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15 *Attorneys for Plaintiff,*
16 Easton Baseball/Softball Inc.

17 UNITED STATES DISTRICT COURT
18 CENTRAL DISTRICT OF CALIFORNIA

19 Easton Baseball/Softball Inc.,
20 Plaintiff,
21 v.
22 Wilson Sporting Goods Co.,
23 Defendant.

Case No. CV 15-9221

**COMPLAINT FOR PATENT
INFRINGEMENT**

DEMAND FOR JURY TRIAL

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1 Plaintiff Easton Baseball/Softball Inc. (“Easton”) alleges the following
2 claims against Defendant Wilson Sporting Goods Co. (“Wilson”) for patent
3 infringement under this Court’s subject matter jurisdiction pursuant to 28 U.S.C.
4 §§ 1331 and 1338(a):

5 **THE PARTIES**

6 1. Plaintiff Easton is a Delaware corporation, with its principal place of
7 business located at 7855 Haskell Avenue, Suite 200, Van Nuys, California 91406.

8 2. Easton is a leading supplier of sports equipment, including baseball
9 bats.

10 3. Upon information and belief, Defendant Wilson is a Delaware
11 corporation, with its principal place of business located at 8750 W. Bryn Mawr
12 Ave., Chicago, Illinois 60631. Wilson is registered to do business in California and
13 has a designated registered agent in California for purposes of service of process.

14 4. Upon information and belief, Wilson makes, sells, offers for sale in the
15 United States, and/or imports into the United States, sports equipment, including
16 baseball bats.

17 **JURISDICTION AND VENUE**

18 5. This is a civil action for patent infringement arising under the patent
19 laws of the United States, 35 U.S.C. § 1 *et seq.* This Court has subject matter
20 jurisdiction under 28 U.S.C. §§ 1331 and 1338(a).

21 6. This Court has personal jurisdiction over Wilson because Wilson
22 engages in business within this district, and has placed infringing products into the
23 stream of commerce by shipping products into this district (and/or knowing that the
24 products would be shipped into this judicial district), and such infringing products
25 have been sold and used in this district.

26 7. Venue is proper in this district under 28 U.S.C. §§ 1391 and 1400(b),
27 because, among other reasons, Wilson is subject to personal jurisdiction in this
28 district and has committed acts of infringement in this district.

COUNT I

Patent Infringement of U.S. Patent No. 8,480,519

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3 8. Easton repeats and re-alleges each and every allegation of the
4 foregoing paragraphs as though fully set forth herein.

5 9. Easton is the owner by assignment of U.S. Patent No. 8,480,519,
6 which was duly and lawfully issued by the United States Patent and Trademark
7 Office (“USPTO”) on July 9, 2013, titled “Ball Bat with Governed Performance”
8 (“the ’519 patent”). A true and correct copy of the ’519 patent is attached as
9 Exhibit A and made a part hereof.

10 10. Wilson has had knowledge of the ’519 patent since at least as early as
11 August 19, 2013. For example, the ’519 patent was listed on Information
12 Disclosure Statements submitted by Wilson to the USPTO on August 19, 2013
13 during the prosecution of U.S. Patent Application Ser. No. 13/938,785 and Ser. No.
14 13/938,830.

15 11. Wilson has at no time been licensed under the ’519 patent.

16 12. Wilson has infringed, and is currently infringing, literally and/or under
17 the doctrine of equivalents, one or more claims of the ’519 patent, in violation of 35
18 U.S.C. § 271 *et seq.*, by making, using, selling, offering to sell in the United States,
19 and/or importing into the United States products that embody one or more claims of
20 the ’519 patent, including without limitation Vexxum model baseball bats including
21 stiffening elements, as well as any other substantially similar baseball bats.

22 13. Wilson’s infringement of the ’519 patent has been and continues to be
23 willful.

24 14. Easton has been injured and damaged by Wilson’s infringement of the
25 ’519 patent. Wilson’s infringement has caused, and will continue to cause,
26 irreparable harm to Easton, for which Easton has no adequate remedies at law,
27 unless and until enjoined by this Court.

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COUNT II

Patent Infringement of U.S. Patent No. 8,795,108

15. Easton repeats and re-alleges each and every allegation of the foregoing paragraphs as though fully set forth herein.

16. Easton is the owner by assignment of U.S. Patent No. 8,795,108, which was duly and lawfully issued by the USPTO on August 5, 2014, titled “Ball Bat with Governed Performance” (“the ’108 patent”). A true and correct copy of the ’108 patent is attached as Exhibit B and made a part hereof.

17. Regarding the ’108 patent, Easton has complied with the statutory notice provisions of 35 U.S.C. § 287.

18. Wilson has had knowledge of the ’108 patent at least as early as the date of the service of this Complaint.

19. Wilson has at no time been licensed under the ’108 patent.

20. Wilson has infringed, and is currently infringing, literally and/or under the doctrine of equivalents, one or more claims of the ’108 patent, in violation of 35 U.S.C. § 271 *et seq.*, by making, using, selling, offering to sell in the United States, and/or importing into the United States products that embody one or more claims of the ’108 patent, including without limitation baseball bats in the CF6, CF7 and CF8 BBCOR and Voodoo BBCOR model lines, as well as any other substantially similar baseball bats.

21. Wilson’s infringement of the ’108 patent is willful.

22. Wilson has been injured and damaged by Wilson’s infringement of the ’108 patent. Wilson’s infringement has caused, and will continue to cause, irreparable harm to Easton, for which Easton has no adequate remedies at law, unless and until enjoined by this Court.

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PRAYER FOR RELIEF

WHEREFORE, Easton prays for a judgment that:

A. Wilson has infringed one or more claims of the '519 patent and the '108 patent;

B. Wilson's infringement of one of more claims of the '519 patent and the '108 patent is willful;

C. Wilson, its officers, directors, employees, agents, subsidiaries, licensees, servants, successors and assigns, and any and all persons acting in privity or in concert or participation with Wilson, be enjoined from infringement of the '519 patent and the '108 patent under 35 U.S.C. § 283;

D. Easton be awarded all damages adequate to compensate Easton for Wilson's infringement of the '519 patent and the '108 patent, and such damages be trebled under 35 U.S.C. § 284 and awarded to Easton, with interest;

E. This case be adjudged an exceptional case under 35 U.S.C. § 285, and Easton be awarded attorneys' fees, costs, and all expenses incurred in this action;

F. Easton be awarded such other and further relief as the Court deems just and proper.

DATED: November 30, 2015

PERKINS COIE LLP

By: /s/ Michael J. Song
Michael J. Song (Bar No. 243675)
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Attorneys for Plaintiff,
Easton Baseball/Softball Inc.

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JURY DEMAND

Pursuant to Rule 38 of the Federal Rules of Civil Procedure, Easton demands a trial by jury on all issues triable by jury.

DATED: November 30, 2015

PERKINS COIE LLP

By: /s/ Michael J. Song
Michael J. Song (Bar No. 243675)
msong@perkinscoie.com

Attorneys for Plaintiff,
Easton Baseball/Softball Inc.