

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

WARRIOR SPORTS, INC.

Case No.

Plaintiff,

Hon.

v.

**COMPLAINT FOR PATENT  
INFRINGEMENT AND JURY  
DEMAND**

HENSON COMPANY, INC.

Defendant.

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Plaintiff complains against defendant as follows:

**THE PARTIES**

1. Plaintiff Warrior Sports, Inc. (“Warrior”) is a Michigan corporation. Warrior’s principal place of business is in Warren, Michigan.
2. Defendant Henson Company, Inc. (“Henson”) is a Pennsylvania corporation. Henson’s principal place of business is in West Lawn, Pennsylvania.

**JURISDICTION AND VENUE**

3. This is an action for patent infringement under the Patent Act, 35 U.S.C.

§ 1 *et seq.*

4. The Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331, 1338(a).

5. Henson conducts business in this judicial district and has committed acts of infringement here.

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

**FACTS COMMON TO ALL COUNTS**

7. For many years, Warrior has continuously engaged in the development, manufacture and sale of a wide variety of athletic products. Among its many athletic products are lacrosse stick heads and protective athletic equipment such as shoulder pads.

8. Warrior has taken steps over the years to protect its innovative lacrosse stick heads and shoulder pads. In particular, Warrior is and has been the sole owner by assignment of all right, title and interest to each of the five United States Patents identified in the table below (the “Warrior Patents”). Each of the Warrior Patents was duly and legally issued on the date indicated. A copy of each of the Warrior Patents is attached as an exhibit to this Complaint as indicated in the table.

<b>WARRIOR PATENTS</b>		
<b>United States Patent Number</b>	<b>Issue Date of Patent</b>	<b>Complaint Exhibit</b>
6,561,932 (the ‘932 patent)	May 13, 2003	A
6,902,501 (the ‘501 patent)	June 7, 2005	B
6,926,628 (the ‘628 patent)	August 9, 2005	C
7,103,924 (the ‘924 patent)	September 12, 2006	D
7,264,562 (the ‘562 patent)	September 4, 2007	E

9. Henson is in the business of manufacturing or having manufactured, offering to sell, selling, or importing into the United States lacrosse stick heads and shoulder pads, in competition with major manufacturers, including Warrior.

10. Henson has, without authority or license from Warrior, made, used, offered to sell, sold or imported into the United States lacrosse stick heads that infringe the Warrior Patents. The infringing lacrosse stick heads include the Adidas EXCEL and adiSTRIKE lacrosse stick heads.

11. Henson has, without authority or license from Warrior, made, used, offered to sell, sold or imported into the United States shoulder pads that infringe the Warrior Patents. The infringing shoulder pads include the Adidas EXCEL and adiSTRIKE shoulder pad systems.

12. Warrior has given written notice to Henson of its infringement.

**COUNT 1**  
**INFRINGEMENT OF THE '932 PATENT**

13. Warrior incorporates the allegations in Paragraphs 1-12 above.

14. Henson has been and still is making, using, offering to sell, selling or importing into the United States lacrosse stick heads that infringe the '932 patent in violation of 35 U.S.C. § 271(a).

15. Henson has been and still is actively inducing others to infringe the '932 patent in violation of 35 U.S.C. §271(b).

16. Henson's infringement has been intentional and willful, making this an exceptional case.

17. By reason of Henson's infringement, Warrior has been irreparably harmed, and unless and until Henson 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 '501 PATENT**

18. Warrior incorporates the allegations in Paragraphs 1-12 above.

19. Henson has been and still is making, using, offering to sell, selling or importing into the United States lacrosse stick heads that infringe the '501 patent in violation of 35 U.S.C. § 271(a).

20. Henson has been and still is actively inducing others to infringe the '501 patent in violation of 35 U.S.C. § 271(b).

21. Henson's infringement has been intentional and willful, making this an exceptional case.

22. By reason of Henson's infringement, Warrior has been irreparable harmed, and unless and until Henson 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 '628 PATENT**

23. Warrior incorporates the allegations in Paragraphs 1-12 above.

24. Henson has been and still is making, using, offering to sell, selling or importing into the United States lacrosse stick heads that infringe the '628 patent in violation of 35 U.S.C. § 271(a).

25. Henson has been and still is actively inducing others to infringe the '628 patent in violation of 35 U.S.C. §271(b).

26. Henson's infringement has been intentional and willful, making this an exceptional case.

27. By reason of Henson's infringement, Warrior has been irreparably harmed, and unless and until Henson 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 '924 PATENT**

28. Warrior incorporates the allegations in Paragraphs 1-12 above.

29. Henson has been and still is making, using, offering to sell, selling or importing into the United States shoulder pad systems that infringe the '924 patent in violation of 35 U.S.C. § 271(a).

30. Henson has been and still is actively inducing others to infringe the '924 patent in violation of 35 U.S.C. § 271(b).

31. Henson's infringement has been intentional and willful, making this an exceptional case.

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

**COUNT V**  
**INFRINGEMENT OF THE '562 PATENT**

33. Warrior incorporates the allegations in Paragraphs 1-12 above.

34. Henson has been and still is making, using, offering to sell, selling or importing into the United States lacrosse stick heads that infringe the '562 patent in violation of 35 U.S.C. § 271(a).

35. Henson has been and still is actively inducing others to infringe the '562 patent in violation of 35 U.S.C. § 271(b).

36. Henson's infringement has been intentional and willful, making this an exceptional case.

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

**RELIEF REQUESTED**

**WHEREFORE**, Warrior requests the following relief:

A. Judgment that Henson has infringed and actively induced others to infringe the Warrior Patents;

B. A permanent injunction enjoining Henson, 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 Henson's infringement, which shall be trebled as a result of Henson's willful patent infringement;

D. An assessment of costs, including reasonable attorneys' fees, pursuant to 35 U.S.C. § 285, with prejudgment interest; and

E. Such other and further relief as this Court deems just and proper.

**DEMAND FOR JURY TRIAL**

Warrior demands a trial by jury.

Dated: June 20, 2008

/s/ James Moskal

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