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10 Attorneys for Plaintiff, NIKE, Inc.
11

12 **UNITED STATES DISTRICT COURT**

13 **DISTRICT OF NEVADA**

14 NIKE, INC. ,)	Case No.
)	
15 Plaintiff,)	COMPLAINT
)	
16 vs.)	
)	
17 ROMEO & JULIETTE, INC.,)	JURY DEMAND
)	
18 Defendant.)	
)	
19)	
20)	

21 Plaintiff, NIKE, Inc., (“NIKE”) by and through its attorneys, makes this Complaint
22 against Defendant, Romeo & Juliette, Inc., (“R&J”), seeking (1) judgment that R&J has willfully
23 infringed a footwear related NIKE design patent, (2) an injunction against further infringement,
24 and (3) an award of treble damages, attorneys’ fees, and costs, all as provided by the Patent Act.
25 In support of this Complaint, NIKE states as follows:
26

27 **JURISDICTION AND VENUE**

28 1. This is an action for patent infringement arising under the patent laws of the

1 United States, 35 U.S.C. § 1 *et seq.*

2 2. This Court has subject matter jurisdiction over this dispute pursuant to 28 U.S.C.
3 §§ 1331, 1338(a), and 1367(a).

4 3. This Court may exercise personal jurisdiction over R&J based upon its contacts
5 with this forum, including regularly and intentionally doing business here and having committed
6 acts of patent infringement within this forum by offering to sell and selling products covered by
7 NIKE's patents, at least at World Shoe Association ("WSA") trade shows in Las Vegas, Nevada.

8 4. Venue is proper in this judicial district pursuant to 28 U.S.C. §§ 1391(b), (c), and
9 1400(b) because R&J regularly does business, has committed acts of infringement, and is subject
10 to personal jurisdiction here.

11
12 **THE PARTIES**

13 5. NIKE is a corporation organized under the laws of the State of Oregon and has a
14 principal place of business at One Bowerman Drive, Beaverton, Oregon 97005.

15 6. On information and belief, R&J is a corporation organized and existing under the
16 laws of the State of California, and has a principal place of business at 7534 Old Auburn Rd.,
17 Citrus Heights, California 95610.

18 7. On information and belief, R&J is doing business at least as "Attix," "Attix
19 Footwear," and/or "Attix Shoes."
20

21 8. On information and belief, R&J operates at least two footwear related websites,
22 including <http://www.attixworld.com> and <http://www.attixshoes.com>.
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GENERAL ALLEGATIONS – THE NIKE DESIGN PATENT

9. For many years, NIKE has continuously engaged in the development, manufacture, and sale of a wide array of athletic and fashion footwear, apparel, and sports equipment.

10. Over the years, NIKE has taken steps to protect its innovative footwear designs. For example, NIKE owns various United States design patents relating to its footwear designs. In particular, NIKE is and has been the owner of all right, title, and interest to United States Design Patent No. Des. 513,450 (hereafter, the “NIKE Design Patent”) since January 10, 2006, the date the patent duly and legally issued to NIKE. A copy of the NIKE Design Patent is attached to this Complaint as Exhibit A.

GENERAL ALLEGATIONS – DEFENDANT’S INFRINGING ACTIVITIES

11. On information and belief, without NIKE’s authorization, R&J has made, used, offered to sell, sold, and/or imported into the United States numerous shoes, including shoes having designs that are covered by the NIKE Design Patent (the “Infringing Shoes”).

12. R&J’s Infringing Shoes include models identified by R&J at least as the “3151 Cage.” By way of example, Chart 1 below demonstrates R&J’s infringement, comparing a figure from NIKE’s D513,450 patent with an image of R&J’s “3151 Cage” Infringing Shoe.

Chart 1: Comparison of NIKE’s D513,450 Patent and R&J’s Infringing Shoe

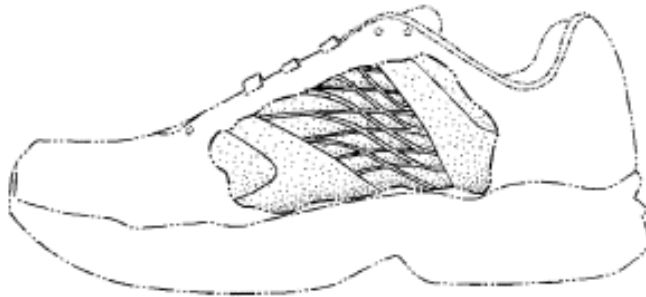


FIG. 2

U.S. Patent No. Des. D513,450, Fig. 2



Image of R&J’s “3151 Cage” Infringing Shoe

13. On information and belief, R&J intentionally designed its Infringing Shoes to look like NIKE’s shoes.

14. On information and belief, R&J has offered for sale and/or sold its Infringing Shoes at trade shows, including the WSA biannual show in Las Vegas, Nevada. According to the WSA’s website, the WSA “is currently the largest footwear trade market in North America [and] [i]ts twice-yearly show at the Mandalay Bay Convention Center and Sands Expo in Las Vegas, Nevada, pulls in more than 36,000 attendees.” (See <http://www.wsashow.com/feb2006/showfacts.asp?hd=at>, last visited February 2, 2006).

15. On information and belief, R&J continues to use, offer to sell, sell, and/or import into the United States the Infringing Shoes.

16. R&J’s knowing and repeated infringement of the NIKE Design Patent has been and continues to be intentional and willful.

**COUNT I:
PATENT INFRINGEMENT**

17. NIKE re-alleges each and every allegation set forth in paragraphs 1 through 16 above, inclusive, and incorporates them by reference herein.

1 18. R&J has made, used, offered to sell, sold, and/or imported into the United States,
2 and still is making, using, offering to sell, selling, and/or importing into the United States, shoes
3 having designs that infringe the NIKE Design Patent without NIKE's authorization.

4 19. R&J's infringement has been intentional and willful, making this an exceptional
5 case.
6

7 20. NIKE has been and will continue to be irreparably harmed by R&J's infringement
8 of the NIKE Design Patent.

9 **RELIEF REQUESTED**

10 **WHEREFORE**, plaintiff NIKE respectfully prays for:

11 A. Judgment that R&J willfully infringed the NIKE Design Patent in violation of 35
12 U.S.C. §§ 271;

13 B. An injunction against further infringement of the NIKE Design Patent by R&J, its
14 agents, servants, employees, officers, and all others controlled by R&J;

15 C. An award of damages adequate to compensate NIKE for the patent infringements
16 that have occurred pursuant to 35 U.S.C. § 284, which shall be trebled as a result of R&J's
17 willful patent infringement, or an award of R&J's profits from its infringements pursuant to 35
18 U.S.C. § 289, whichever is greater, together with prejudgment interest and costs;

19 D. An assessment of costs, including reasonable attorney fees, pursuant to 35 U.S.C.
20 § 285, with prejudgment interest; and

21 E. Such other and further relief as this Court deems just and proper.
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23 **DEMAND FOR JURY TRIAL**

24 Pursuant to Fed. R. Civ. P. 38, NIKE demands a jury trial on all issues raised in this
25 Complaint triable to a jury.
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Dated: February 10, 2006

Respectfully submitted,

LEWIS AND ROCA LLP

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