

**UNITED STATES DISTRICT COURT FOR  
THE NORTHERN DISTRICT OF TEXAS - DALLAS DIVISION**

**THE LINEAR EDGE, LLC**

**Plaintiff,**

v.

**CLAYTON R. CLARK**

**Defendant.**

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Case No. \_\_\_\_\_

**ORIGINAL COMPLAINT**

Plaintiff The Linear Edge, LLC (“TLE”) by counsel, alleges as follows for its Original Complaint against Defendant Clayton R. Clark (“Clark” or “Defendant”), and requests relief from this Court based on the following:

**I.  
PARTIES**

1. Plaintiff The Linear Edge, LLC is a limited liability corporation registered under the laws of the State of Texas with its principal place of business at 3200 Ross Avenue, Suite 14, Dallas, TX 75204.

2. Defendant Clayton R. Clark is a citizen of the State of Texas residing at 1310 West Palmer Lane, #2503, Austin, TX 78727, and may be served with service of process at this address.

**II.  
JURISDICTION AND VENUE**

- 3. This is a lawsuit brought under the Lanham Act, 15 USC § 1125, *et seq.*
- 4. The Court has jurisdiction over TLE’s claims pursuant to 28 U.S.C. §§ 1331 and 1338.
- 5. Venue is proper in this Court pursuant to 28 U.S.C. §§ 1391(b)(1) and 1391(b)(2).

### **III.** **FACTS**

6. TLE is a Texas-based company that creates sculptures of world-famous racetracks. These works of art, from courses in Austin, Texas to Monte Carlo (in the south of France), are sought after by race fans looking for a unique and original way to show off their enthusiasm for motorsports. An example of three sculptures, Laguna Seca, Monte Carlo, and Road America (left to right), are shown below:



7. TLE was founded by Russell Byrnes in August 2009. Byrnes graduated from Texas A&M University with a degree in Environmental Design. Byrnes, formerly employed by Fusch Architects in Dallas, Texas, has designed everything from logos and websites to houses and furniture. But, motorsport sculptures are Byrnes's true passion.

8. Over the past five years, TLE has taken the country and the world by storm. Byrnes artwork has drawn the attention of race enthusiasts, track owners, and automobile manufacturers. Since founding TLE, Byrnes clients have included Mazda Raceway Laguna Seca Raceway in Salinas, California, Audi America, and Ferrari America.

9. TLE has gained notoriety in publications throughout the world. TLE has been written about in Top Gear Magazine, Mercedes-Benz Magazine, Autoweek, and numerous other

national and international publications. For example, Gear Patrol magazine said the following about TLE:

You have the car, the driving shoes, the gloves. Now, complete the look by bringing the twisty lines of Linear Edge Race Track Sculptures to your walls. Featuring Formula 1, MotoGP, and World Superbike race courses crafted in Baltic Birch laminate, the designer addresses the passion of over 500 million fans worldwide with art that traces track outlines. Contemplate the Monte Carlo Fairmont hairpin, Laguna Seca's Corkscrew or the Flugplatz of Nordschleife over a single-malt whisky and Mahler. Each artifact comes with 3M Command Velcro mounting strips for wall-mounting without marring surfaces, adding a minimalist conceptual look to a bare vertical. We won't jump into the Formula 1 vs. Nascar controversy, but sophisticates of the oval track will probably look elsewhere for décor ideas.<sup>1</sup>

10. TrendHunter Autos said the following about TLE:

This Linear Edge Decor is a Balance Between Fine Art and Fanaticism

Change up your racecar home decor with the Linear Edge. A 3D art rendition of real race tracks around the globe, this piece is minimalistic and sleek, perfect for modern and stylish homes. The best part about the Linear Edge is that the wife can't complain about its design. Considering how most wouldn't have memorized the shape of each course, these pieces can even be passed off as abstract art.<sup>2</sup>

11. P1 brand, "an independent lifestyle label that embodies the conceptual and cultural intersection of art, design[,] and motorsport," raved about TLE:

These things are a perfect match for the walls of any mid-century modern/gearhead/motorsport fan. Sure, that's a mega-niche and super obscure demographic, but who cares!?! These works of Baltic Birch and laminate are beautiful by any definition.<sup>3</sup>

12. TLE has used this success to give back to the community. It has donated works to the likes of Fundacion Checo Perez and Big Brothers and Big Sisters. TLE also sponsors a charity cycling team, raising money for multiple sclerosis research and other causes.

13. In November 2013, TLE's success attracted the attention of Defendant Clayton R. Clark. Clark, who operates a website called [www.trackdecals.com](http://www.trackdecals.com), apparently sells stickers that

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<sup>1</sup> See Exhibit A.

<sup>2</sup> See Exhibit B.

<sup>3</sup> See Exhibit C.

people can attach to their cars to make them appear more like racecars. Below is an example of Clark's stickers<sup>4</sup>:



14. On November 29, 2013, Clark emailed TLE and suggested a possible business arrangement between Clark and TLE. Below is an excerpt of the email from Clark:

Hey there guys. I own [www.trackdecals.com](http://www.trackdecals.com) - I've always admired your sculptures and I think that my customers would love them too. I also think that your customers may like to some decals [stickers] of their favorite tracks. I think that we have a great opportunity to do some cross-site marketing, or possibly even carry each-others [*sic*] products? I've got 13,500 Facebook fans and my e-mail list is about 1,500 previous customers. Anyways, I'm just brainstorming here. Let me know your thoughts!<sup>5</sup>

15. TLE began a conversation with Clark about potential cross-marketing, but little did TLE know that Clark was simply engaging with TLE in order to steal its business. On December 11, 2013, Clark continued to press TLE for details on its business operations, asking: "Also, can I ask a few questions about your business? Do you produce the tracks yourself? Have an employee do it? Or outsource it? Is the business growing, staying relatively consistent, or stagnating? Have you ever thought about selling your business?"<sup>6</sup> Clark later feigned interest in buying TLE while simultaneously asking TLE about its materials and manufacturing process.<sup>7</sup>

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<sup>4</sup> See Exhibit D.

<sup>5</sup> See Exhibit E at 1.

<sup>6</sup> See Exhibit E at 3-4.

<sup>7</sup> See Exhibit E at 4-6.

16. On December 18, 2013, Clark began to disclose his true intentions of stealing TLE's business. On that day, Clark launched a Facebook Page named "Track Sculptures."<sup>8</sup> On December 22, 2013, Clark launched a corresponding website, [www.tracksculptures.com](http://www.tracksculptures.com).<sup>9</sup> On these sites, Clark is selling exact replicas of TLE's sculptures—down to the type of wood (Baltic Birch) and laminates. In fact, Clark even staged photographs on his website to directly benefit from the widely-known modern, minimal approach used by TLE. Below is a photograph from [tracksculptures.com](http://tracksculptures.com)<sup>10</sup>:



17. Less than a month after Clark launched his rip-off site, fans of TLE were already indicating their confusion between TLE and [tracksculptures.com](http://tracksculptures.com). On January 23, 2014, one fan of TLE asked, "Did you guys start a new page or did someone steal your idea."<sup>11</sup>

18. Also, on information and belief, Clark has been purchasing "Likes" on Facebook to make his Facebook page appear more popular and more renowned than TLE. This further serves to confuse customers on who is the true artist and who is the opportunist looking to benefit from the goodwill and notoriety of the original company.

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<sup>8</sup> See Exhibit F.

<sup>9</sup> See Exhibit G.

<sup>10</sup> *Id.*

<sup>11</sup> See Exhibit H.

19. After unsuccessfully attempting to resolve this dispute with Clark without litigation, TLE now seeks assistance from this Court to remedy the damages it has suffered at the hands of Clark.

**IV.**  
**CAUSES OF ACTION**

**COUNT 1: TRADE DRESS INFRINGEMENT –  
VIOLATION OF LANHAM ACT, 15 USC §1125(a)(3)**

20. TLE incorporates by reference paragraphs 1-19 as if set forth in full herein.

21. TLE, is, and at all times mentioned in this complaint has been, engaged in the business of developing, marketing, and selling rack track sculptures in interstate commerce and throughout the State of Texas.

22. The Defendant, on or after December 18, 2013, without the TLE's consent, began using and continues to use a reproduction, counterfeit, copy, or colorable image of Plaintiff's trade dress and apply such reproduction, counterfeit, copy, or colorable imitations to labels, signs, prints, packages, wrappers, receptacles, or advertisements intended to be used in interstate commerce and in Texas on or in connection with the sale, offering for sale, distribution, or advertising of such goods.

23. The Defendant's use of TLE trade dress is likely to deceive or cause confusion or mistake as to source or origin of Plaintiff's goods. Defendant's acts as set forth above constitute trade dress infringement under the Lanham Act, 15 USC § 1125(a)(3).

24. As a result, TLE has been harmed and damaged by Defendant's actions.

**COUNT 2: FALSE REPRESENTATION AND FALSE DESIGNATION –  
VIOLATION OF LANHAM ACT, 15 USC § 1125(a)(1)(A)**

25. TLE incorporates by reference paragraphs 1-25 as if set forth in full herein.

26. Beginning at least as early as August 2009, TLE adopted and used the trade dress consisting of laminated Baltic Birch wood sculptures of motorsport tracks throughout the world with a minimal, modern design suitable for display in sophisticated settings such as formal living areas, designer garages, and offices in connection with its track sculptures. TLE has continuously used this trade dress since that time. TLE's trade dress is or has become distinctive of its goods.

27. The Defendant, beginning on or after December 18, 2013, has been using the following trade dress in commerce: laminated, Baltic Birch wood sculptures of motorsport tracks throughout the world with a minimal, modern design suitable for display in sophisticated settings such as formal living areas, designer garages, and offices in connection with its track sculptures. Defendant's trade dress is identical to TLE's trade dress, as described above, and constitutes false and misleading descriptions of facts, or false or misleading representation of fact, which are likely to cause confusion or to cause mistake or as to deceive as to the affiliation, connection, or association of the Defendant with TLE, or as to the origin, sponsorship, or approval or the Defendant's goods or commercial activities by TLE. The Defendant's use of TLE's trade dress is likely to deceive or cause confusion or mistake as to source or origin of TLE's goods. The Defendant's actions as set forth above constitute a violation of the Lanham Act, 15 USC § 1125(a)(1)(A).

28. As a result, TLE has been harmed and damaged by Defendant's actions.

**COUNT 3: DILUTION –  
VIOLATION OF LANHAN ACT, 15 USC § 1125(c)**

29. TLE incorporates by reference paragraphs 1-28 as if set forth in full herein.

30. Beginning at least as early as August 2009, TLE adopted and used its distinct trade dress. TLE has continuously used this trade dress since that time. TLE's trade dress is

inherently distinctive and/or has become distinctive of its goods and has become a famous dress by virtue of longstanding use, extensive advertising and publicity, and widespread recognition by consumers and those in the trade, and has been exclusively used in connection with the above described goods.

31. Since TLE's trade dress has become famous, the Defendant has begun using and is commercially using a trade dress that causes or is likely to cause dilution of the distinctive quality of TLE's famous dress. Specifically, potential customers and fans of TLE are unable to tell the difference between the famous TLE goods and the knock-off goods produced by the Defendant and Defendant conducts business in a sub-par manner which is likely to harm the reputation of TLE. These actions by the Defendant are diluting the trade dress of TLE and causing damages to TLE. Accordingly, these actions constitute violation of the Lanham Act, 15 USC §1125(c).

32. Moreover, the Defendant's conduct was carried out with knowledge of TLE's famous trade dress. The Defendant's actions as described above were willful and deliberate, were committed in bad faith, and were committed for purposes of trading on TLE's reputation and causing dilution of TLE's famous trade dress.

#### **COUNT 4: UNFAIR COMPETITION**

33. TLE incorporates by reference paragraphs 1-32 as if set forth in full herein.

34. The Defendant, beginning on or after December 18, 2013, has been using trade dress identical to TLE's trade dress.

35. The Defendant's use was intended to mislead the public and lead to confusion and mistake.



36. The Defendant's actions as set forth above constitute unfair competition under the laws of the State of Texas.

37. The Defendant's actions as described above were committed with malice as defined by TEX. CIV. PRAC. & REM. CODE § 41.100(7) in that the Defendant's actions were specifically intended to harm TLE in its business. The Defendant's conduct warrants the assessment of exemplary damages against the Defendant under TEX. CIV. PRAC. & REM. CODE § 41.003.

#### **COUNT 5: UNJUST ENRICHMENT**

38. TLE incorporates by reference paragraphs 1-37 as if set forth in full herein.

39. As a result of the Defendant's wrongful infringement and dilution of TLE's trade dress and other wrongful acts described above, the Defendant has been unjustly enriched, and TLE is entitled to recover all profits derived by the Defendant as a result of its wrongful conduct.

#### **DAMAGES (APPLICABLE TO ALL COUNTS)**

40. TLE incorporates by reference paragraphs 1-39 as if set forth in full herein.

41. TLE has been damaged by the foregoing acts of the Defendant in the following respects: (a) TLE has lost sales revenue and profits; (b) TLE has lost valuable good will; (c) TLE has lost royalties; and (d) TLE has incurred expenses in counteracting the effect of the Defendant's unlawful use of confusingly similar trade dress.

#### **IRREPARABLE HARM**

42. Unless Defendant is permanently enjoined from the acts complained of, TLE and the public will suffer irreparable harm, for which TLE has no adequate remedy at law. As such, TLE is entitled to an injunction under TEX. R. CIV. P. 680.

**V.**  
**RELIEF REQUESTED**

As such, TLE respectfully requests judgment as follows:

1. That TLE be awarded damages for the harm suffered in an amount within the jurisdictional limits of the Court;
2. That Defendant be required to disgorge and pay to TLE all profits that Defendant has unjustly earned as a result of its infringement and other wrongful conduct described above;
3. That Defendant be ordered to pay exemplary damages;
4. That TLE have judgment for the costs of suit, including reasonable attorney fees;
5. That the Court enter a permanent injunction (a) restraining Defendant from using a reproduction, counterfeit, copy, or colorable image of TLE's trade dress in interstate commerce or in any commerce within the State of Texas, in connection with selling, offering for sale, or advertising any such goods and (b) requiring Defendant to forfeit its website address, tracksculptures.com and Facebook page entitled Track Sculptures, to TLE; and
6. That the Court award any such other and further relief to which TLE may be justly entitled.

Dated: April 29, 2014

Respectfully submitted,



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