

JON P. STRIDE, OSB No. 90388
Email: jons@tonkon.com
TONKON TORP LLP
1600 Pioneer Tower
888 S.W. Fifth Avenue
Portland, OR 97204
Telephone: 503.802.2034
Facsimile: 503.972.3734

RECEIVED
FEB 13 2006
FBI - PORTLAND

CHRISTOPHER J. RENK (*pro hac vice application pending*)
Email: crenk@bannerwitcoff.com
MATTHEW P. BECKER (*pro hac vice application pending*)
Email: mbecker@bannerwitcoff.com
PHOEBE BOWER (*pro hac vice application pending*)
Email: pbower@bannerwitcoff.com
BANNER & WITCOFF, LTD.
Suite 3000, 10 S. Wacker Drive
Chicago, IL 60606
Telephone: 312.463.5000
Facsimile: 312.463.5001

Attorneys for Plaintiff, NIKE, Inc.

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON

CV '06 . 205 BR

NIKE, INC., an Oregon corporation,

Case No.

PLAINTIFF,

**COMPLAINT
for Patent Infringement**

v.

JURY TRIAL DEMANDED

MEGA TRENDS LLC, a Nevada corporation,

DEFENDANT.

7885

Plaintiff, NIKE, Inc., by and through its attorneys, makes this Complaint against Defendant, Mega Trends LLC seeking: (1) judgment that the Defendant have willfully infringed NIKE's United States Design Patent Nos. D456,724; D463,987 and D472,478, (2) an injunction against further infringements, and (3) an award of treble damages or Defendant's profits, whichever is greater, attorneys' fees, and costs, all as provided by the Patent Act. In support of this Complaint, NIKE states as follows:

1. Plaintiff NIKE, Inc. ("NIKE") is a corporation organized under the laws of the State of Oregon and has a principal place of business at One Bowerman Drive, Beaverton, Oregon 97005.

2. On information and believe, Defendant Mega Trends LLC ("Mega Trends") is a corporation organized and existing under the laws of the State of Nevada and has a principal place of business at 789 Shotgun Road, Sunrise, Florida 33326.

3. This is an action for patent infringement. This action arises under the patent laws of the United States, 35 U.S.C. § 1 *et seq.*

4. This Court has subject matter jurisdiction over this dispute pursuant to 28 U.S.C. §§ 1331, 1332, and 1338(a).

5. This Court may exercise personal jurisdiction over Mega Trends based upon Mega Trends' contacts with this forum, including, at least, regularly and intentionally doing business here and having offered to sell and sold products covered by NIKE's patents within this forum.

6. Venue is proper in this judicial district pursuant to 28 U.S.C. §§ 1391(b), (c) and 1400(b) because Mega Trends regularly does business, has committed acts of

infringement, and is subject to personal jurisdiction here.

7. NIKE owns various United States design patents covering its watch designs. In particular, NIKE is and has been the owner of all right, title, and interest to each of the United States design patents identified in Table 1 below (hereafter, "Asserted NIKE Design Patents") since the date each Asserted NIKE Design Patent duly and legally issued to NIKE. A copy of each Asserted NIKE Design Patent is attached to this Complaint as an exhibit as indicated in Table 1 below:

TABLE 1: ASSERTED NIKE DESIGN PATENTS		
United States Design Patent Number	Issue Date of Patent	Complaint Exhibit
D456,724 ('724 Patent)	May 7, 2002	1
D463,987 ('987 Patent)	October 8, 2002	2
D472,478 ('478 Patent)	April 1, 2003	3

8. On information and belief, Defendant has and is willfully and deliberately infringing the Asserted NIKE Design Patents by making, using, selling, offerings for sale, and/or importing into the United States watches that are covered by the Asserted NIKE Design Patents. Defendant's watches have been made, used, sold, offered for sale, and/or imported without NIKE's authorization or permission.

9. Upon information and belief, Defendant's watches are designed to look like NIKE's watches. Charts 1 and 2 below demonstrate Mega Trends' infringement, comparing figures from NIKE's '478 Patent, '987 Patent, and '478 Patent with images of Mega Trends' infringing watches:

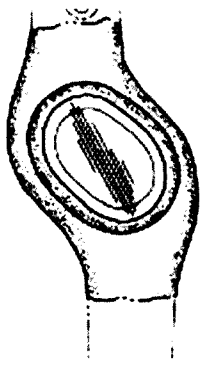

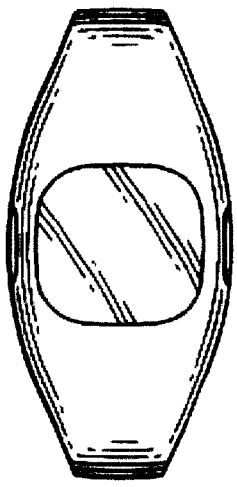
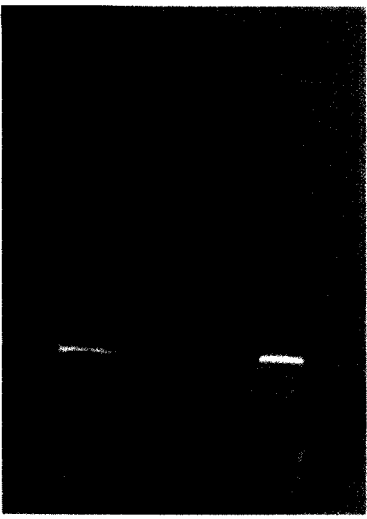
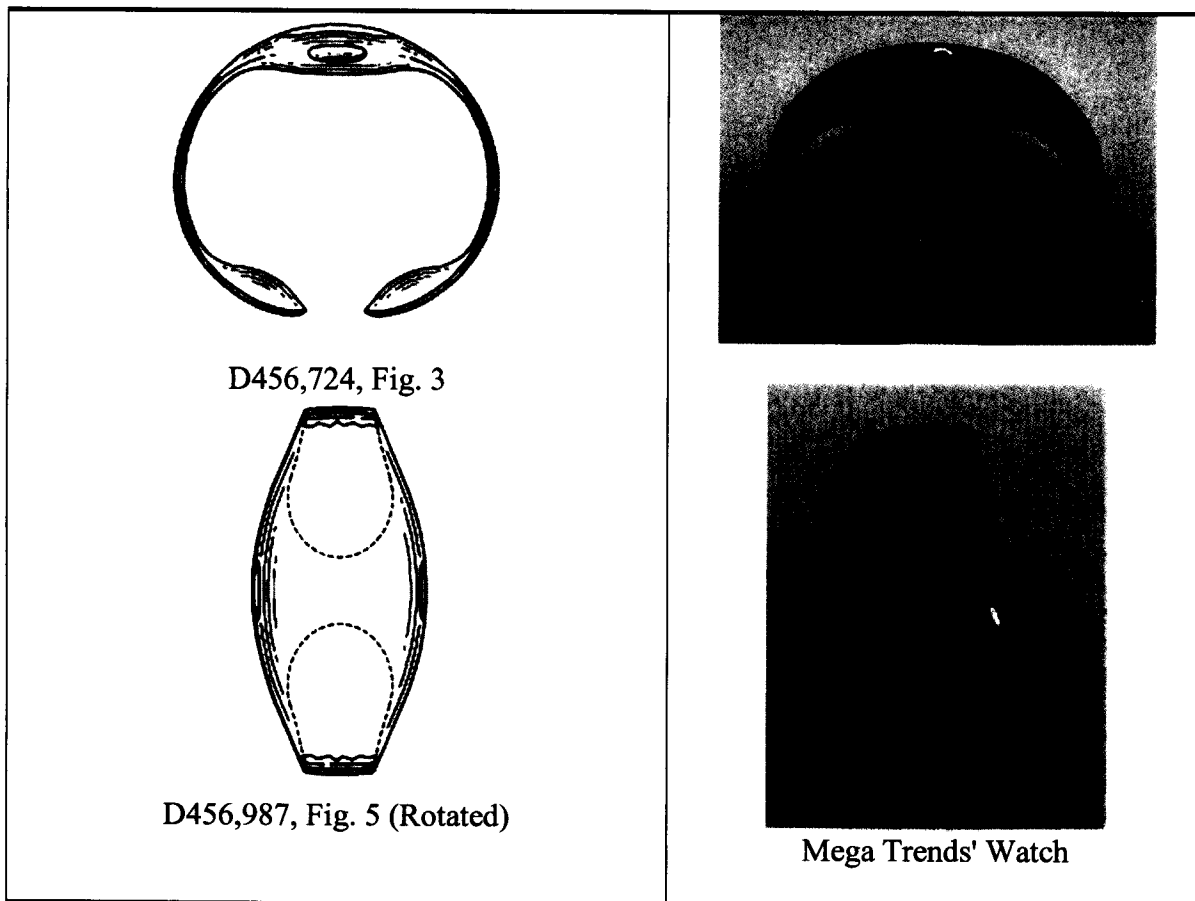
Chart 1: Mega Trends' Infringement of NIKE Design Patent D472,478.	
 <p>D472,478, Fig. 2, (Portion)</p>	 <p>Mega Trends' Watch</p>

Chart 2: Mega Trends' Infringement of NIKE Design Patents D456,724 and D463,987.	
 <p>D456,724 Fig.2 (Rotated)</p>	



10. On information and belief, the Defendant has been and still is inducing others continues to infringe the Asserted NIKE Design Patents and and/or is contributing to infringement of the Asserted NIKE Design Patents.

11. Defendant's infringements have been intentional and willful, making this an exceptional case.

12. NIKE has been and will continue to be irreparably harmed by Defendant's infringements of the Asserted NIKE Design Patents.

RELIEF REQUESTED

WHEREFORE, plaintiff NIKE respectfully prays for:

- A. Judgment that Defendant willfully infringed the Asserted NIKE Design Patents in violation of 35 U.S.C. §§ 271(a), (b), and (c);
- B. An injunction against further infringement of the Asserted NIKE Design Patents by the Defendant, its agents, servants, employees, officers and all others controlled by them;
- C. An award of damages adequate to compensate NIKE for the patent infringements that have occurred pursuant to 35 U.S.C. § 284, which shall be trebled as a result of Defendant's willful patent infringement, or an award of Defendant's profits from its infringements pursuant to 35 U.S.C. § 289, whichever is greater, together with prejudgment interest and costs;
- D. An assessment of costs, including reasonable attorney 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

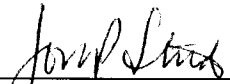
Pursuant to Fed. R. Civ. P. 38, NIKE demands a jury trial on all issues raised in this Complaint triable to a jury.

Respectfully submitted,

TONKON TORP LLP

Dated: February 13, 2006.

By:



Jon P. Stride, OSB No. 90388
TONKON TORP LLP
1600 Pioneer Tower
888 S.W. Fifth Avenue
Portland, OR 97204
Email: jons@tonkon.com
Telephone: 503.802.2034
Facsimile: 503.972.3734

Christopher J. Renk
Matthew P. Becker
Phoebe Bower
BANNER & WITCOFF, LTD.
Suite 3000
10 South Wacker Drive
Chicago, IL 60606
Email: crenk@bannerwitcoff.com
mbecker@bannerwitcoff.com
pbower@bannerwitcoff.com
Telephone: 312.463.5000
Facsimile: 312.463.5001

Attorneys for Plaintiff NIKE, Inc.

3231/5/675271_1.DOC

US D456,724 S

Page 2

U.S. PATENT DOCUMENTS

D410,581 S	*	6/1999	Tanaka	D10/30	D438,470 S	3/2001	Choi et al.	
D413,070 S		8/1999	Charriol		D439,527 S	3/2001	Kennedy	
D415,708 S		10/1999	Yanku		D440,885 S	4/2001	Streltsov	
D418,442 S		1/2000	Yanku		6,216,490 B1	4/2001	Radley-Smith	
D423,946 S	*	5/2000	Jannard et al.	D10/30	D441,663 S	5/2001	Streltsov	
D429,168 S		8/2000	Jannard et al.		D445,041 S	* 7/2001	Tan et al.	D10/32
D430,495 S		9/2000	Wunderman		D446,461 S	8/2001	Wunderman	
D432,433 S	*	10/2000	Bruni	D10/30	D447,426 S	9/2001	Jannard et al.	
D433,342 S		11/2000	Fox		D447,700 S	9/2001	Glauser	
D434,333 S		11/2000	Riley et al.		D448,682 S	10/2001	Sato	
D434,674 S		12/2000	Shiraishi		D449,997 S	11/2001	Blauner et al.	
D435,461 S		12/2000	So		D450,600 S	11/2001	Scarinzi	
D438,123 S		2/2001	Choi et al.		D451,036 S	11/2001	Zuckerman et al.	

U.S. Patent

May 7, 2002

Sheet 1 of 4

US D456,724 S

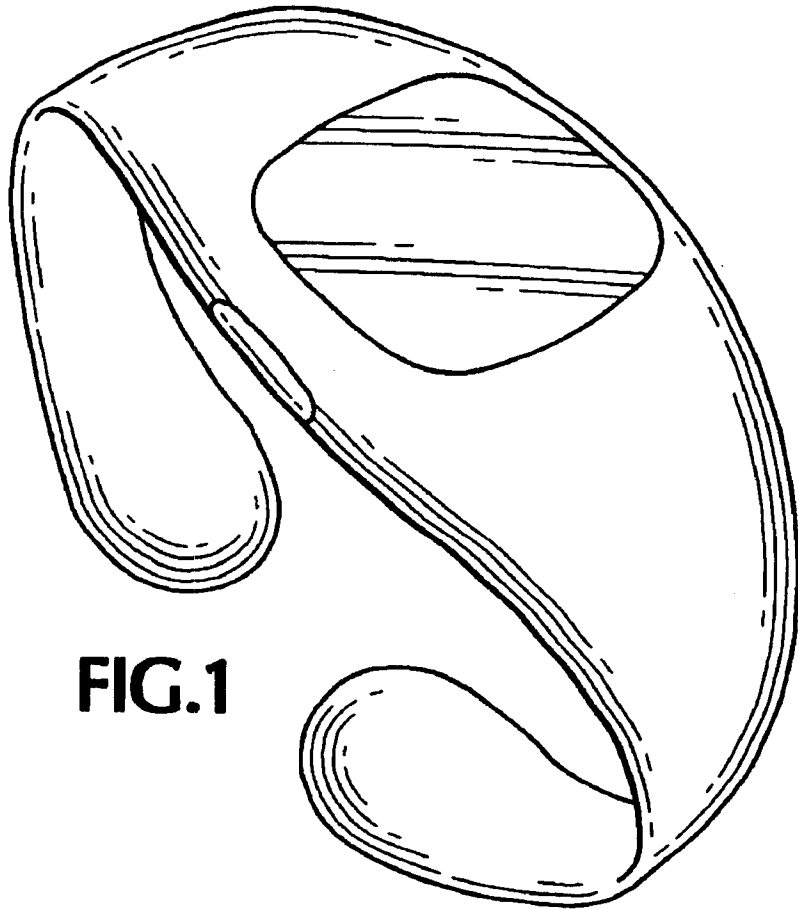


FIG.1

U.S. Patent

May 7, 2002

Sheet 2 of 4

US D456,724 S

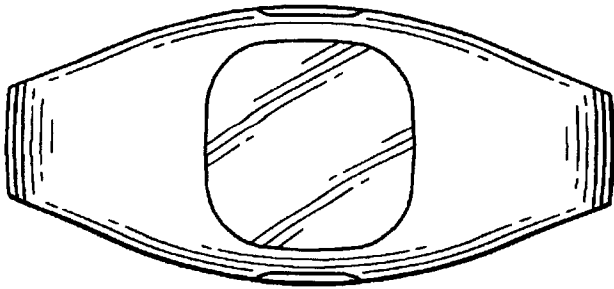


FIG. 2

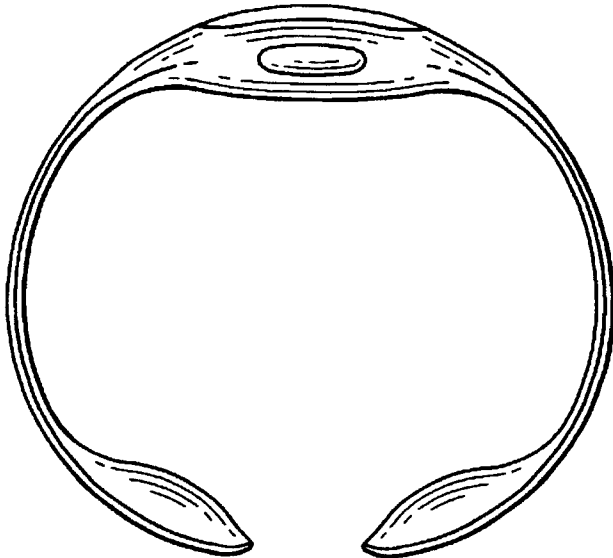


FIG. 3

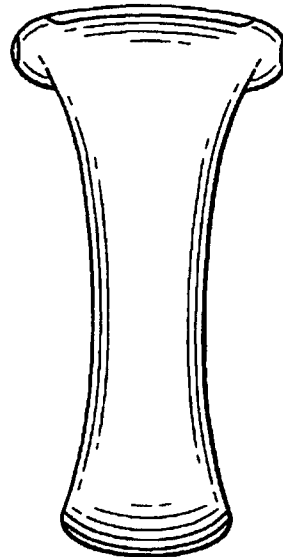


FIG. 4

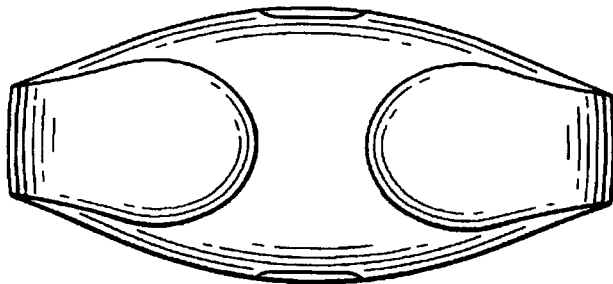


FIG. 5

U.S. Patent

May 7, 2002

Sheet 3 of 4

US D456,724 S

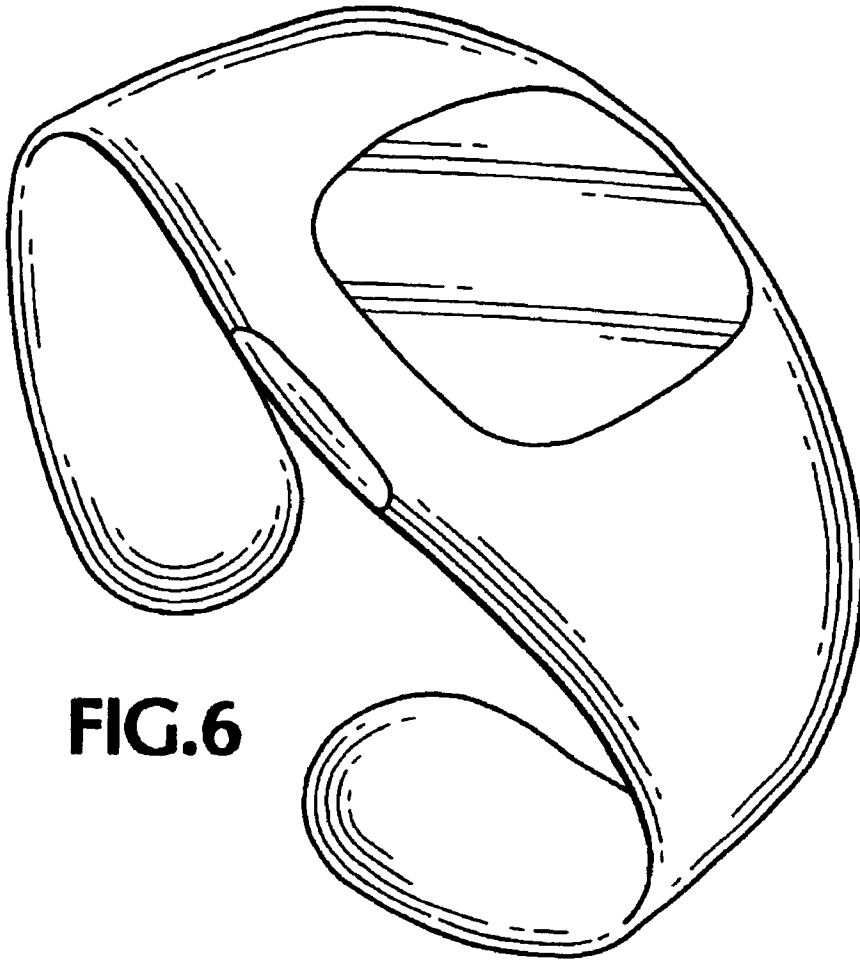


FIG.6

U.S. Patent

May 7, 2002

Sheet 4 of 4

US D456,724 S

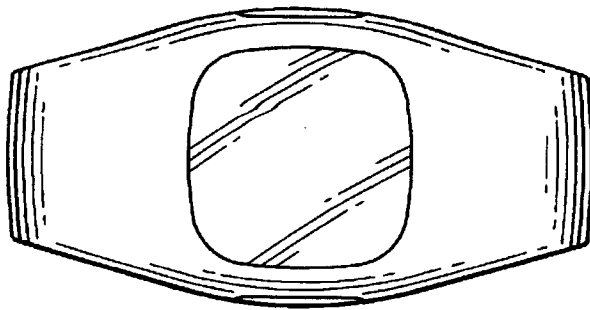


FIG. 7

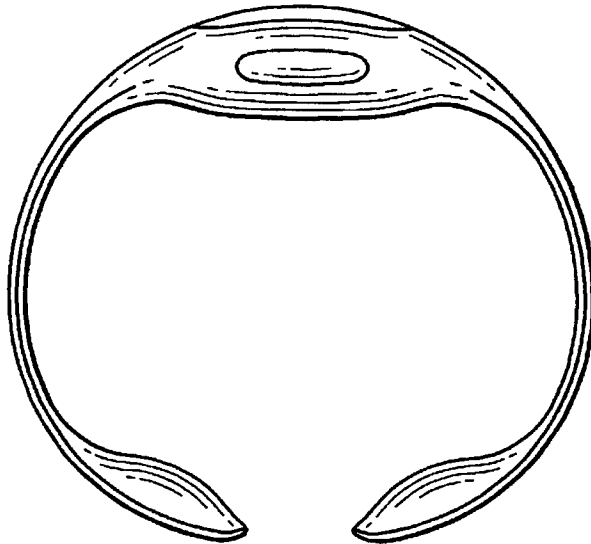


FIG. 8

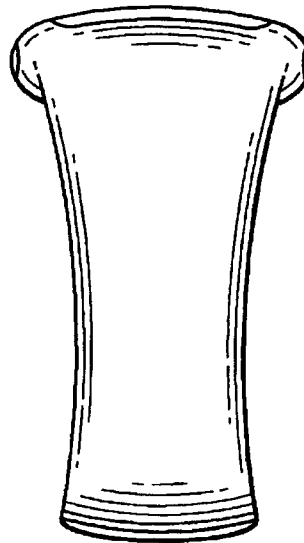


FIG. 10

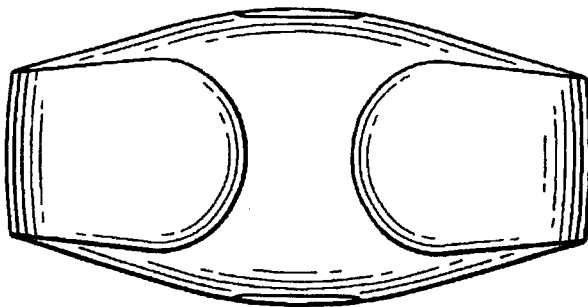


FIG. 9



US00D463987S

(12) **United States Design Patent** (10) **Patent No.:** **US D463,987 S**
Wilson (45) **Date of Patent:** **** Oct. 8, 2002**

(54) **PORTION OF A WATCH**
 (75) Inventor: **Scott H. Wilson**, Portland, OR (US)
 (73) Assignee: **Nike, Inc.**, Beaverton, OR (US)
 (**) Term: **14 Years**
 (21) Appl. No.: **29/150,158**
 (22) Filed: **Nov. 9, 2001**

D383,073 S * 9/1997 Miller D10/31
 D388,333 S 12/1997 Wunderman
 D394,391 S * 5/1998 Bruce et al. D10/30
 D394,394 S * 5/1998 Bruce et al. D10/30
 D396,651 S 8/1998 Wunderman
 D397,619 S * 9/1998 Lee D10/30
 D398,247 S 9/1998 Dumas
 D398,540 S * 9/1998 Lee D10/30
 5,812,500 A 9/1998 Webb, Jr.
 D400,118 S 10/1998 Itzkowitz
 D404,316 S 1/1999 Azegami et al.
 D404,655 S 1/1999 Azegami

(51) **LOC (7) Cl.** **10-02**
 (52) **U.S. Cl.** **D10/32; D10/30; D10/39**
 (58) **Field of Search** D10/1-39, 122-132;
 368/276-277, 28-30, 285, 41-44, 239-242,
 281-282, 82-84; 224/168, 164, 178; D11/3-25;
 63/1.11, 3, 5, 11

(List continued on next page.)

OTHER PUBLICATIONS

Commonly assigned co-pending U.S. application No. 09/986,660 filed Nov. 9, 2001.

Primary Examiner—Nelson C. Holtje
 (74) *Attorney, Agent, or Firm*—Banner & Witcoff, Ltd.

(56) **References Cited**

U.S. PATENT DOCUMENTS

2,184,060 A 12/1939 Singer
 2,189,096 A 2/1940 Alonge
 D119,638 S 3/1940 Ornstein
 2,328,785 A 9/1943 Cozart
 2,342,804 A 2/1944 Hiller
 2,344,136 A 3/1944 Dressen
 2,513,892 A 7/1950 Pile
 2,553,089 A 5/1951 Holder
 D245,766 S 9/1977 Cruse
 4,178,751 A 12/1979 Liautaud
 D267,077 S 11/1982 Kabaya
 4,627,739 A 12/1986 Shingo et al.
 D297,622 S 9/1988 Lee
 4,879,702 A 11/1989 Gardner
 D325,174 S 4/1992 Bulgari
 D337,739 S 7/1993 Robert-Tissot
 D340,192 S 10/1993 Robert-Tissot
 D340,647 S 10/1993 Robert-Tissot
 D356,269 S 3/1995 Milovanovic
 D361,282 S 8/1995 Bulgari
 D361,524 S 8/1995 Bulgari
 D363,893 S 11/1995 Avakian
 D365,550 S 12/1995 Houlihan
 D366,036 S 1/1996 Houlihan
 5,638,342 A 6/1997 Kartsotis et al.

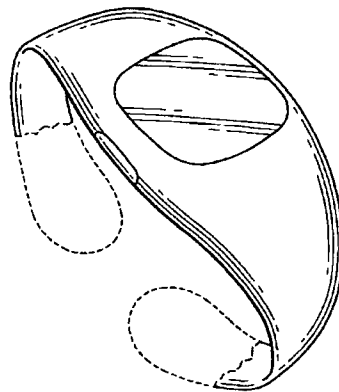
(57) **CLAIM**

The ornamental design for a portion of a watch, as shown and described.

DESCRIPTION

FIG. 1 is a perspective view of a portion of a watch showing my new design;
 FIG. 2 is a top plan view thereof;
 FIG. 3 is a side view of one side thereof, the other side being a mirror image thereof;
 FIG. 4 is an end view thereof, the other end view being a mirror image thereof;
 FIG. 5 is a bottom view thereof;
 FIG. 6 is a perspective view of a second embodiment of a watch showing my new design;
 FIG. 7 is a top plan view of the watch of FIG. 6;
 FIG. 8 is a side view of one side of the watch of FIG. 6, the other side being a mirror image thereof;
 FIG. 9 is an end view of the watch of FIG. 6, the other side being a mirror image thereof; and,
 FIG. 10 is a bottom view of the watch of FIG. 6.
 The broken line showing of the end portions of the watch band is for illustrative purposes only and forms no part of the claimed design.

1 Claim, 4 Drawing Sheets



US D463,987 S

Page 2

U.S. PATENT DOCUMENTS			
D407,030 S	*	3/1999 Toyoshima et al.	D10/39
D410,581 S	*	6/1999 Tanaka	D10/30
D413,070 S		8/1999 Charriol	
D415,708 S		10/1999 Yanku	
D418,442 S		1/2000 Yanku	
D423,946 S	*	5/2000 Jannard et al.	D10/30
D429,168 S		8/2000 Jannard et al.	
D430,495 S		9/2000 Wunderman	
D432,433 S	*	10/2000 Bruni	D10/30
D433,342 S		11/2000 Fox	
D434,333 S		11/2000 Riley et al.	
D434,674 S		12/2000 Shiraiishi	
D435,461 S		12/2000 So	
D438,123 S		2/2001 Choi et al.	
D438,470 S		3/2001 Choi et al.	
D439,527 S		3/2001 Kennedy	
D440,885 S		4/2001 Streltsov	
6,216,490 B1		4/2001 Radley-Smith	
D441,663 S		5/2001 Streltsov	
D445,041 S	*	7/2001 Yan et al.	D10/32
D446,461 S		8/2001 Wunderman	
D447,426 S		9/2001 Jannard et al.	
D447,700 S		9/2001 Glauser	
D448,682 S		10/2001 Sato	
D449,997 S		11/2001 Blauner et al.	
D450,600 S		11/2001 Scarinzi	
D451,036 S		11/2001 Zuckerman et al.	

* cited by examiner

U.S. Patent

Oct. 8, 2002

Sheet 1 of 4

US D463,987 S

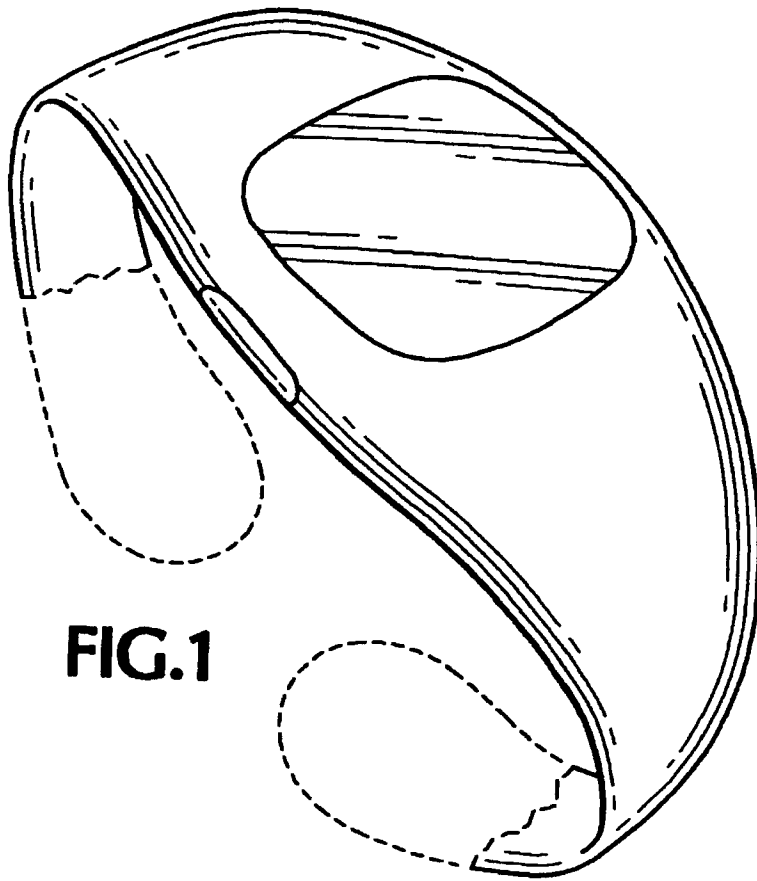


FIG.1

U.S. Patent

Oct. 8, 2002

Sheet 2 of 4

US D463,987 S

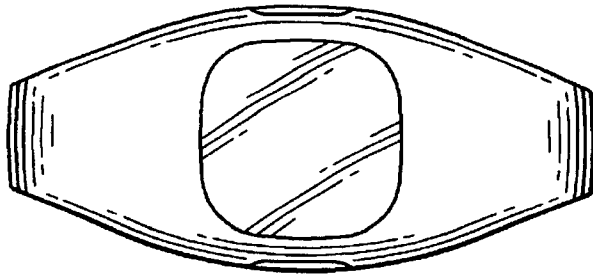


FIG. 2

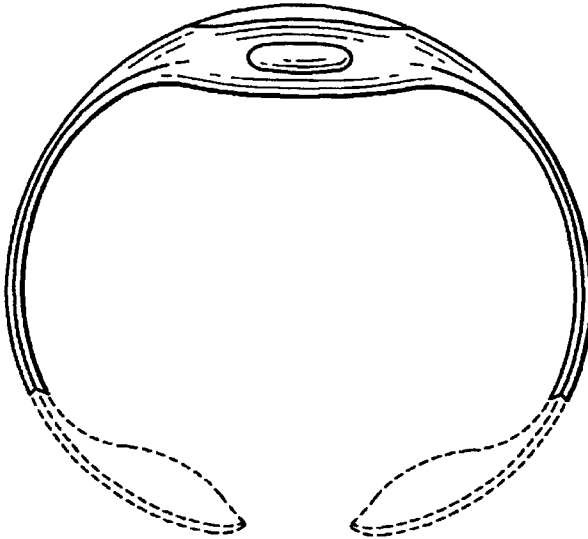


FIG. 3

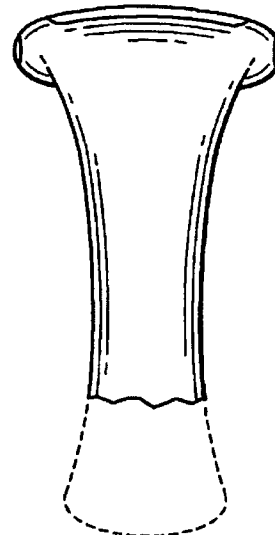


FIG. 4

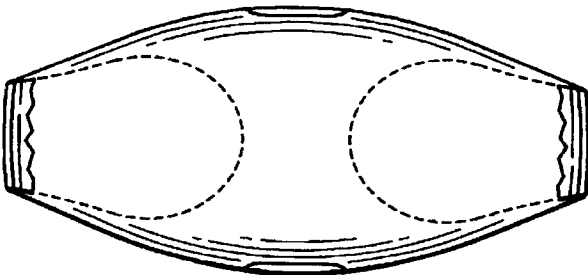


FIG. 5

U.S. Patent

Oct. 8, 2002

Sheet 3 of 4

US D463,987 S

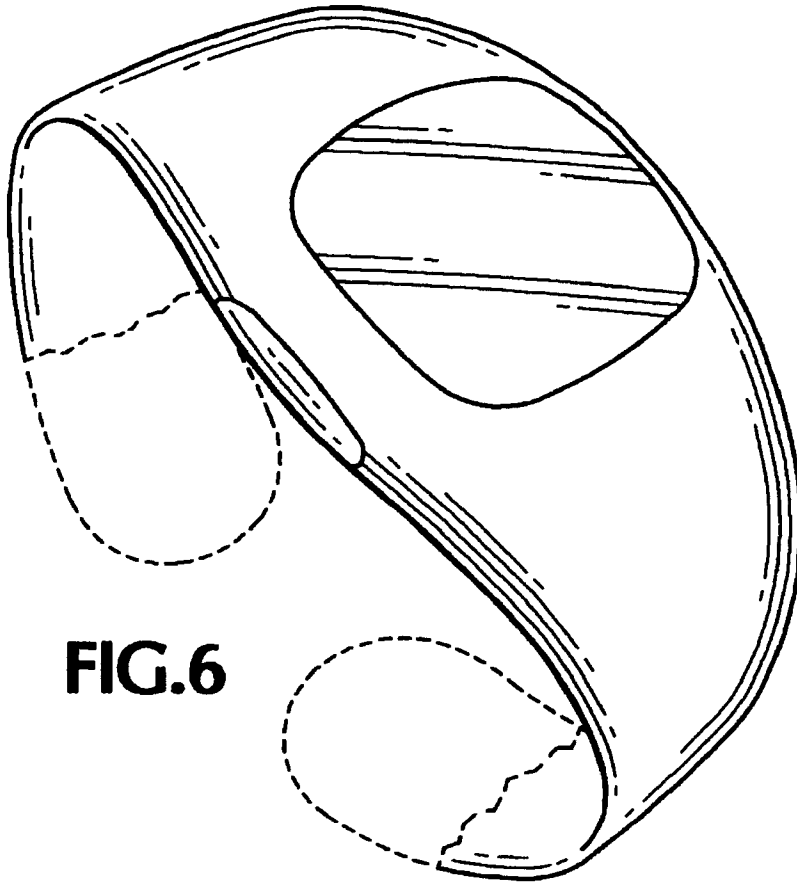


FIG. 6

U.S. Patent

Oct. 8, 2002

Sheet 4 of 4

US D463,987 S

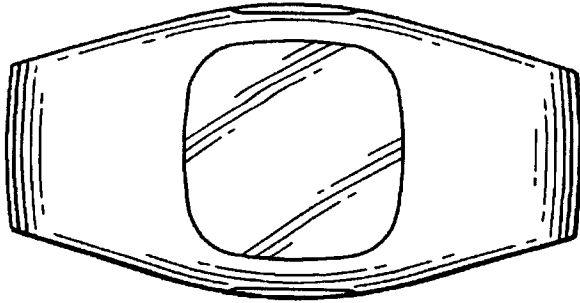


FIG.7

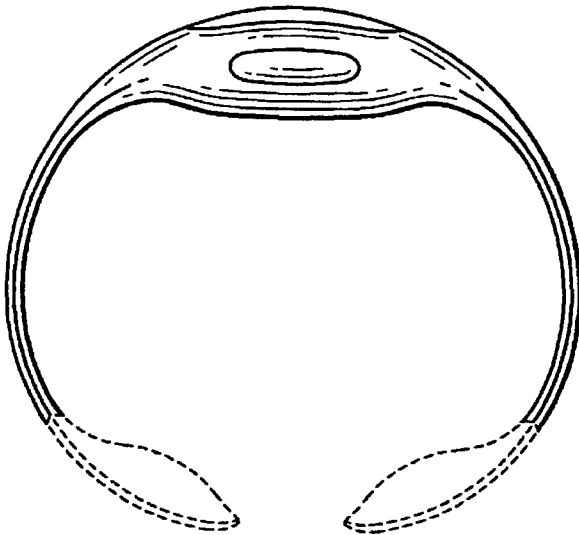


FIG.8

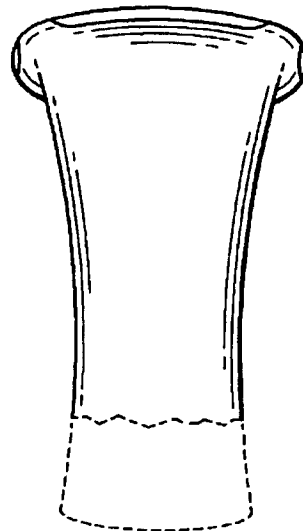


FIG.9

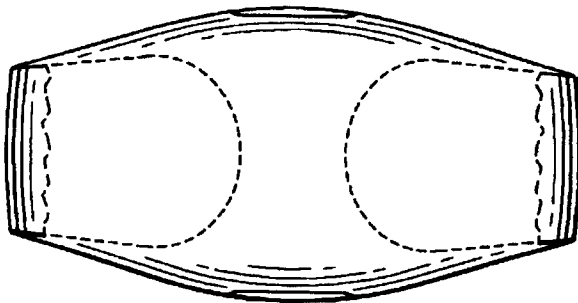


FIG.10



US00D472478S

(12) **United States Design Patent** (10) **Patent No.:** **US D472,478 S**
Tan et al. (45) **Date of Patent:** **** Apr. 1, 2003**

(54) **PORTION OF A WATCH HOUSING**

Primary Examiner—Nelson C. Holtje
 (74) *Attorney, Agent, or Firm*—Trask Britt

(75) **Inventors:** **Sung-Ho Joe Tan**, San Mateo, CA (US); **Edward Boyd**, Tigard, OR (US); **Jason Martin**, Portland, OR (US)

(57) **CLAIM**

The ornamental design for a portion of a watch housing, as shown and described.

(73) **Assignee:** **Nike, Inc.**, Beaverton, OR (US)

(**) **Term:** **14 Years**

DESCRIPTION

(21) **Appl. No.:** **29/165,462**

FIG. 1 is a perspective view of a portion of a watch housing showing our new design;

(22) **Filed:** **Aug. 9, 2002**

FIG. 2 is a top view of the portion of a watch housing shown in FIG. 1;

(51) **LOC (7) Cl.** **10-02**

FIG. 3 is a side view of the portion of a watch housing shown in FIG. 1;

(52) **U.S. Cl.** **D10/30**

FIG. 4 is another side view of the portion of a watch housing shown in FIG. 1;

(58) **Field of Search** D10/1-40, 122-132; 368/280-282, 276-277, 28-30, 285, 239-242, 243-249, 82-84, 41-44

FIG. 5 is a front elevation view of the portion of a watch housing shown in FIG. 1; and,

(56) **References Cited**

U.S. PATENT DOCUMENTS

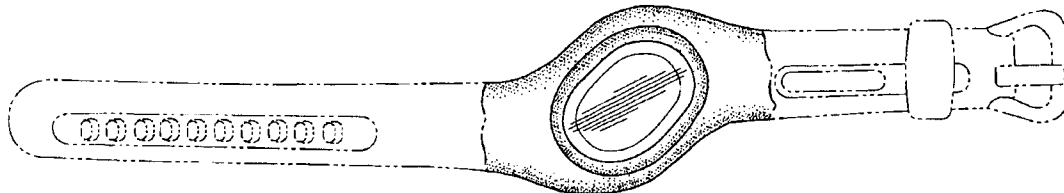
2,482,660	A	*	9/1949	Dewey	.....	D10/32	X
D269,546	S	*	6/1983	Rogers et al.	.....	D24/186	
D394,391	S	*	5/1998	Bruce et al.	.....	D10/30	
D394,394	S	*	5/1998	Bruce et al.	.....	D10/30	
D394,395	S	*	5/1998	Bruce et al.	.....	D10/30	
D403,970	S	*	1/1999	Chen	.....	D10/30	
D445,041	S	*	7/2001	Tan et al.	.....	D10/32	

FIG. 6 is a rear elevation view of the portion of a watch housing shown in FIG. 1.

The uneven broken lines immediately adjacent to the shaded areas represent the bounds of the claimed design. All other uneven broken lines represent the remaining portion of the watch. The uneven broken line representations in FIGS. 1-6 arc for illustrative purposes only and form no part of the claimed design.

* cited by examiner

1 Claim, 4 Drawing Sheets



U.S. Patent

Apr. 1, 2003

Sheet 1 of 4

US D472,478 S

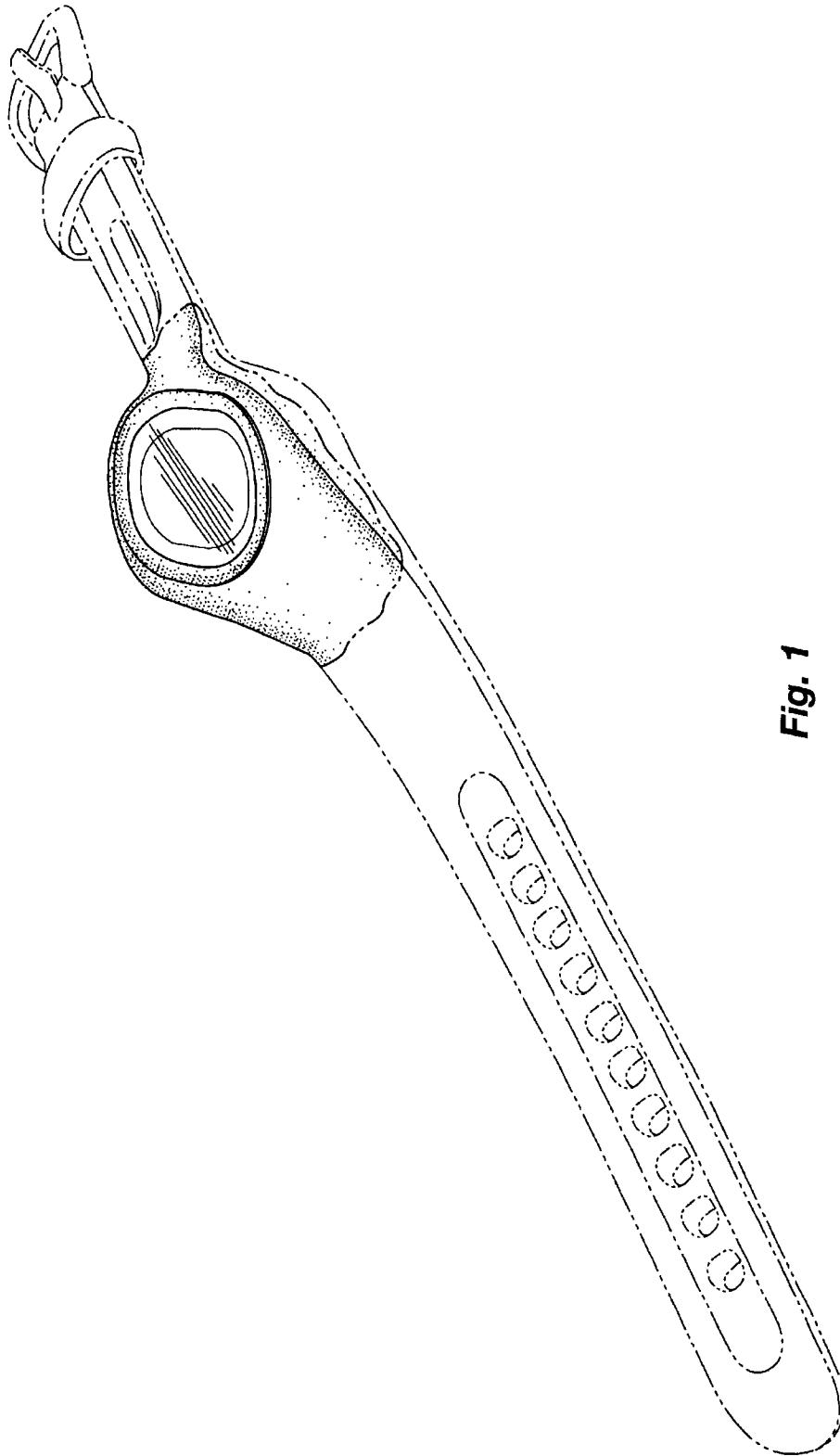


Fig. 1

U.S. Patent

Apr. 1, 2003

Sheet 2 of 4

US D472,478 S

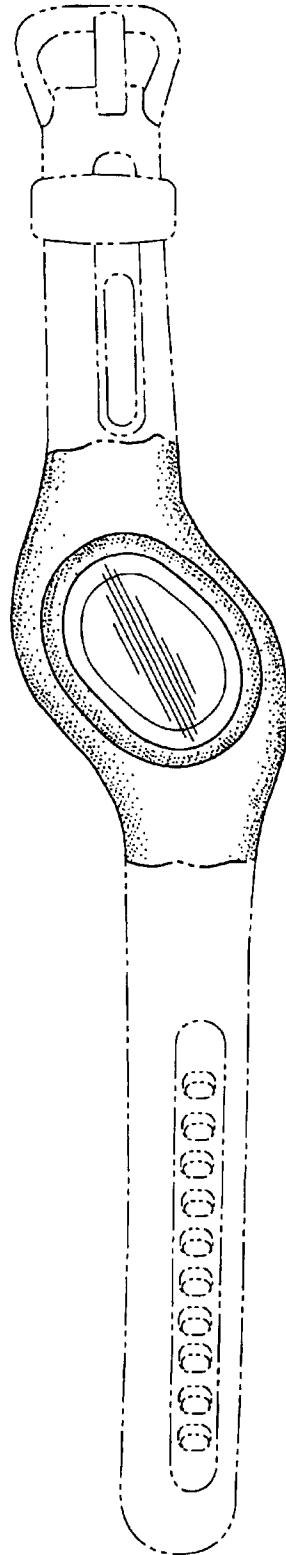


Fig. 2

U.S. Patent

Apr. 1, 2003

Sheet 3 of 4

US D472,478 S

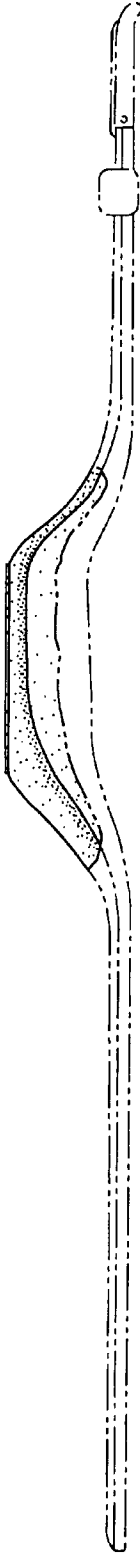


Fig. 3

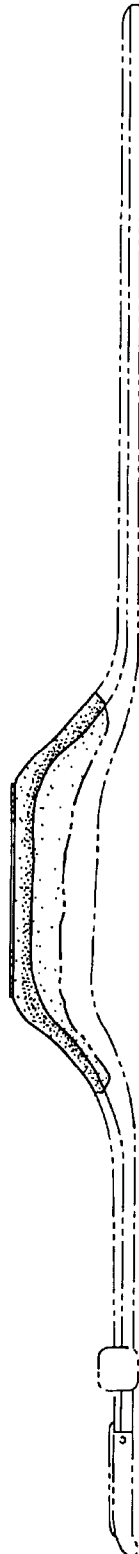


Fig. 4

U.S. Patent

Apr. 1, 2003

Sheet 4 of 4

US D472,478 S

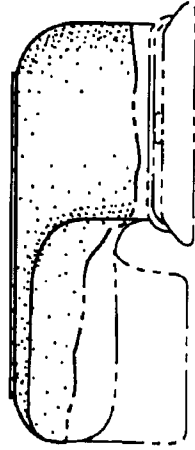


Fig. 6



Fig. 5