

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

CASE NUMBER \_\_\_\_\_

R/M EQUIPMENT, INC.,  
a Florida corporation,

Plaintiff,

v.

EVIKE.COM, INC. d/b/a AIRSOFTPOST.COM,  
a foreign corporation,

Defendant.

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**COMPLAINT**

Plaintiff, R/M Equipment, Inc. ("RME"), by undersigned counsel, hereby sues the Defendant, Evike.com, Inc. d/b/a Airsoftpost.com ("Evike"), and states as follows:

**PARTIES**

1. RME is a Florida corporation with its principal place of business in Miami, Florida.
2. Evike is a California corporation with a principal place of business in San Gabriel, California.

**JURISDICTION AND VENUE**

3. This Court has jurisdiction over this action under Title 28 U.S.C. § 1338(a), this being an action arising under the Patent and Trademark laws of the United States, and more particularly, title 35 U.S.C. § 271, *et seq.*

4. This Court has personal jurisdiction over Evike pursuant to Florida Statute § 48.193(1), in that Evike conducts business in the State of Florida, and has shipped the infringing product to Florida.

5. Venue in this district is proper pursuant to 28 U.S.C. § 1391 and 28 U.S.C. § 1400, in that RME has its principal place of business within the Southern District of Florida. Venue is proper as to Evike pursuant to 28 U.S.C. § 1391(c) in that it is subject to personal jurisdiction in the Southern District of Florida through sufficient contacts in the past and continuing, and by reason of having shipped goods into the State of Florida.

#### **GENERAL ALLEGATIONS**

6. On November 25, 2008, a United States Letters Patent No. 7,454,858 (“the ‘858 patent”) entitled “Weapon Grip Assembly” was duly and legally issued to Todd Griffin and has been assigned to RME. A true and correct copy of the ‘858 patent is attached hereto as Exhibit “A.”

7. On August 25, 2009, a United States Letters Patent No. 7,578,089 (“the ‘089 patent”) entitled “Weapon Grip Assembly” was duly and legally issued to Todd Griffin and has been assigned to RME. A true and correct copy of the ‘089 patent is attached hereto as Exhibit “B.”

8. On April 20, 2010, a United States Letters Patent No. 7,698,847 (“the ‘847 patent”) entitled “Weapon Grip Assembly” was duly and legally issued to Todd Griffin and has been assigned to RME. A true and correct copy of the ‘858 patent is attached hereto as Exhibit “C.”

9. RME is the owner of all rights, title and interest in and to the ‘858 patent, the ‘089 patent, and the ‘847 patent (collectively, the “patents-in-suit”) sufficient to bring this action.

10. RME manufactures, distributes, and sells several products that fall within the scope of the claims of the patents-in-suit, including the "RM Rail Grip" and the "M203 Grip" (collectively, the "RME weapon grips").

11. On information and belief, Evike has imported, used, sold, and offered to sell weapon grip assemblies under the names, "G&P M203 Tactical Grip (Short)," "G&P M203 Tactical Grip (Short) and Flashlight Set," and "Pro Arms M203 Vertical CQB Grip" (collectively, the "infringing products").

12. Evike's importation, use, sale, and offer to sell the infringing products infringes the claims of the patents-in-suit, including Evike's advertising and selling the infringing products through Evike's website, [www.airsoftpost.com](http://www.airsoftpost.com).

**COUNT I**  
**INFRINGEMENT OF THE '858 PATENT**

13. RME realleges and reavers the allegations contained in paragraphs 1 through 12 above, as if fully set forth herein.

14. Evike has infringed, induced infringement, and/or contributed to the infringement of the '858 patent by literal infringement and under the doctrine of equivalents by making, using, importing, distributing, selling and/or offering for sale the infringing product, and will continue to do so unless enjoined by the Court.

15. Upon information and belief, Evike's acts of patent infringement interfere with RME's sales to and relationships with, potential and existing customers for the RME weapon grips. Such acts have caused and will continue to cause irreparable harm to RME's business and cause the '858 patent to diminish greatly in value.

16. Evike is liable to RME for damages for patent infringement.

17. Evike's acts of infringement are without permission, license, or consent of RME and, if allowed to continue, will cause irreparable injury to RME unless enjoined by the Court.

18. Evike has been unjustly enriched and RME is entitled to an accounting and award of damages, interest, attorney's fees and costs.

**COUNT II**  
**INFRINGEMENT OF THE '089 PATENT**

19. RME realleges and reavers the allegations contained in paragraphs 1 through 12 above, as if fully set forth herein.

20. Evike has infringed, induced infringement, and/or contributed to the infringement of the '089 patent by literal infringement and under the doctrine of equivalents by making, using, importing, distributing, selling and/or offering for sale the infringing product, and will continue to do so unless enjoined by the Court.

21. Upon information and belief, Evike's acts of patent infringement interfere with RME's sales to and relationships with, potential and existing customers for the RME weapon grips. Such acts have caused and will continue to cause irreparable harm to RME's business and cause the '089 patent to diminish greatly in value.

22. Evike is liable to RME for damages for patent infringement.

23. Evike's acts of infringement are without permission, license, or consent of RME and, if allowed to continue, will cause irreparable injury to RME unless enjoined by the Court.

24. Evike has been unjustly enriched and RME is entitled to an accounting and award of damages, interest, attorney's fees and costs.

**COUNT III**  
**INFRINGEMENT OF THE '847 PATENT**

25. RME realleges and reavers the allegations contained in paragraphs 1 through 12 above, as if fully set forth herein.

26. Evike has infringed, induced infringement, and/or contributed to the infringement of the '847 patent by literal infringement and under the doctrine of equivalents by making, using, importing, distributing, selling and/or offering for sale the infringing product, and will continue to do so unless enjoined by the Court.

27. Upon information and belief, Evike's acts of patent infringement interfere with RME's sales to and relationships with, potential and existing customers for the RME weapon grips. Such acts have caused and will continue to cause irreparable harm to RME's business and cause the '847 patent to diminish greatly in value.

28. Evike is liable to RME for damages for patent infringement.

29. Evike's acts of infringement are without permission, license, or consent of RME and, if allowed to continue, will cause irreparable injury to RME unless enjoined by the Court.

30. Evike has been unjustly enriched and RME is entitled to an accounting and award of damages, interest, attorney's fees and costs.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff RME prays that this Court:

A. Enter judgment against Defendant, Evike in this action for the infringement of the patents-in-suit;

B. Permanently enjoin Evike, its respective officers, agents, servants, employees, subsidiaries, and all others acting in concert, from continuing their infringing activities;

C. Award damages pursuant to 35 U.S.C. § 284;

- D. Award prejudgment and post judgment interest pursuant to 35 U.S.C. § 284;
- E. Award attorney's fees and costs incurred in this action pursuant 35 U.S.C. § 284;
- and
- F. Award any such other relief that this Court deems just and proper.

**JURY DEMAND**

Plaintiff hereby demands trial by jury.

Dated: June 2, 2010

Respectfully submitted,

FELDMAN GALE, P.A.  
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