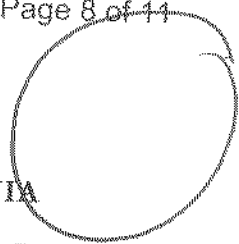


MMB

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA



GREENKEEPERS, INC., ET AL.
Plaintiffs,
v.
NIKE, INC., ET AL.
Defendants.

FILED

JUN 23 2009
MICHAEL E. RUNZ, Clerk
By [Signature] Dep. Clerk

Civil Action No. 04-CV-3747-RBS

**AMENDED COMPLAINT FOR PATENT
INFRINGEMENT AND DEMAND FOR JURY TRIAL**

Plaintiffs, Greenkeepers, Inc. and Greenkeepers of Delaware, LLC ("Greenkeepers"), file this Complaint against Defendants, Nike, Inc. ("Nike") and MacNeill Engineering ("MacNeill"), (collectively "Defendants"), and in support thereof, state as follows:

I. JURISDICTION AND VENUE

1. This is a civil action for patent infringement under the laws of the United States, 35 U.S.C. §271 et seq. This Court has original subject matter jurisdiction under 28 U.S.C. §§1331 (federal question), and 1338(a) (patent-exclusive jurisdiction).

2. Defendants have continuous and systematic contacts with Pennsylvania sufficient to establish personal jurisdiction over them in this Court. Upon information and belief, Defendants have continuous and systematic contacts with the Commonwealth of Pennsylvania and have purposely availed themselves of the jurisdiction of this state.

Moreover, Defendants have infringed Greenkeepers' United States Patent No. RE40,047 ("the '047 Patent") in the Commonwealth of Pennsylvania by either making, using, selling or

offering to sell infringing products in Pennsylvania and/or shipping infringing products into Pennsylvania.

3. Venue is proper under 28 U.S.C. §1391(c), as on information and belief, Defendants are subject to personal jurisdiction in this district.

II. THE PARTIES

4. Greenkeepers of Delaware, LLC is a Delaware limited liability company having its principal place of business at 103 Foulk Road, Suite 202, Wilmington, Delaware 19803 and the owner of the '047 patent.

5. Greenkeepers, Inc. is a Pennsylvania corporation having its principal place of business at 1836 Stout Drive, Unit 16, Warminster, PA 18974 and the exclusive licensee of the '047 patent.

6. Defendant Nike is a Oregon corporation with its principal place of business at One Bowerman Drive, Beaverton, Oregon 97005.

7. Defendant MacNeill Engineering is a Delaware corporation with its principal place of business at 289 Elm Street, Marlborough, MA 01752.

8. Upon information and belief, Defendants are offering for sale, selling, making, and using all or a material part of an infringing golf shoe cleat in this district and elsewhere.

III. INFRINGEMENT OF U.S. PATENT NO. RE40,047

9. On February 12, 2008, the United States Patent and Trademark Office duly and legally issued United States Letter Patent No. RE40,047 (the '047 patent), entitled "Sports Shoe Cleats," to GreenKeepers of Delaware. A true and correct copy of the '047 patent is attached as Exhibit 1.

10. On information and belief, Defendants have infringed the '047 patent in this district and elsewhere by making, using, offering for sale, or selling infringing golf shoe cleats and will continue to do so unless enjoined by the Court.

11. Defendants knowingly, willfully, and deliberately infringed the '047 patent in conscious disregard of Greenkeepers' rights, making this case exceptional within the meaning of 35 U.S.C. §285 and justifying treble damages pursuant to 35 U.S.C. §284.

12. On information and belief, Defendants will continue to infringe the '047 patent, causing immediate and irreparable harm unless this Court enjoins and restrains its activities.

13. On information and belief, the infringement by Defendants have and will deprive Greenkeepers of sales, profits, royalties, and other related revenue which Greenkeepers would have made or would enjoy in the future, has injured Greenkeepers in other respects, and will cause Greenkeepers added injury and damage, including loss of sales, profits, royalties and other related revenue in the future unless Defendants are enjoined from infringing Greenkeepers' '047 patent.

IV. JURY DEMAND

14. Pursuant to Rule 38 of the Federal Rules of Civil Procedure, Greenkeepers demands that the issues in this case be tried by a jury.

V. PRAYER FOR RELIEF

WHEREFORE, Greenkeepers respectfully requests this Court to:

1. Enter judgment for Greenkeepers that U.S. Patent No. RE40,047 is valid, enforceable, and has been infringed by Defendants;

2. Issue a permanent injunction restraining Defendants, their directors, officers, agents, employees, successors, subsidiaries, assigns, and all persons acting in privity or in concert or participation with Defendants from the continued infringement, direct or contributory, or active inducement of infringement by others, of U.S. Patent No. RE40,047.
3. Direct Defendants to file with this Court, and to serve on Greenkeepers, a written report under oath setting forth in detail the manner and form in which Defendants have complied with the injunction;
4. Order Defendants to account for and to pay to Greenkeepers its actual damages suffered by reason of its infringement of United States Patent No. RE40,047 and that such damages be trebled due to Defendants' deliberate, willful, and knowing conduct;
5. Order Defendants to pay Greenkeepers its costs, expenses, and fees, including reasonable attorneys' fees pursuant to 35 U.S.C. §285, and pre-judgment and post-judgment interest at the maximum rate allowed by law; and
6. Grant Greenkeepers such other and further relief as the Court may deem just and proper.

Respectfully submitted,
BLANK ROME LLP

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March 12, 2008

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