

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF CONNECTICUT

S&S Worldwide, Inc.

Plaintiff,

v.

Virtual Sports, Inc., and Phillip Chauvet
Defendants

Case No. **303CV01943 MRK**

FILED
NOV 13 9 09 AM '03
U.S. DISTRICT COURT
NEW HAVEN, CT

COMPLAINT FOR DECLARATORY JUDGMENT OF PATENT NON-
INFRINGEMENT AND PATENT INVALIDITY

Plaintiff, S&S Worldwide, Inc., for its Complaint against Defendants Virtual Sports, Inc., and Phillip Chauvet, alleges as follows:

PARTIES

1. Plaintiff S&S Worldwide, Inc. (hereinafter "S&S Worldwide" or "Plaintiff") is a corporation organized and existing under the laws of the State of Connecticut, authorized to do business in the State of Connecticut, and having a principal place of business and corporate offices at 75 Mill Street, P.O. Box 513, Colchester, Connecticut 06415-513.

2. S&S Worldwide is informed and believes, and on that basis alleges that Defendant, Virtual Sports, Inc., is a corporation with its principal place of business at 6644 Rippling Brook Drive SE, Salem, Oregon 97301.

3. S&S Worldwide is informed and believes, and on that basis alleges that defendant Virtual Sports advertises, markets, offers for sale, and/or sells its products, including its Monster Basketball product, in this district.

4. S&S Worldwide is informed and believes, and on that basis alleges that defendant Phillip Chauvet resides at 6644 Rippling Brook Dr. SE, Salem, Oregon 97301.

5. S&S Worldwide is informed and believes, and on that basis alleges that defendant Phillip Chauvet is president of Virtual Sports, Inc., and a named co-inventor of U.S. Patent No. 6,629,899 (hereinafter, the " '899 patent") issued on October 7, 2003, entitled "INFLATABLE HOOP/BASKET/GOAL." A true and correct copy of the '899 patent is attached hereto as Exhibit A.

JURISDICTION AND VENUE

6. This court has jurisdiction over the subject matter of this action pursuant to 28 U.S.C. §§ 1331, 1338(a) and 2201. This action arises, in part, under the patent laws of the United States, 35 U.S.C. §§ 1, et. seq.

7. Venue is proper in the District of Connecticut pursuant to 28 U.S.C. §§ 1391(b) and 1391(c).

CLAIM FOR RELIEF

8. Plaintiff repeats, realleges and incorporates by reference the allegations contained in paragraphs 1 through 7.

9. On January 19, 2002, non-provisional patent application serial number 10/053,988 entitled "INFLATABLE HOOP/BASKET/GOAL" was filed. Said patent application was issued on October 7, 2003 as United States Patent No. 6,629,899. On information and belief, Phillip

Chauvet and Rod L. Blair are the owners of all right, title and interest in and to the '899 patent as the named co-inventors. Exhibit A.

10. On October 30, 2003, Phillip Chauvet wrote S&S Worldwide a letter in which it was alleged that an S&S Worldwide product named the "Jumbo Jam" infringes the '899 patent. The letter further made demand that S&S Worldwide and one of its distributors, Wintergreen Learning Materials of Concord, Ontario, "cease manufacturing, distributing and selling the Jumbo Jam product incorporating the invention claimed in the ['899 patent] and give us a complete accounting of all such apparatus sold, such that we may proceed to verify the same and send you a demand for appropriate royalties for such sales." The letter concluded: "If we do not hear from you by November 24, 2003, we will seek further action." A true and correct copy of the October 30, 2003 letter is attached hereto as Exhibit B.

11. By reason of the October 30, 2003 letter and other acts of Virtual Sports and Phillip Chauvet, an actual, justiciable controversy exists between the parties with respect to the validity and enforceability of the '899 patent. S&S Worldwide manufactures and/or sells the S&S Worldwide Jumbo Jam product in this district. Exhibit C. S&S Worldwide contends that the '899 patent is not infringed by the manufacture, sale and/or use of the S&S Worldwide Jumbo Jam product and that the '899 patent is invalid and unenforceable.

12. The S&S Worldwide Jumbo Jam product does not infringe the '899 patent in light of the prior art, the file history, and the statements, representations, and admissions made by Chauvet, et al., during the prosecution of the application of the '899 patent.

13. If the '899 patent is construed so broadly as to encompass the S&S Worldwide Jumbo Jam product, then the '899 patent is invalid as anticipated under 35 U.S.C. § 102, as

obvious under 35 U.S.C. § 103, and for failure to comply with the requirements of 35 U.S.C. § 112.

14. S&S Worldwide is entitled to judgment declaring that the '899 patent is invalid and further declaring that S&S Worldwide has not infringed and does not infringe the '899 patent.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff demands:

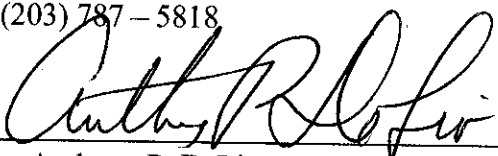
1. Declaratory relief stating that:
 - (a) Virtual Sports and Phillip Chauvet is without right or authority to threaten or maintain suit against S&S Worldwide for alleged infringement of U.S. Patent No. 6,629,899;
 - (b) U.S. Patent No. 6,629,899 is invalid and unenforceable, and/or not infringed by S&S Worldwide;
 - (c) Virtual Sports and Phillip Chauvet, and those in active concert or participation with Virtual Sports and Phillip Chauvet, who receive actual value thereof, are permanently enjoined from initiating patent infringement litigation against, or threatening S&S Worldwide or any of its customers, dealers, agents, dealers distributors, or customers of S&S Worldwide or users of S&S Worldwide's products, with patent infringement litigation based on the patent in suit, or charging any of them either verbally or in writing with infringement of the patent in suit;
2. Costs, expenses, and reasonable attorneys' fees; and
3. Such other and further relief as the Court may deem just and proper.

JURY DEMAND

Plaintiff requests trial by jury on all issues so triable.

DATED: November 11, 2003

DELIO & PETERSON, LLC
121 Whitney Avenue
New Haven, Connecticut 06510-1241
Tel: (203) 787-0595
Fax: (203) 787-5818

By: 
Anthony P. DeLio

By: 
Robert Curcio

Attorneys for
S&S Worldwide, Inc.

(12) **United States Patent**
Chauvet et al.

(10) **Patent No.:** US 6,629,899 B2
 (45) **Date of Patent:** Oct. 7, 2003

(54) **INFLATABLE HOOP/BASKET/GOAL**

(76) **Inventors:** Philip G. Chauvet, 6644 Rippling
 Brook Dr., SE., Salem, OR (US) 97301;
 Rod L. Blair, 11009 Dapple May,
 Bakersfield, CA (US) 93312

(*) **Notice:** Subject to any disclaimer, the term of this
 patent is extended or adjusted under 35
 U.S.C. 154(b) by 0 days.

(21) **Appl. No.:** 10/053,988

(22) **Filed:** Jan. 19, 2002

(65) **Prior Publication Data**

US 2002/0098922 A1 Jul. 25, 2002

Related U.S. Application Data

(60) **Provisional application No.** 60/262,793, filed on Jan. 22,
 2001.

(51) **Int. Cl.⁷** A63B 67/00

(52) **U.S. Cl.** 473/472; 473/466

(58) **Field of Search** 473/485, 472,
 473/479, 415, 466, 476; 441/40; 273/458

(56) **References Cited**

U.S. PATENT DOCUMENTS

5,546,707 A * 8/1996 Caruso 52/2.13
 5,865,693 A * 2/1999 Johnson 473/478

OTHER PUBLICATIONS

DIA Web Page Ad www3.diy.net.com/DIY/article/0,2058,
 3485,00.html, Dec. 1999.*

* cited by examiner

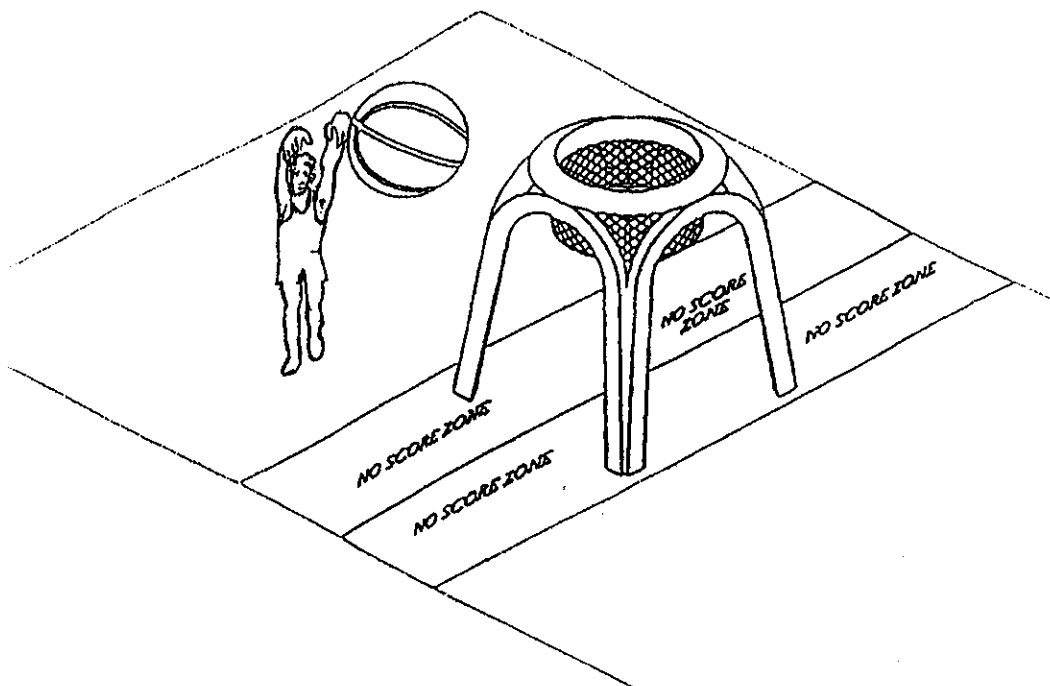
Primary Examiner—Paul T. Sewell

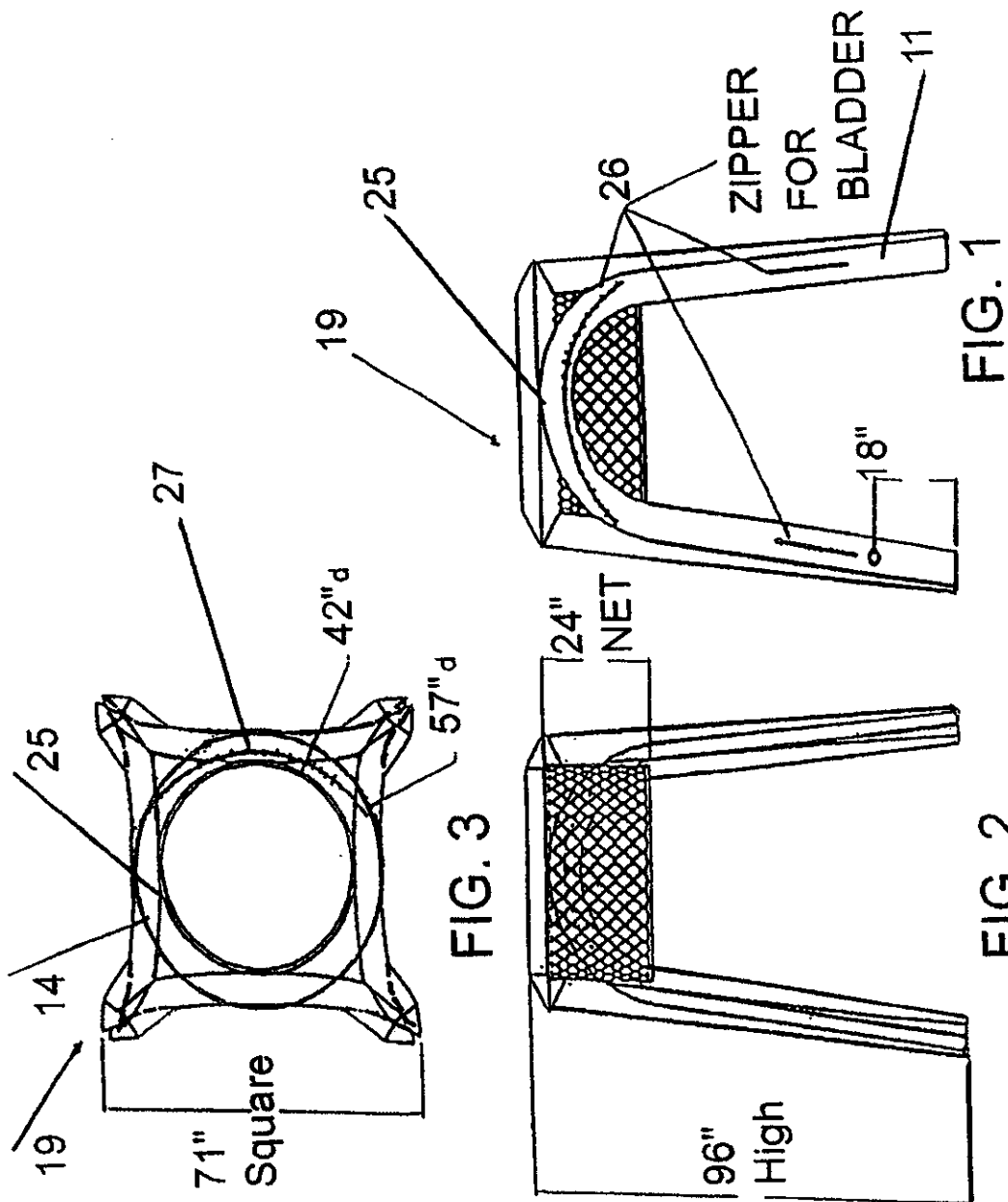
Assistant Examiner—M. Chambers

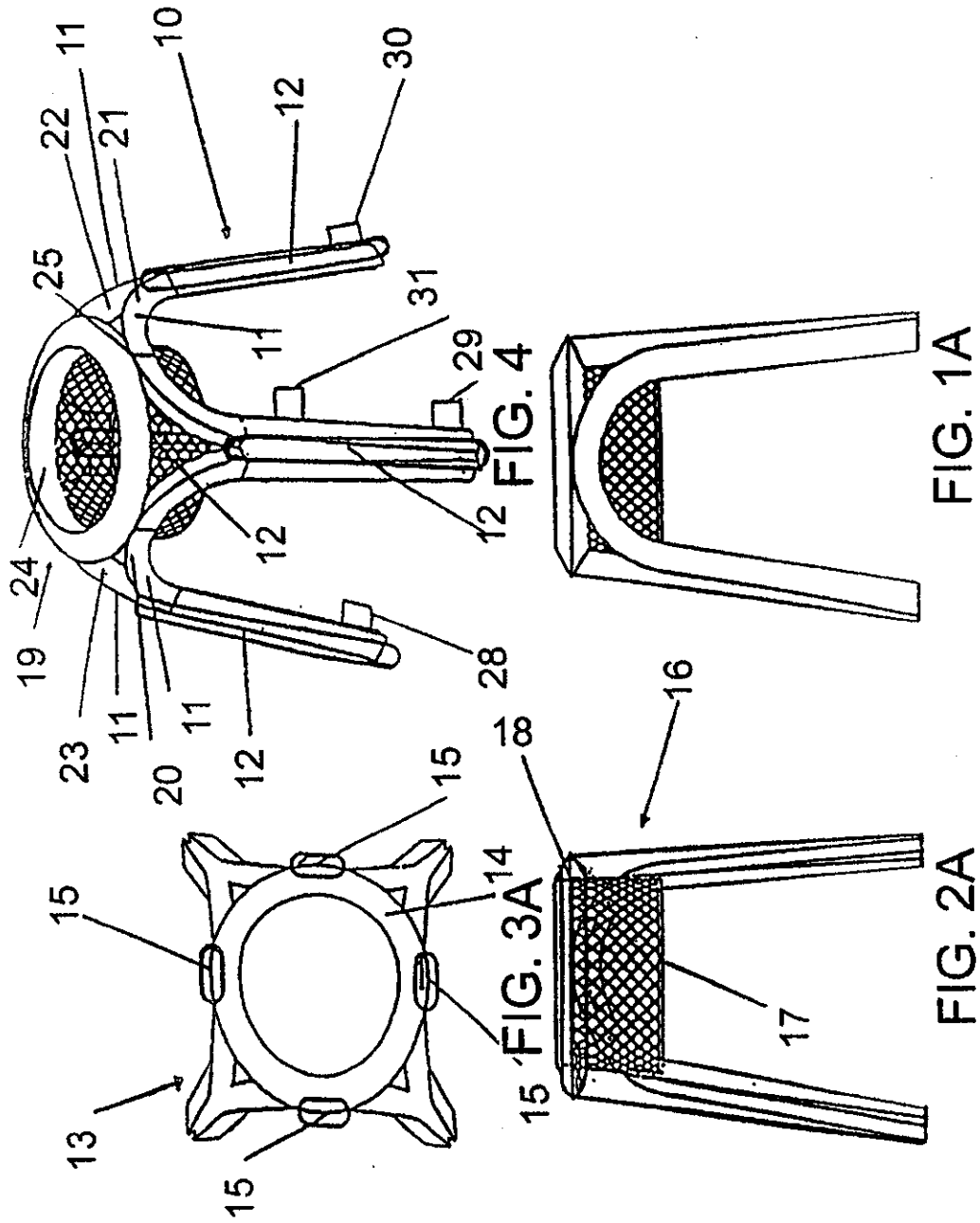
(57) **ABSTRACT**

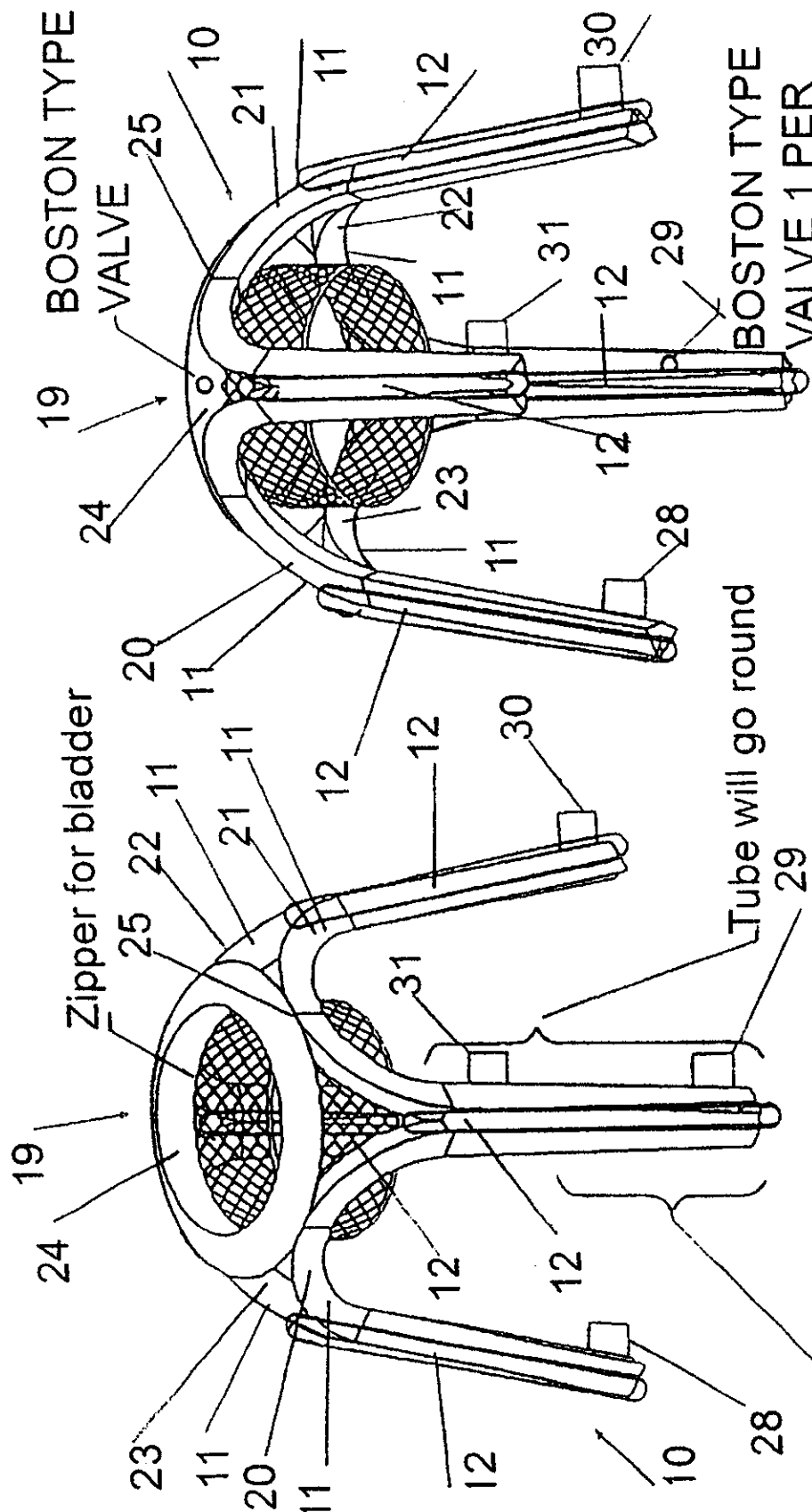
A free standing, upright sports goal structure (10) having a
 plurality of inflatable bladders to form the framework (19)
 of a standing goal structure, together with an outer casing (25)
 of non-elastic material which encloses the inflatable frame-
 work (19) and serves to form a strong rigid goal structure
 (10) which is useful in a plurality of sports, yet which can
 quickly and easily be erected or collapsed for convenient
 transportation and storage.

16 Claims, 6 Drawing Sheets









Attach (2) legs in this area 4 plcs

FIG. 5

BOSTON TYPE VALVE 1 PER TUBE (4 VALVES)

FIG. 6

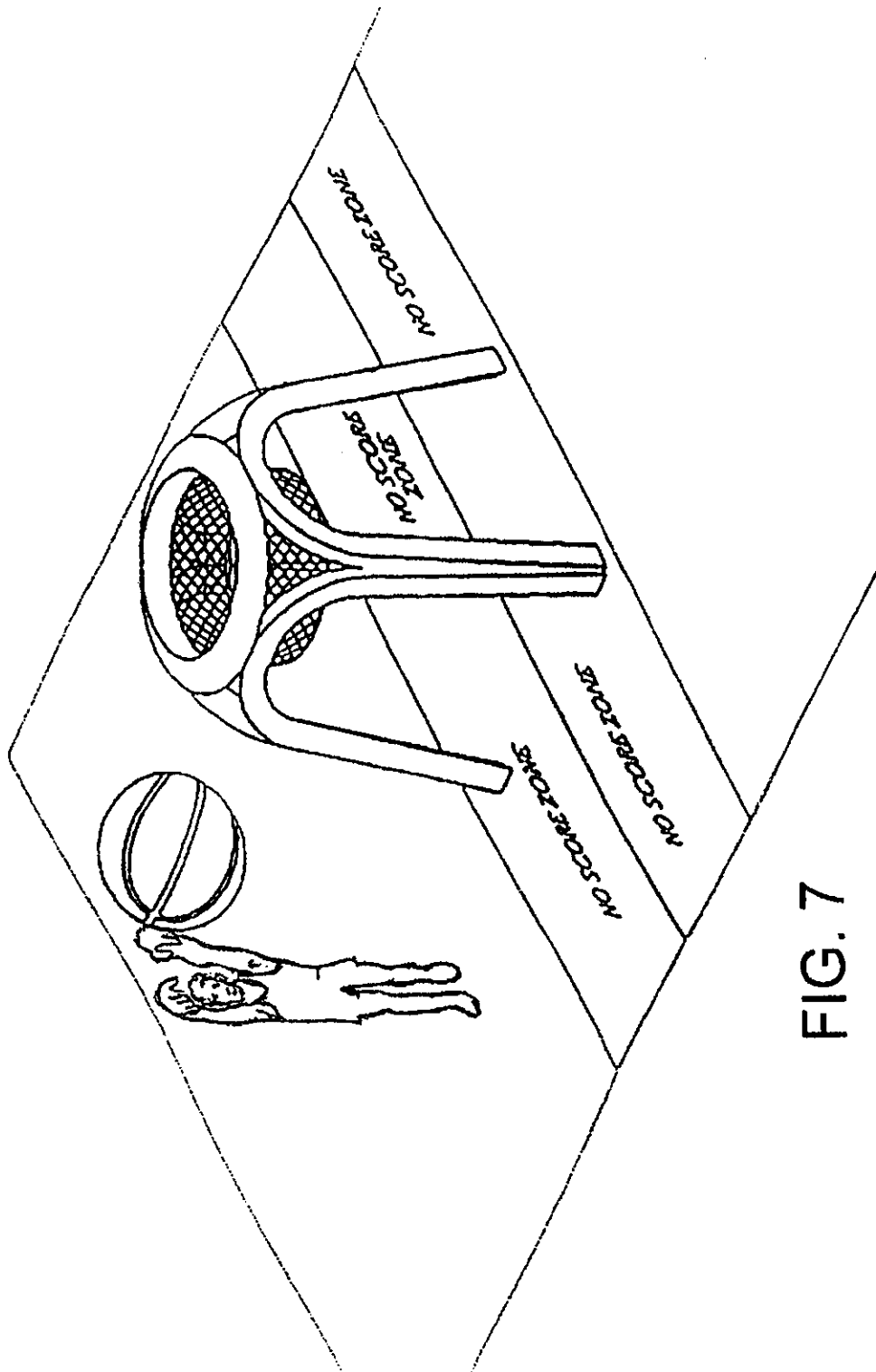


FIG. 7

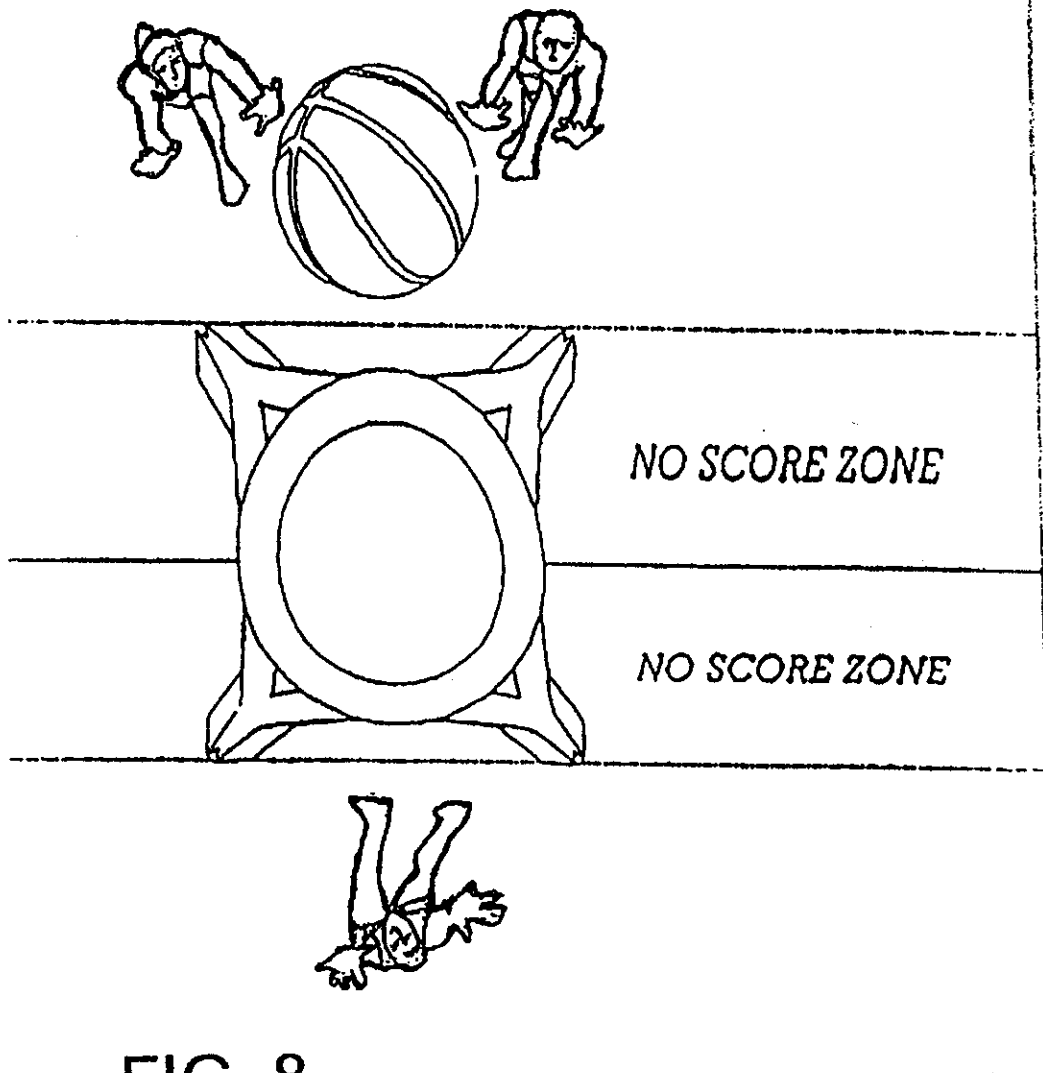


FIG. 8

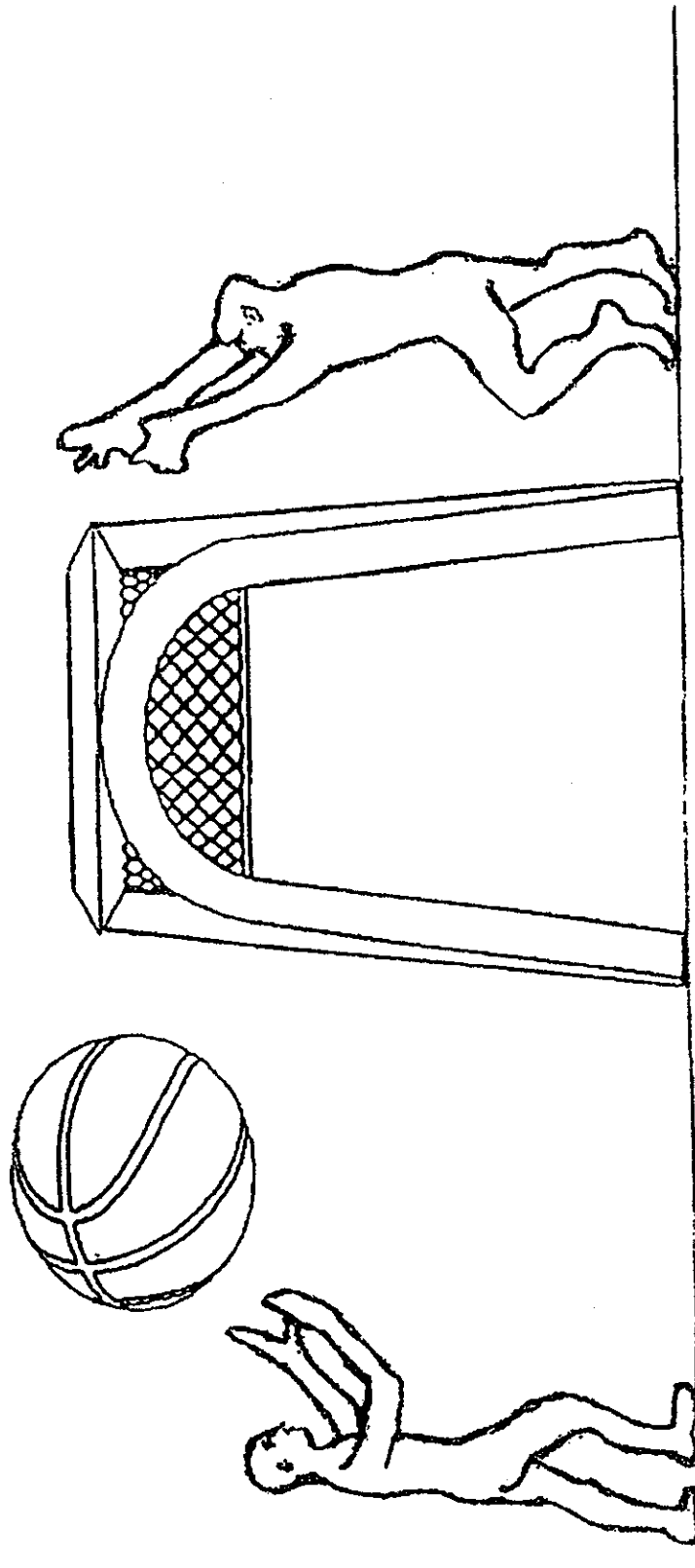


FIG. 9

US 6,629,899 B2

1

INFLATABLE HOOP/BASKET/GOAL

This application is a continuation of my provisional patent application No. 60/262,793, filing date Jan. 22, 2001.

The present invention relates to an inflatable Hoop/
Basket./Goal. Such structures may be used for a variety of
purposes but principally this structures proposed use is for a
recreational aid in the form of a goal or hoop that allows the
user to throw, shoot, or kick a ball or object through the goal
or hoop. The inflatable hoop/basket/goal can be used on any
surface, indoors or outdoors. The invention is portable and
being inflatable makes it easily assembled (Inflated) and
stored.

The present invention provides an inflatable tubular
framework comprising of inflatable tubular members. When
inflated the tubular uprights (Legs) joined by the arches that
are attached to the goal or hoop create a self supporting
structure. An internal bladder system gives the structure its
sturdiness. The inflatable tubular members can be made of
plastics or strong fabric. They can be welded, glued or sewn
together. The internal bladders can be made of plastics or
rubberised fabrics that will seal air tight. The netting may be
made of plastics or a yarn material.

Preferably, a plurality of anchorage points are provided
along each tubular member intended in use to be lowermost.
Anchorage points may also be provided on tubular members
intended in use to be lowermost. Anchorage points may also
be provided on tubular members intended to be at an upper
part of the structure in use and guylines may be attached at
these points in the form of ballasts.

Suitably, the framework structure may be provided in
association with means for anchoring or weighing down the
structure, such as weighted lines or pegs or stakes for driving
into the ground. Preferably means for weighing down the
structure are provided comprising a plurality of containers/
ballasts such as bags adapted to be filled in use with a
material such as sand or soil or with a liquid such as water.

Preferably, the anchorage points mentioned above may
be provided as protruding tabs of the material of the inflat-
able structure provided with reinforced holes therein for
receiving anchorage lines or ballasts.

It can be seen that the tubular frameworks illustrated can,
when deflated, be stored in a compact and convenient
manner and can conveniently be transported for use at the
beach or on picnics or in other recreational situations. They
may then be inflated by the use of a conventional foot pump
or other compressed gas source to provide in a very short
time a goal/hoop or basket for use in a game of basketball,
soccer, ect..

Whilst the invention has been described with reference to
specific characteristics of the embodiments illustrated, many
modifications and variations are possible within the scope of
the invention.

BACKGROUND OF INVENTION**1. Field of Invention**

This invention relates to inflatable structures and is particularly directed to portable inflatable structures for indoor and outdoor use as a sports goal, hoop, or basket.

2. Prior Art

In the past there have been numerous types of inflatable objects, such as balloons, simulated furniture, and various types of flotation devices. This invention is of an upright, free standing, inflatable goal, hoop or basket. It is composed of inflatable portions which are interconnected and include four equally spaced legs. Each leg in turn is connected by an

2

arched section. Each arched section is attached to the circular hoop or goal creating one complete structure. A mesh netting is attached to the interior circumference of the circular hoop, hanging from the hoop or basket.

OBJECTS AND BRIEF SUMMARY OF THE INVENTION

An object of the present invention is to provide an inflatable sports goal which is strong and rigid when erected.

Another object of the present invention is to provide a free standing, upright sports goal which is strong and rigid when erected, yet which can quickly and easily be disassembled for portability and storage.

An additional object of the present invention is to provide a free standing, upright sports goal comprising an inflatable framework, together with a casing formed of non-elastic material, to form a sports goal which is strong and rigid when erected, yet which can quickly and easily be disassembled for portability or storage.

A specific object of the present invention is to provide a free standing, upright sports goal structure having a plurality of inflatable tubes joined to form the framework of a free standing, upright goal structure, together with an outer casing of non-elastic material which encloses the inflatable framework and serves to form a strong rigid goal structure which is useful in a plurality of sports that would include basketball, soccer or any ball game played with the goal, yet which can quickly and easily be erected or collapsed for convenient transportation and storage, together with an improved method of manufacturing the same.

These and other objects and features of the present invention will be apparent from the following detailed description, taken with reference to the figures of the accompanying drawing.

BRIEF DESCRIPTION OF DRAWINGS

FIG. 1 is a front view of a sports goal embodying the present invention;

FIG. 2 is a cut out side view of the sports goal of FIG. 1;

FIG. 3 is a top view of the sports goal of FIG. 1;

FIG. 4 is an isometric view showing the inflatable framework for the sports goal of FIG. 1;

FIG. 5 is an isometric view of the sports goal of FIG. 1 showing the zippers for the insertion of the inflatable bladders.

FIG. 6 is an isometric view of the sports goal showing the inflation/deflation valve locations.

FIG. 7 is an isometric view of the sports goal of FIG. 1 showing the goal, free standing and upright ready for use.

FIG. 8 is a top view of the sports goal ready to receive a ball (Any type) into the round goal area.

FIG. 9 is a side view of the free standing, upright goal with a ball (Any type) approaching the hoop or goal area.

DESCRIPTION OF THE PREFERRED EMBODIMENT

In that form of the present invention chosen for purposes of illustration, FIGS. 4, 5, and 6 show a sports goal, indicated generally at 10, having four vertical arches with slanted legs 11, with each individual leg joining 12 equally and laterally with the individual leg that corresponds to it relative to the four points that create the square shape at the base from the eight legs of the arches 11. The illustration of FIG. 3 shows the top view of the sports goal as generally

US 6,629,899 B2

3

indicated at 13, where the joining of the large inflatable hoop 14 to the very top of each arch with slanted legs 11 is seen at each individual corresponding place 15. The illustration of FIG. 2 shows a cut out side view of the sports goal as generally indicated at 16, where the position of the joining between the large inflatable hoop 14 and the open ended tubular shaped netting 17 is clearly shown at 18 where it hugs the inner radius of the large inflatable hoop 14.

To provide for quick and easy erection and disassembly to a convenient size for portability and storage, the sports goal 10 is formed of an inflatable framework, indicated generally at 19 in FIGS. 4, 5, and 6 and comprising of five inflatable bladders, as seen at 20, 21, 22, 23, and 24, respectively, together with a casing 25 formed of non-elastic material and carrying the open ended tubular shaped netting 17.

The casing 25 has slits 26 provided at convenient locations equally upon each individual arch with slanted legs 11, as seen in FIG. 1 to allow inflatable bladders 20, 21, 22, and 23 of framework 19 to be inserted therein. The casing 25 has a slit 27 provided at a convenient location upon the large inflatable hoop 14 as seen in FIG. 3 to allow for the inflatable bladder 24 of framework 19 to be inserted therein. Because casing 25 is formed of non-elastic material, it will form a strong and rigid structure when inflatable framework 19 is inserted and inflated.

At the same time, sports goal 10 can quickly and easily be erected or disassembled, when desired, for portability and storage, and, once disassembled, will occupy a minimum of space. Also, sports goal 10 is extremely light and buoyant and, hence, will float on water for use in water basketball and other water sports. Finally, if desired, flaps with hooks 28, 29, 30, and 31 may be provided adjacent the respective pairs of legs 11 of casing 25 to receive suitable weights within vinyl bags, such as stones, sand, and the like to weigh the sports goal to the ground in a desired location.

When deflated, inflatable framework 19 and casing 25 can be folded and stored in a minimum of space and will be quite light, so that sports goal 10 can easily be transported in a suitable carrying case, not shown, to a desired location. At the desired location, inflatable bladders 20, 21, 22, 23, and 24 can be inflated and assembled inside casing 25 and deflated as one complete assembly. Next, the assembled inflatable network 19 can be inserted into slots 26 and 27 of casing 25 to form sports goal 10, as seen in FIGS. 4, 5, and 6. Finally, sports goal 10 can be oriented as desired, and suitable means such as weights can be applied to the flaps 28, 29, 30, and 31 to weigh down the sports goal 10 in a desired position.

Obviously, numerous other variations and modifications can be made without departing from the spirit of the present invention. Therefore, it should be clearly understood that the forms of the present invention described above and shown in the figures of the accompanying drawing, are illustrative only and are not intended to limit the scope of this invention. Industrial Applicability

Once inflated and assembled, sports goal/hoop is quite rigid and will be extremely strong. Obviously, sports goal/hoop can be mounted on dirt, sand, gymnasium, grass or paved surfaces, as desired, for use with basketball, soccer or any type balls. Alternatively, because framework is

4

inflatable, it is also capable of floating on water. Therefore, sports goal/hoop can be used for water sports, in addition to its use on land.

What is claimed is:

1. A sports goal comprising:

an inflatable goal structure comprising an annular member having a central opening to allow passage therethrough of a ball, and a plurality of leg members supporting said annular member in a horizontal position;

wherein said goal structure comprises a plurality of tubes formed of non-elastic material with valve means for facilitating inflation and deflation of said structure;

wherein said goal is approximately eight feet tall.

2. The sports goal of claim 1 wherein: said goal is capable of standing on water.

3. The sports goal of claim 1, further comprising: a net encircling the interior of said annular member and extending downwardly therefrom.

4. The sports goal of claim 1 further comprising: ballast means attached to said leg members to aid in maintaining said goal in an upright position.

5. The sports goal of claim 4 further comprising: said ballast member comprises a bag filled with material at least as heavy as water.

6. The sports goal of claim 1 further comprising: a plurality of flaps projecting from said leg members to receive means for anchoring said goal in a desired position.

7. The sports goal of claim 1 further comprising four leg members.

8. The sports goal of claim 1 further comprising an inflatable bladder.

9. A sports goal comprising:

an inflatable goal structure comprising an annular member having a central opening to allow passage therethrough of a ball, and a plurality of leg members supporting said annular member in a horizontal position;

wherein said goal structure comprises a plurality of tubes formed of non-elastic material with valve means for facilitating inflation and deflation of said structure;

wherein said goal is approximately six feet tall.

10. The sports goal of claim 9 wherein: said goal is capable of standing on water.

11. The sports goal of claim 9 further comprising: a net encircling the interior of said annular member and extending downwardly therefrom.

12. The sports goal of claim 9 further comprising: ballast means attached to said leg members to aid in maintaining said goal in an upright position.

13. The sports goal of claim 12 further comprising: said ballast member comprises a bag filled with material at least as heavy as water.

14. The sports goal of claim 9 further comprising: a plurality of flaps projecting from said leg members to receive means for anchoring said goal in a desired position.

15. The sports goal of claim 9 further comprising four leg members.

16. The sports goal of claim 9 further comprising an inflatable bladder.

* * * * *


Virtual Sports, Inc.

PHILIP CHAUVET
6644 RIPPLING BROOK DR. SE
SALEM, OREGON 97301

Telephone 1 503 363 0013
Fax 1 503 363 0236

President, Stephen Schwartz
S & S Worldwide
75 Mill Street, P.O. Box 513
Colchester, Ct. 06415-0513

October 30, 2003

Stephanie Minchopoulos, Operations Center
Wintergreen Learning Materials
14 Connie Crescent, #10, Concord
ON L4K 2W8

Re: United States Patent No. US 6, 629,899, B2
Title: Inflatable Hoop/Basket/Goal


Dear Mr. Stephen Schwartz:

I, Philip Chauvet, am the named co-inventor and owner of the above-identified patent, a copy of which is enclosed. We have reviewed the Wintergreen -Phys-Ed, 2004 catalog, page 68, item WSP 7801, Jumbo Jam product and S & S Worldwide, 2003 Discount Sports catalog, page 3, item # BSDW 7801, Jumbo Jam product which was also sold and displayed at Booth # 2257 at the 2003 NRPA convention. It is the opinion of our patent attorney that the product known as Jumbo Jam product, clearly infringes several of the claims of the above-identified patent, including Claims 1, 2, 3, 6, 7, and 8.

As the inventor and owner of the above-identified patent, we hereby demand that you cease manufacturing, distributing and selling the Jumbo Jam product, incorporating the invention claimed in the U.S. Patent No. US 6, 629, 899 B2 and give us a complete accounting of all such apparatus sold, such that we may proceed to verify the same and send you a demand for appropriate royalties for such sales.

We await your prompt assurances that S & S Worldwide and Wintergreen Learning Materials have ceased all manufacturing and selling such apparatus, and receipt of your accounting as to the number of articles sold.

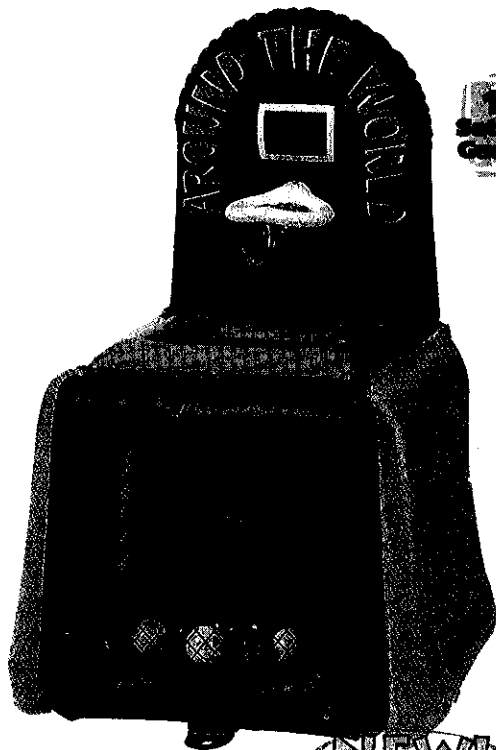
If we do not hear from you by November 24th, 2003, we will seek further action. Please contact me if you wish to discuss this matter further. The enclosed patent was issued October 7th, 2003 in the United States. Virtual Sports, Inc. is also patent pending and awaiting the final patent in Canada, Europe, China and a number of other countries.

Sincerely,

Philip Chauvet
President
Virtual Sports, Inc.
6644 Rippling Brook Dr., S.E.
Salem, Oregon 97301
phone: 503 363-0013 fax: 503 363-0236 e-mail: philvirtualsport@aol.com

CALL 1-800-243-9232
 FAX 1-800-566-6678 • WWW.SSWW.COM

Printed + Marked
 Dec 2002

TOSS & CATCH



NEW!

AROUND THE WORLD™

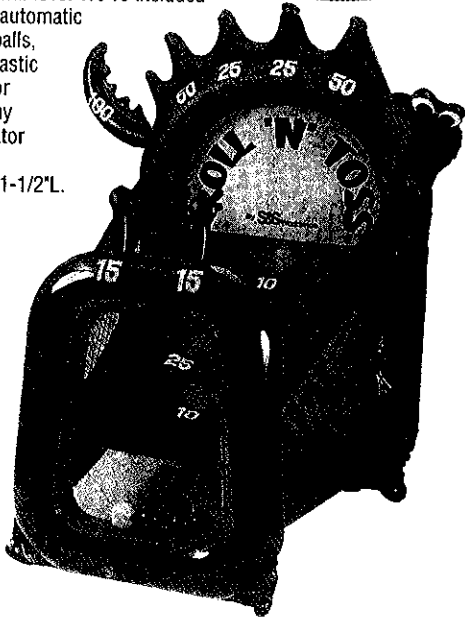
Your hoopsters can practice their shots with our amazing, inflatable basketball game that's fun to play indoors or out. Carnival-style play unit is constructed of heavy-duty PVC vinyl with colorful basketball graphics and an automatic ball return – so there's no time-outs! Great for individual or team play. Includes 8 plastic balls and 4 plastic tent spikes for easy outdoor setup. Inflates with any standard inflator/deflator (sold separately). Size: 54"H x 30"W x 30"L.

SMD-W7700 \$48.88 each.

CARNIVAL ROLL 'N' TOSS™. Now it's easy for your group to enjoy authentic carnival fun anywhere! Our inflatable PVC game combines the toss-and-score challenges of Skee Ball™ and ring toss, plus a bright, colorful dinosaur design kids will love. We've included everything you need: automatic ball return, 8 plastic balls, 4 scoring rings and 4 plastic tent spikes for outdoor setup. Inflates with any standard inflator/deflator (sold separately). Size: 40"H x 45"W x 71-1/2"L.

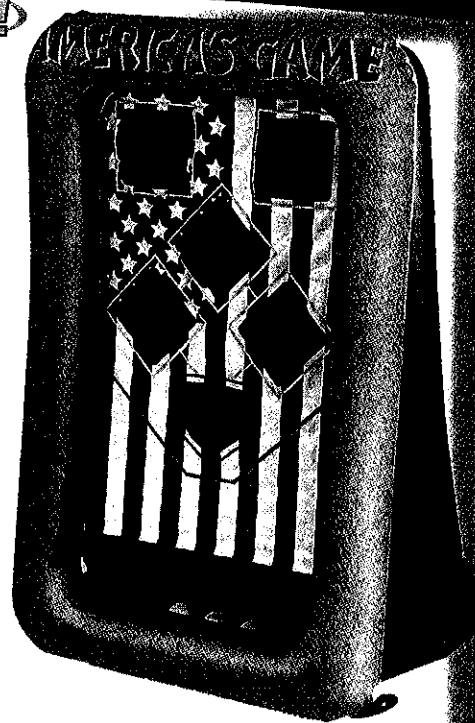
NEW!

SMD-W7698 \$58.88 each.



AMERICA'S GAME™. Your kids can build their tossing and aiming skills with this carnival-style, inflatable play structure with baseball and American flag graphics. Baseball diamond design lets them aim to score slugger-style with bases and home plate "targets." Automatic ball return keeps the game moving for big-league fun! Inflates with any standard inflator/deflator (sold separately). Constructed of heavy-duty PVC vinyl. Includes 8 plastic game balls and 4 plastic tent spikes for outdoor setup. Size: 66"H x 42"W x 25" deep.

SMD-W7699 \$48.88 each.



NEW!

JUMBO JAM™. Aim for exciting new heights of fun indoors or out with our incredible, colossal Jumbo Jam™! This inflatable, heavy-duty vinyl basketball goal measures an amazing 8'-high with a 4'-diameter hoop and nylon net. Great for large groups – the huge 10'-diameter base gives kids lots of room to practice their shooting skills. Use as a lead up to basketball or create original new games just for FUN! The base ring includes 4 anchor points so it can be staked into the ground (4 tent stakes included). Inflates easily with any standard inflator/deflator (sold separately).

SMD-W7801 \$188.88 each.