

**Craig D. Bachman**, OSB No. 78129  
bachmanc@lanepowell.com  
**Kenneth R. Davis, II**, OSB No. 97113  
davisk@lanepowell.com  
**LANE POWELL PC**  
601 SW Second Avenue, Suite 2100  
Portland, Oregon 97204-3158  
Telephone: 503.778.2100  
Facsimile: 503.778.2200

Attorneys for Plaintiff Buck Knives, Inc.

UNITED STATES DISTRICT COURT  
DISTRICT OF OREGON

CV '06 325 PK

**BUCK KNIVES, INC.,**

No.

Plaintiff,

v.

**KAI U.S.A., LTD., dba KERSHAW  
KNIVES,**

**COMPLAINT FOR PATENT  
INFRINGEMENT; PRELIMINARY  
INJUNCTION**

**DEMAND FOR JURY TRIAL**

Defendant.

Plaintiff Buck Knives, Inc. ("Buck"), hereby complains and alleges against defendant KAI U.S.A., Ltd. dba Kershaw Knives ("Kershaw"), as follows:

**THE PARTIES**

1. Buck is a corporation duly organized and existing under the laws of the state of Nevada, having its principal place of business at 660 S. Lochsa Street, Post Falls, Idaho 83854-5200.

2. Defendant Kershaw is a corporation duly organized and existing under the laws of the state of Oregon having its principal place of business at 18600 SW Teton Avenue, Tualatin, Oregon 97062.

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**JURISDICTION AND VENUE**

3. The Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a) because this action arises under the patent laws of the United States, 35 U.S.C. §§ 1 *et seq.* Venue is proper in this federal district pursuant to 28 U.S.C. §§ 1391(b)-(c) and 1400(b) as Kershaw has done business in this district, has committed acts of infringement in this district, and continues to commit acts of infringement in this district, entitling Buck to relief.

**FIRST CLAIM FOR RELIEF**

**INFRINGEMENT OF U.S. PATENT NO. 6,594,906**

4. Buck is the owner and assignee of U.S. Patent No. 6,594,906 (“the ‘906 patent”). On June 22, 2003, the ‘906 patent issued to inventors Kimiyuki Sakai and Stephen J. Hull and is entitled “Knife With Integral Gated Attachment.” A copy of the ‘906 patent is attached hereto as Exhibit 1.

5. Upon information and belief, Kershaw has made, marketed, distributed, offered for sale, or sold within the United States or has imported into the United States various models of carabiner tools, including, but not limited to, the Two Can Knife Model Nos. 1001 and 1001JEEP (the “Accused Kershaw Products”). Copies of pages from Kershaw’s web site, [www.kershawknives.com](http://www.kershawknives.com), advertising the Accused Kershaw Products and offering them for sale are attached hereto as Exhibit 2.

6. Kershaw knew of Buck’s rights and interests in the ‘906 patent when it made, marketed, distributed, offered for sale, or sold within the United States or imported into the United States the Accused Kershaw Products.

7. Kershaw has infringed and continues to infringe, literally or under the doctrine of equivalents, one or more claims of the ‘906 patent by performing, without authority, one or more of the following acts under 35 U.S.C. § 271: (a) making, using, offering to sell, and selling within the United States the invention of one or more claims of the ‘906 patent; (b) importing into the United States the invention of one or more claims of the ‘906 patent; and (c) inducing

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infringement of one or more claims of the '906 patent.

8. Buck has complied with 35 U.S.C. §287.
9. Kershaw has actual and constructive notice of the '906 patent.
10. Kershaw's infringement has been and continues to be willful.
11. As a result of Kershaw's infringing acts, Buck has suffered and will continue to suffer damages in an amount to be proved at trial.

**PRAYER FOR RELIEF**

WHEREFORE, plaintiff Buck requests entry of judgment in its favor and against defendant Kershaw as follows:

- (a) Declaration that Kershaw has infringed U.S. Patent No. 6,594,906;
- (b) Permanently enjoining Kershaw and its respective officers, agents, employees, and those acting in privity with them, from further infringement, contributory infringement, and/or inducing infringement of U.S. Patent No. 6,594,906;
- (c) Awarding the damages arising out of Kershaw's infringement of U.S. Patent No. 6,594,906, including enhanced damages pursuant to 35 U.S.C. § 284, to Buck, together with prejudgment and postjudgment interest, in an amount according to proof;
- (d) An award of attorneys' fees pursuant to 35 U.S.C. § 285 or as otherwise permitted by law; and
- (e) For such other costs and further relief as the Court may deem just and proper.

**DEMAND FOR JURY TRIAL**

Buck Knives, Inc., demands a trial by jury on all issues.

DATED: March 9, 2006

LANE POWELL PC

By 

Craig D. Bachman, OSB No. 78129

Kenneth R. Davis, II, OSB No. 97113

Telephone: 503.778.2100

Attorneys for Plaintiff Buck Knives, Inc.

Theodore T. Herhold

ttherhold@townsend.com

Robert J. Artuz

rjartuz@townsend.com

Townsend and Townsend and Crew LLP

379 Lytton Avenue

Palo Alto, CA 94301-1431

Telephone: (650) 326-2400

Facsimile: (650) 326-2422

Of Counsel for Plaintiff Buck Knives, Inc.

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