. 283. In this regard, plaintiffs reserve the right to and intends to file a separate motion for injunctive relief at such time as investigation and discovery can show a sufficient factual basis for the issuance of injunctive relief. This case is exceptional within the meaning of 35 U.S.C. Sec. 285.

Demand for Jury Trial

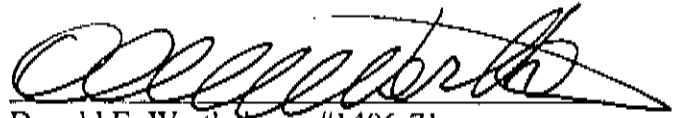
Pursuant to Federal Rules of Civil Procedure 38(b), NLG and Michael demand a trial by jury.

Prayer for Relief

WHEREFORE, plaintiffs respectfully pray that this court enter judgment in their favor:

- A. Declaring that the Germany and United States patents have been directly infringed by defendants and have been misappropriated.
- B. A finding that the conduct of Steinert and her law firm constitute professional misconduct and, further, constitute theft and conversion.
- C. When injunctive relief is issued, that it be both preliminary and permanent from defendants' using, selling, and offering to sell the NLG product and products in Germany, in the United States, and in any other location with NLG's product or products can be marketed.
- D. An accounting from defendants showing all income and profits made caused by the infringement and misappropriation of the NLG patents.
- E. Prejudgment interest as may be fixed and determined by the court;
- F. Awarding all costs and expenses of this action, including reasonable attorney fees; and
- G. Awarding NLG and Michael such further relief as the court may deem just, necessary, and proper to provide full relief to NLG and Michael.

Dated: October 22, 2015.

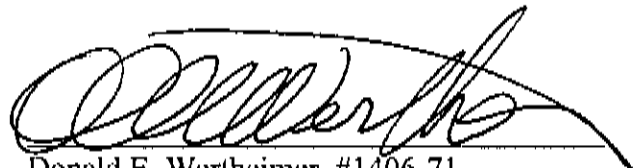


Donald E. Wertheimer, #1406-71
1017 E. Jefferson Blvd.
South Bend, Indiana 46617
Telephone: 574/288-6866
Attorney for Plaintiffs.

PLAINTIFFS' JURY TRIAL DEMAND

Plaintiffs request that this cause be tried by a jury.

Dated: October 22, 2015



Donald E. Wertheimer, #1406-71