IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

JUMPSPORT, INC.	**§**	
Plaintiff,	**§**	
	§	
v.	**§**	**CASE NO. 6:13-cv-929**
	§	**JURY**
SPRINGFREE L.P. and	**§**	
SPRINGFREE TRAMPOLINE USA INC.	**§**	
	§	
Defendants.	**§**	

PLAINTIFF'S ORIGINAL COMPLAINT AND JURY DEMAND

Plaintiff JumpSport, Inc. files this action against Springfree L.P. and Springfree Trampoline USA Inc. (collectively, "Springfree") for infringement of U.S. Patent Nos. 6,053,845 and 6,261,207. JumpSport seeks permanent injunctive relief and damages for the injuries it has suffered.

PARTIES

1. Plaintiff and patent owner JumpSport, Inc. is a corporation formed under the laws of California with a principal place of business at 2055 South 7th Street, Suite A, San Jose, CA 95112.

2. JumpSport pioneered the incorporation of safety enclosures on trampolines to improve safety and minimize the risk of injury. Today, JumpSport markets a line of award-winning trampolines featuring their patented safety enclosure system.

3. Defendant Springfree L.P. is a Texas limited partnership with a principal place of business at 3933 N Central Expressway #400, Plano, TX 75023 (phone: (469) 619-2845). Springfree L.P. may be served with process through its registered agent, Attorney Service Associates, Inc., 3610-2 N. Josey, Suite 223, Carrollton, Texas 75007.

4. Defendant Springfree Trampoline USA, Inc. is a corporation formed under the laws of Canada with a principal place of business at 151 Whitehall Dr. Unit 2, Markham, Ontario, Canada L3R9T1. Springfree Trampoline USA may be served with process in Canada under the Hague Convention.

5. Springfree Trampoline USA, Inc. is Springfree L.P.'s sole General Partner.

6. Springfree markets and sells trampolines in the United States and in this district through resellers and direct to customers from its Springfree Trampoline Experience Center and Store in Plano, Texas.

JURISDICTION AND VENUE

7. This is an action for patent infringement arising under the laws of the United States. *See, e.g.,* 35 U.S.C. § 1 *et seq.*

8. This Court has subject-matter jurisdiction pursuant to 28 U.S.C. §§ 1331, 1338 (a), and 1367.

9. Venue is proper in this judicial district under 28 U.S.C. §§ 1391(b) and (c) and 1400(b).

10. On information and belief, Defendant Springfree Trampoline USA Inc. is deemed to reside in this judicial district, has committed acts of infringement in this district, has purposely transacted business involving the accused products in this judicial district, and has a regular and established place of business in this judicial district.

11. On information and belief, Defendant Springfree L.P. resides in this judicial district, has committed acts of infringement in this district, and has purposely transacted business involving the accused products in this judicial district.

12. This Court has personal jurisdiction over the Defendants under the laws of the State of Texas, including the Texas long-arm statute, TEX. CIV. PRAC. & REM. CODE §17.042, due at least to its substantial business in this State and judicial district, including: (a) at least part of its infringing activities alleged herein; and (b) regularly doing or soliciting business, engaging in other persistent conduct, and/or deriving substantial revenue from goods sold and services provided to Texas residents.

COUNT 1
(INFRINGEMENT OF U.S. PATENT NO. 6,053,845)

13. JumpSport, Inc. incorporates paragraphs 1 through 12 herein by reference.

14. JumpSport, Inc., is the owner, by assignment, of U.S. Patent No. 6,053,845 (the "'845 patent") titled "Trampoline or the Like with Enclosure." A true and correct copy of the '845 patent is attached as Exhibit A.

15. The '845 patent is valid, enforceable, and was duly issued by the United States Patent Office upon finding it fully complied with Title 35 of the United States Code.

16. Defendants Springfree directly infringe one or more claims of the '845 patent, including at least claims 1 and 17 in this judicial district and elsewhere in Texas without the consent or authorization of JumpSport by or through making, using, offering for sale, importing, and selling trampolines having flexible safety enclosures including Springfree's Model R54, Compact Round Trampoline, Model R79, Medium Round Trampoline, Model O77, Medium Oval Trampoline, Model O92, Large Oval Trampoline, Model S113, Large Square Trampoline, Model S156, Jumbo Square Trampoline, Model SF40, 8 foot Round Trampoline, Model SF60 Oval Trampoline, Model SF80 Jumbo Square Trampoline, Model SF 72 Round Trampoline, Model SF68 Square Trampoline, and Model SF90 Round Trampoline products.

17. Defendants indirectly infringe at least claims 1 and 17 of the ’845 patent by contributing to the infringement of others by knowingly providing component parts of the trampolines and safety enclosures designed for use together and having no substantial non-infringing use.

18. Defendants knowingly induce others to infringe at least claims 1 and 17 of the ’845 patent by encouraging, aiding, and abetting the use, assembly, and installation of the accused trampolines and safety enclosures.

19. Defendants are aware of the ’845 patent. Applicant Keith Vivian Alexander, who developed the tubular spring system used in Springfree’s trampolines, cited the ’845 patent during prosecution of U.S. patent application number 10/560,335.

20. Plaintiff has been damaged as a result of Defendants’ infringing conduct. Defendants are thus liable to Plaintiffs in an amount that adequately compensates it for Defendants’ infringement, which compensation by law cannot be less than a reasonable royalty together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

21. Defendants’ infringement of the ’845 patent has been undertaken with Defendants’ full knowledge of the ’845 patent. Defendants’ infringement has been, and continues to be, willful, deliberate, and intentional.

22. Defendants have caused Plaintiff substantial damage and irreparable injury by their infringement of the ’845 patent, and Plaintiff will continue to suffer damage and irreparable injury unless and until Defendants’ infringement is enjoined by this Court.

COUNT 2
(INFRINGEMENT OF U.S. PATENT NO. 6,261,207)

23. JumpSport, Inc. incorporates paragraphs 1 through 22 herein by reference.

24. JumpSport, Inc., is the owner, by assignment, of U.S. Patent No. 6,261,207 (the "'207 patent") titled "Trampoline or the Like with Enclosure." A true and correct copy of the '207 patent is attached as Exhibit B.

25. The '207 patent is valid, enforceable, and was duly issued by the United States Patent Office upon finding it fully complied with Title 35 of the United States Code.

26. Defendants Springfree directly infringe one or more claims of the '207 patent, including claim 9 in this judicial district and elsewhere in Texas without the consent or authorization of JumpSport by or through making, using, offering for sale, importing and selling trampolines having a flexible safety enclosure including Springfree's Model R54, Compact Round Trampoline, Model R79, Medium Round Trampoline, Model O77, Medium Oval Trampoline, Model O92, Large Oval Trampoline, Model S113, Large Square Trampoline, Model S156, Jumbo Square Trampoline, Model SF40, 8 foot Round Trampoline, Model SF60 Oval Trampoline, Model SF80 Jumbo Square Trampoline, Model SF 72 Round Trampoline, Model SF68 Square Trampoline, and Model SF90 Round Trampoline.

27. Defendants Springfree directly infringe at least claim 12 of the '207 patent in this judicial district and elsewhere in Texas without the consent or authorization of JumpSport by or through making, using, offering for sale, importing and selling trampolines with the Springfree FlexrHoop basketball backboard including Springfree's Model R54, Compact Round Trampoline, Model R79, Medium Round Trampoline, Model O77, Medium Oval Trampoline, Model O92, Large Oval Trampoline, Model S113, Large Square Trampoline, Model S156, Jumbo Square Trampoline, Model SF40, 8 foot Round Trampoline, Model SF60 Oval Trampoline, Model SF80 Jumbo Square Trampoline, Model SF 72 Round Trampoline, Model SF68 Square Trampoline, and Model SF90 Round Trampoline products.

28. Defendants indirectly infringe at least claims 9 and 12 of the ’207 patent by contributing to the infringement of others by knowingly providing component parts of the trampolines and safety enclosures and the FlexrHoop basketball backboard designed for use together and having no substantial non-infringing use.

29. Defendants knowingly induce others to infringe at least claims 9 and 12 of the ’207 patent by encouraging, aiding, and abetting the use, assembly, and installation of the accused trampolines and safety enclosures and FlexrHoop basketball backboard.

30. Defendants are aware of the ’207 patent. Applicant Keith Vivian Alexander, who developed the tubular spring system used in Springfree’s trampolines, cited the ’207 patent during prosecution of U.S. patent application number 10/560,335.

31. Plaintiff has been damaged as a result of Defendants’ infringing conduct. Defendants are thus liable to Plaintiffs in an amount that adequately compensates it for Defendants’ infringement, which compensation by law cannot be less than a reasonable royalty together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

32. Defendants’ infringement of the ’207 patent has been undertaken with Defendants’ full knowledge of the ’207 patent. Defendants’ infringement has been, and continues to be, willful, deliberate, and intentional.

33. Defendants have caused Plaintiff substantial damage and irreparable injury by their infringement of the ’207 patent, and Plaintiff will continue to suffer damage and irreparable injury unless and until Defendants’ infringement is enjoined by this Court.

NOTICE OF REQUIREMENT OF LITIGATION HOLD

34. Defendants are hereby notified they are legally obligated to locate, preserve, and maintain all records, notes, drawings, documents, data, communications, materials, electronic

recordings, audio/video/photographic recordings, and digital files, including edited and unedited or "raw" source material, and other information and tangible things that Defendants know, or reasonably should know, may be relevant to actual or potential claims, counterclaims, defenses, and/or damages by any party or potential party in this lawsuit, whether created or residing in hard copy form or in the form of electronically stored information (hereafter collectively referred to as "Potential Evidence").

35. As used above, the phrase "electronically stored information" includes without limitation: computer files (and file fragments), e-mail (both sent and received, whether internally or externally), information concerning e-mail (including but not limited to logs of e-mail history and usage, header information, and deleted but recoverable e-mails), text files (including drafts, revisions, and active or deleted word processing documents), instant messages, audio recordings and files, video footage and files, audio files, photographic footage and files, spreadsheets, databases, calendars, telephone logs, contact manager information, internet usage files, and all other information created, received, or maintained on any and all electronic and/or digital forms, sources and media, including, without limitation, any and all hard disks, removable media, peripheral computer or electronic storage devices, laptop computers, mobile phones, personal data assistant devices, Blackberry devices, iPhones, video cameras and still cameras, and any and all other locations where electronic data is stored. These sources may also include any personal electronic, digital, and storage devices of any and all of Defendants' agents, resellers, or employees if Defendants' electronically stored information resides there.

36. Defendants are hereby further notified and forewarned that any alteration, destruction, negligent loss, or unavailability, by act or omission, of any Potential Evidence may result in damages or a legal presumption by the Court and/or jury that the Potential Evidence is

not favorable to Defendants' claims and/or defenses. To avoid such a result, Defendants' preservation duties include, but are not limited to, the requirement that Defendants immediately notify their agents and employees to halt and/or supervise the auto-delete functions of Defendants' electronic systems and refrain from deleting Potential Evidence, either manually or through a policy of periodic deletion.

JURY DEMAND

Plaintiff hereby demands a trial by jury on all claims, issues and damages so triable.

PRAYER

Plaintiff prays for the following relief:

That Defendants be summoned to appear and answer;

That the Court enter an order declaring that Defendants have infringed, contributorily infringed, and/or induced infringement of the '845 and '207 patents;

That Defendants' infringement has been willful, intentional, and deliberate;

That this is an exceptional case under 35 U.S.C. § 285;

That the Court permanently enjoin Defendants and its officers, directors, servants, consultants, managers, employees, agents, attorneys, successors, assigns, affiliates, subsidiaries, and all persons or entities acting in concert or participation with any of them from infringing, contributorily infringing, and/or inducing infringement of the '845 or '207 patents, including the making, using, offering to sell, selling, or importing any products that infringe (literally or under the doctrine of equivalents) the '845 or '207 patents;

That the Court grant Plaintiff judgment against Defendants for all actual, consequential, special, punitive, exemplary, increased, and/or statutory damages, including treble damages pursuant to 35 U.S.C. 284 including, if necessary, an accounting of all damages; pre and post-

judgment interest as allowed by law; and reasonable attorney's fees, costs, and expenses incurred in this action; and

Such further relief to which Plaintiff may show itself justly entitled.

Respectfully submitted,

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