

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN**

WARRIOR SPORTS, INC.,
a Michigan corporation,

Case No.

Plaintiff,

Hon.

v.

MAVERIK LACROSSE, LLC,
a New York corporation,

**COMPLAINT AND
DEMAND FOR JURY TRIAL**

Defendant.

Douglas A. Dozeman (P35781)
Janet Ramsey (P63285)
Hodayune Ghaussi (P63028)
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Attorneys for Plaintiff Warrior Sports, Inc.

Plaintiff Warrior Sports, Inc. states its Complaint against Defendant Maverik Lacrosse, LLC as follows:

The Parties

1. Plaintiff Warrior Sports, Inc. (“Warrior”) is a Michigan corporation having its principal place of business in Warren, Michigan. Warrior is a sports equipment manufacturer that manufactures and sells, among other things, protective sports gloves.

2. Upon information and belief, Defendant Maverik Lacrosse, LLC (“Maverik”) is a New York corporation, with a principal place of business at 535 West 24th Street, 5th Floor,

New York, New York 10011-1140. Maverik is also a sports equipment manufacturer who manufactures and sells, among other things, protective sports gloves.

Jurisdiction and Venue

3. This is an action for patent infringement under the Patent Act, 35 U.S.C. § 101 *et seq.*

4. This Court has subject matter jurisdiction under 28 U.S.C. §§ 1331 and 1338(a), as this action arises under the patent laws of the United States.

5. Upon information and belief, Maverik makes, sells, and offers for sale protective sports gloves throughout the United States and has systematic and continuous dealings within this District.

6. Venue is proper in this District under 28 U.S.C. §§ 1391 and 1400.

Allegations and Claim for Relief

7. For many years, Warrior has continuously engaged in the development, manufacture, and sale of a wide variety of athletic products. As a result, Warrior quickly bypassed other manufacturers and has become one of the premiere sources of sports equipment. The athletic products at issue in this litigation are protective sports gloves.

8. Warrior has taken steps over the years to protect its innovative sports equipment, including protective sports gloves. In particular, Warrior is and has been the sole owner by assignment of all right, title, and interest to each of the four United States Patents identified below (collectively referred to as the “Warrior Patents”):

- a. United States Patent No. 6,122,769 (“the ‘769 Patent”), titled “Hockey Glove With Ventilation Holes,” issued September 26, 2000. (**Exhibit 1**.)

- b. United States Patent No. 6,813,780 (“the ‘780 Patent”), titled “Padded Sports Glove Having Improved Flexibility and Breathability,” issued November 9, 2004. **(Exhibit 2.)**
- c. United States Patent No. 7,636,951 (“the ‘951 Patent”), titled “Protective Sports Glove With Floating Cuff Portion,” issued December 29, 2009. **(Exhibit 3.)**
- d. United States Patent No. 7,900,275 (“the ‘275 Patent”), titled “Protective Sports Glove With Floating Cuff Portion,” issued March 8, 2011. **(Exhibit 4.)**

9. Warrior is entitled to sue for past, present, and future infringement of each of the Warrior Patents.

10. Maverik is in the business of manufacturing or having manufactured, offering to sell, selling or importing into the United States various lacrosse products, including protective sports gloves, in competition with major manufacturers, including Warrior.

11. Maverik has, without authority or license from Warrior, made, used, offered to sell, sold or imported into the United States protective sports gloves that infringe the Warrior Patents. The infringing protective sports gloves include, but are not limited to, the Maverik Rome (the “Maverik Rome Gloves”).

COUNT I - Infringement of the ‘769 Patent by Maverik

12. Warrior incorporates by reference all preceding paragraphs.

13. Maverik has been and still is making, using, offering to sell, selling or importing into the United States protective sports gloves, including, but not limited to, the Maverik Rome Gloves, which infringes the ‘769 Patent in violation of 35 U.S.C. § 271(a).

14. Maverik has been and still is actively inducing others to infringe the ‘769 Patent in violation of 35 U.S.C. § 271(b).

15. Maverik's infringement of the '769 Patent has been intentional and willful, making this an exceptional case.

16. Maverik's continued infringement of the '769 Patent has damaged and will continue to damage Warrior.

17. By reason of Maverik's infringement of the '769 Patent, Warrior has been irreparably harmed, and unless and until Maverik is enjoined by this Court, Warrior will continue to suffer irreparable damage and injury for which it has no adequate remedy at law.

COUNT II - Infringement of the '780 Patent by Maverik

18. Warrior incorporates by reference all preceding paragraphs.

19. Maverik has been and still is making, using, offering to sell, selling or importing into the United States protective sports gloves, including, but not limited to, the Maverik Rome Gloves, at least one of which infringes the '780 Patent in violation of 35 U.S.C. § 271(a).

20. Maverik has been and still is actively inducing others to infringe the '780 Patent in violation of 35 U.S.C. § 271(b).

21. Maverik's infringement of the '780 Patent has been intentional and willful, making this an exceptional case.

22. Maverik's continued infringement of the '780 Patent has damaged and will continue to damage Warrior.

23. By reason of Maverik's infringement of the '780 Patent, Warrior has been irreparably harmed, and unless and until Maverik is enjoined by this Court, Warrior will continue to suffer irreparable damage and injury for which it has no adequate remedy at law.

COUNT III - Infringement of the '951 Patent by Maverik

24. Warrior incorporates by reference all preceding paragraphs.

25. Maverik has been and still is making, using, offering to sell, selling or importing into the United States protective sports gloves, including, but not limited to, the Maverik Rome Gloves, at least one of which infringe the '951 Patent in violation of 35 U.S.C. § 271(a).

26. Maverik has been and still is actively inducing others to infringe the '951 Patent in violation of 35 U.S.C. § 271(b).

27. Maverik's infringement of the '951 Patent has been intentional and willful, making this an exceptional case.

28. Maverik's continued infringement of the '951 Patent has damaged and will continue to damage Warrior.

29. By reason of Maverik's infringement of the '951 Patent, Warrior has been irreparably harmed, and unless and until Maverik is enjoined by this Court, Warrior will continue to suffer irreparable damage and injury for which it has no adequate remedy at law.

COUNT IV - Infringement of the '275 Patent by Maverik

30. Warrior incorporates by reference all preceding paragraphs.

31. Maverik has been and still is making, using, offering to sell, selling or importing into the United States lacrosse heads, including, but not limited to, the Maverik Rome Gloves, that infringe the '275 Patent in violation of 35 U.S.C. § 271(a).

32. Maverik has been and still is actively inducing others to infringe the '275 Patent in violation of 35 U.S.C. § 271(b).

33. Maverik's infringement of the '275 Patent has been intentional and willful, making this an exceptional case.

34. Maverik's continued infringement of the '275 Patent has damaged and will continue to damage Warrior.

35. By reason of Maverik's infringement of the '275 Patent, Warrior has been irreparably harmed, and unless and until Maverik is enjoined by this Court, Warrior will continue to suffer irreparable damage and injury for which it has no adequate remedy at law.

WHEREFORE, Warrior respectfully requests the following relief:

- A. Judgment that Maverik has infringed and actively induced others to infringe the Warrior Patents;
- B. A permanent injunction enjoining Maverik, its officers, employees, agents, and all others acting in concert with it or participating with it from further infringement and/or inducement of infringement of the Warrior Patents;
- C. An award of damages adequate to compensate Warrior for Maverik's infringement, but in no event less than a reasonable royalty under 35 U.S.C. § 284;
- D. Enter an order trebling all damages awarded to Warrior by reason of Maverik's willful infringement of the Warrior Patents, pursuant to 35 U.S.C. § 284;
- E. Enter an order awarding Warrior interest on the damages awarded and its costs pursuant to 35 U.S.C. § 284;
- F. Enter an order finding that this is an exceptional case and award Warrior its reasonable costs, expenses, and reasonable attorneys' fees pursuant to 35 U.S.C. § 285; and,
- G. Award such other relief as the Court may deem appropriate and just under the circumstances.

DEMAND FOR JURY TRIAL

Warrior demands a trial by jury.

Respectfully submitted,

Dated: August 24, 2011

/s/ Douglas A. Dozeman

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