

RECEIPT NUMBER

560474

21

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN

KIDSATIONAL, INC.,
a Nevada Corporation,

Plaintiff,

v.

Case: 2:07-cv-13268
Assigned To: Duggan, Patrick J
Referral Judge: Whalen, R. Steven
Filed: 08-06-2007 At 02:39 PM
CMP KIDSATIONAL V. VF OUTDOOR ET AL
(DA)

JURY TRIAL DEMANDED

VF OUTDOOR, INC. d/b/a REEF,
a Delaware Corporation,

SOUTH CONE, INC. d/b/a REEF,
a California Corporation,

Defendants.

ANDREW M. GROVE (P48868)
TERESA A. CHISHOLM (P69222)
Reising, Ethington, Barnes, Kisselle, P.C.
201 West Big Beaver Road, Suite 400
Troy, Michigan 48084
PO Box 4390
Troy, Michigan 48099-4390
248-689-3500
Attorneys for Plaintiff

COMPLAINT

Plaintiff KIDSATIONAL, INC. ("KIDSATIONAL") by its undersigned attorneys, for its Complaint against defendants VF OUTDOOR, INC. d/b/a REEF and SOUTH CONE, INC. d/b/a REEF (collectively "REEF") alleges as follows:

NATURE OF THE ACTION

1. This is an action for patent infringement arising out of REEF's infringement of U.S. Patent No. 5,921,008 ("the '008 patent") in violation of the patent laws of the United States, 35 U.S.C. §§ 271 and 281-285.

THE PARTIES

2. Plaintiff KIDSATIONAL, INC. is a Nevada Corporation with a principal place of business at 7505 Waters Avenue, Suite C-7, Savannah, Georgia 31406.

3. Upon information and belief, Defendant VF OUTDOOR, INC. d/b/a REEF is a Delaware Corporation with a principal place of business at 2013 Farallon Drive, San Leandro, California 94577.

4. Upon information and belief, Defendant SOUTH CONE, INC. d/b/a REEF is a California Corporation with a principal place of business at 5935 Darwin Court, Carlsbad, California 92008.

JURISDICTION AND VENUE

5. This action arises under the patent laws of the United States, Title 35 of the United States Code.

6. This Court has jurisdiction over the subject matter of this action pursuant to 28 U.S.C. §§ 1331 and 1338(a).

7. Upon information and belief, this Court has personal jurisdiction over REEF. REEF has conducted and continues to conduct business in this judicial district purposefully, has placed its infringing shoes into the stream of commerce knowing and

intending that this judicial district was and is a likely destination of those products, has caused injury to Plaintiff in this judicial district and has committed acts of infringement in this judicial district.

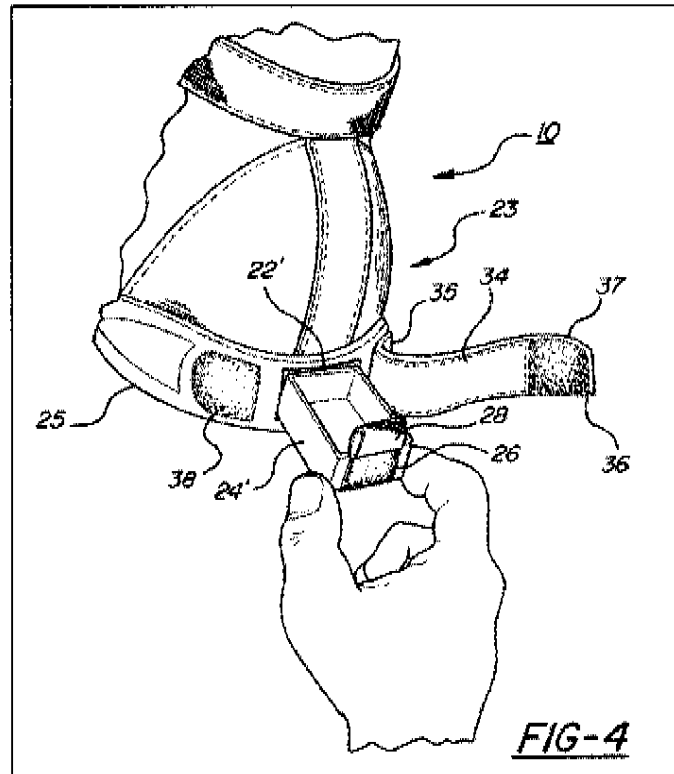
8. Venue is proper in this judicial district under 28 U.S.C. §§ 1391(b) and (c), and 1400(b).

COUNT 1 - Patent Infringement

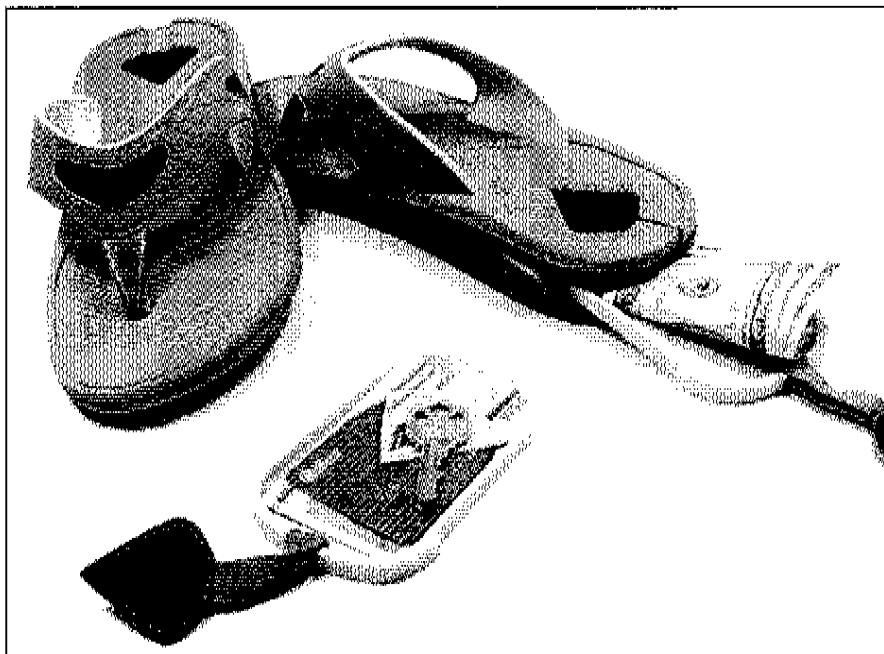
9. The United States Patent and Trademark Office ("PTO") duly and legally issued the '008 patent, entitled "Shoe," to Stephen M. Ruff on July 13, 1999. The '008 patent was subsequently assigned to KIDSATIONAL. A true and correct copy of the '008 patent is attached as Exhibit A and is made a part of this Complaint.

10. KIDSATIONAL is the owner of this patent, and its ownership is duly reflected in the assignment records of the PTO.

11. The '008 patent covers a shoe including a drawer as shown in Figure 4 below. (Figure 4 of Exhibit A)



12. REEF has been and still is infringing this patent by making, selling, using, and offering to sell shoes embodying the patented invention, for example as in the image below (Exhibit B), and will continue to do so unless enjoined by this court.



13. On information and belief, REEF had actual notice of the '008 patent.
14. KIDSATIONAL has been damaged by the infringement.

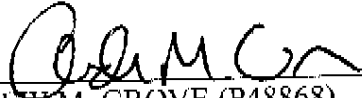
RELIEF REQUESTED

WHEREFORE, Plaintiff KIDSATIONAL respectfully requests that this Court enter a judgment and order that:

- A. REEF has infringed the '008 patent;
- B. REEF's infringement of the '008 patent has been willful and deliberate;
- C. REEF and its officers, agents, representatives, employees and all others in concert or participation with them, directly or indirectly, be enjoined preliminarily and permanently from infringing, inducing others to infringe and contributing to the infringement of the '008 patent;
- D. Plaintiff KIDSATIONAL be awarded damages adequate to compensate for REEF's infringement of the '008 patent together with pre-judgment interest pursuant to 35 U.S.C. § 284;
- E. Plaintiff KIDSATIONAL be awarded treble damages and costs and reasonable attorneys' fees and expenses in this action in accordance with 35 U.S.C. §§ 284 and 285; and
- F. Plaintiff KIDSATIONAL be awarded such other and further relief as this Court may deem just and proper.

Respectfully Submitted,

REISING, ETHINGTON, BARNES, KISSELLE, P.C.



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Attorneys for Plaintiff

Dated: August 6, 2007

JURY DEMAND

Plaintiff KIDSATIONAL hereby requests a trial by jury on all issue so triable,
pursuant to Federal Rule of Civil Procedure 38.

Respectfully Submitted,

REISING, ETHINGTON, BARNES, KISSLE, P.C.

By: 

ANDREW M. GROVE (P48868)

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Attorneys for Plaintiff

Dated: August 6, 2007

A



US005921008A

United States Patent [19]
Ruff

[11] **Patent Number:** **5,921,008**
[45] **Date of Patent:** **Jul. 13, 1999**

[54] **SHOE**

[76] **Inventor:** **Stephen M. Ruff**, 1974 Wrenfield L.a.,
Oviedo, Fla. 32763

[21] **Appl. No.:** **09/031,176**[22] **Filed:** **Feb. 26, 1998****Related U.S. Application Data**[60] **Provisional application No. 60/036,295**, Feb. 26, 1997.[51] **Int. Cl.⁶** **A43B 23/00**[52] **U.S. Cl.** **36/136, 36/54**[58] **Field of Search** **36/1, 54, 132,**
36/136, 2.6, 137[56] **References Cited****U.S. PATENT DOCUMENTS**

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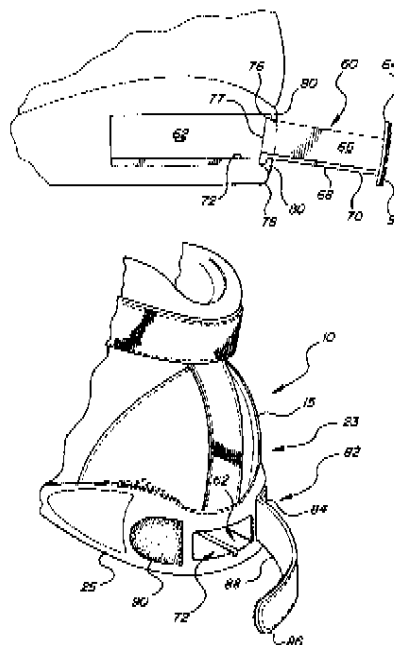
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Primary Examiner—Paul T. Sewell**Assistant Examiner**—J. Mohandesi**Attorney, Agent, or Firm**—Reising, Ethington, Barnes,
Kisselle, Learman & McCulloch, PC[57] **ABSTRACT**

An athletic shoe including a sole, a heel, an upper, and a tongue. The tongue includes front and rear layers which define a pocket therebetween. A zipper secures the front and rear layers together to seal the pocket and permit access to the pocket as desired. A drawer is slidably received within a compartment in the heel for storing articles within the heel. A closure strap includes a first end joined to the heel and a second free end which can be secured to a second location on the heel across from the compartment to prevent removal of the drawer from the compartment.

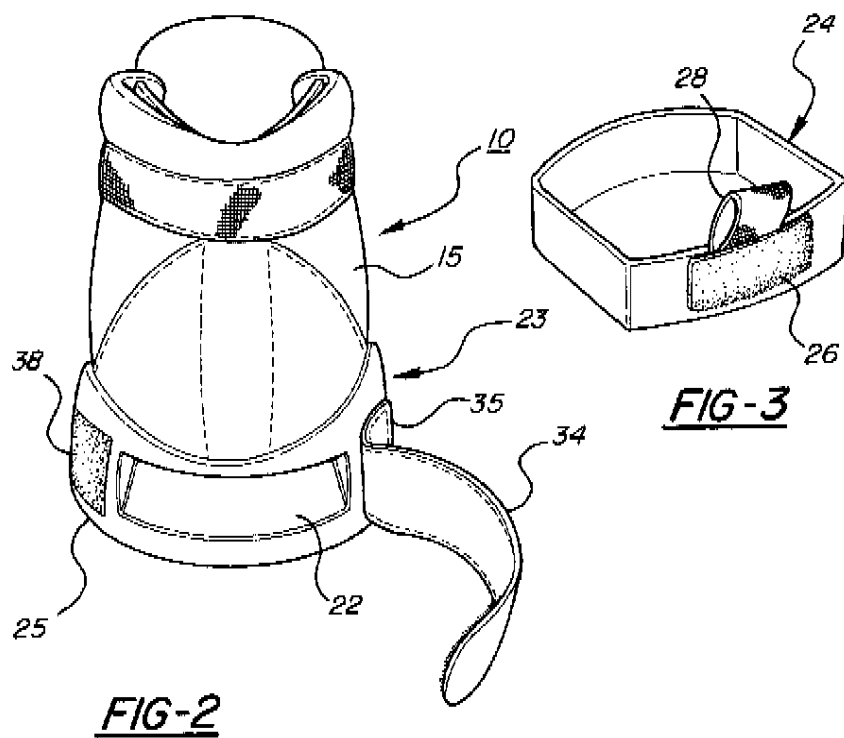
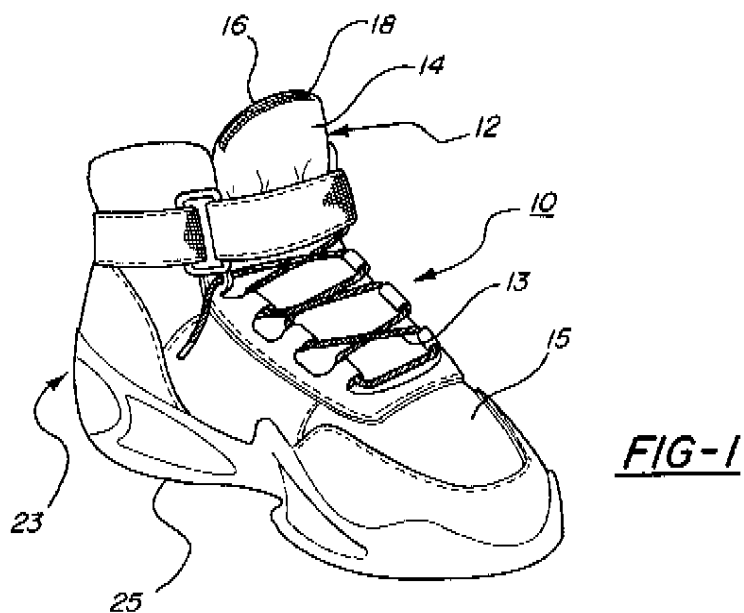
19 Claims, 5 Drawing Sheets

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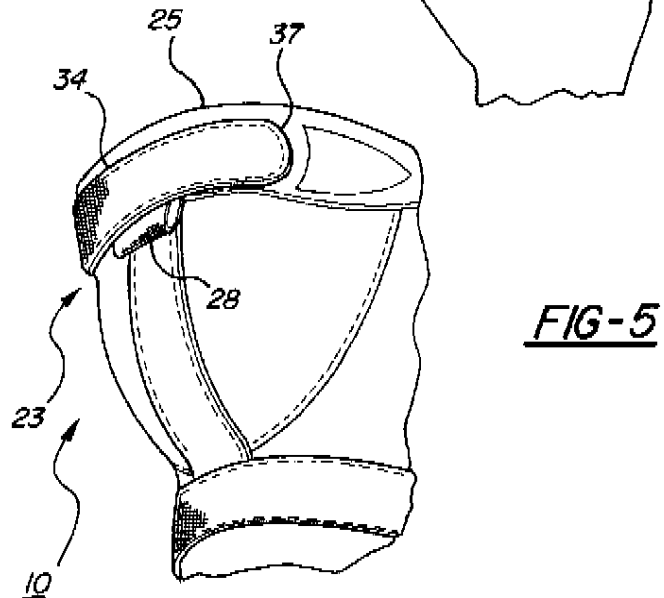
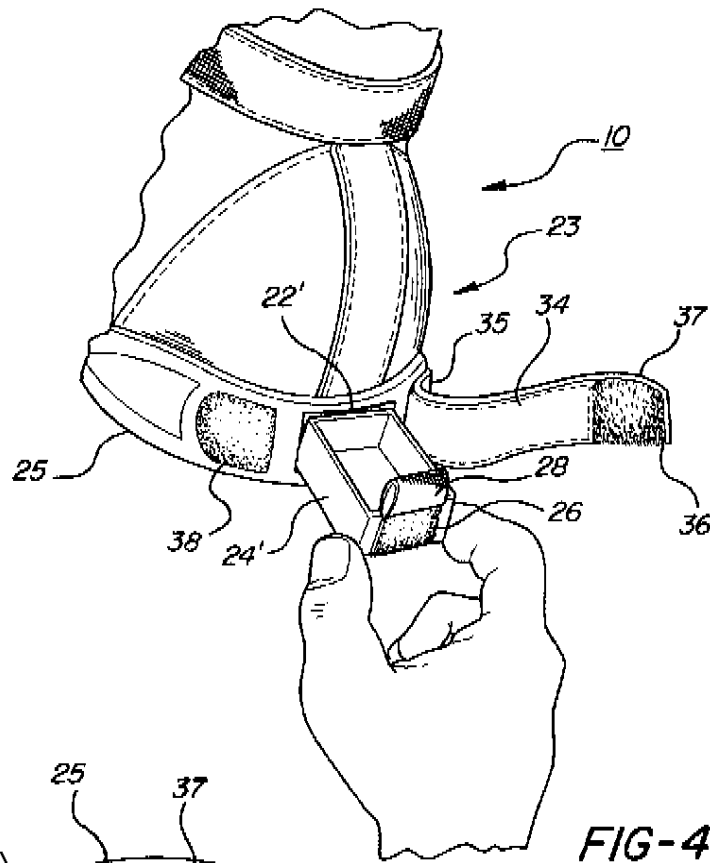


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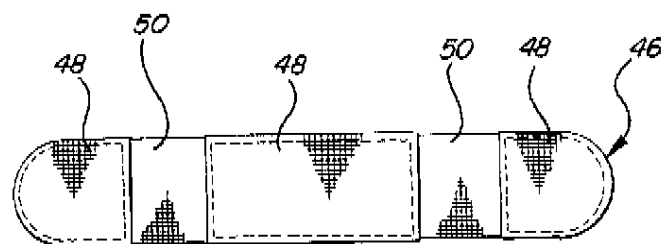
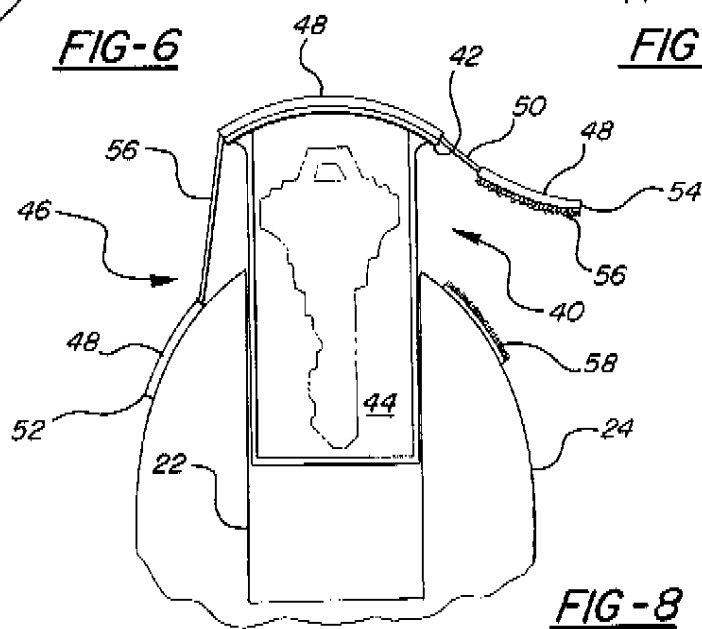
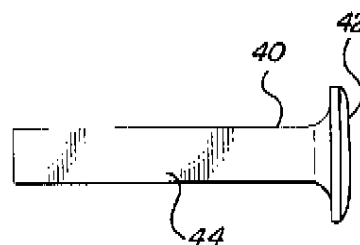
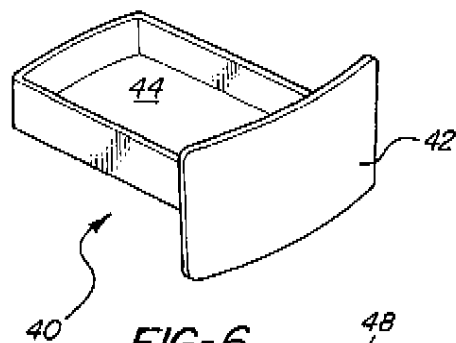


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FIG-10

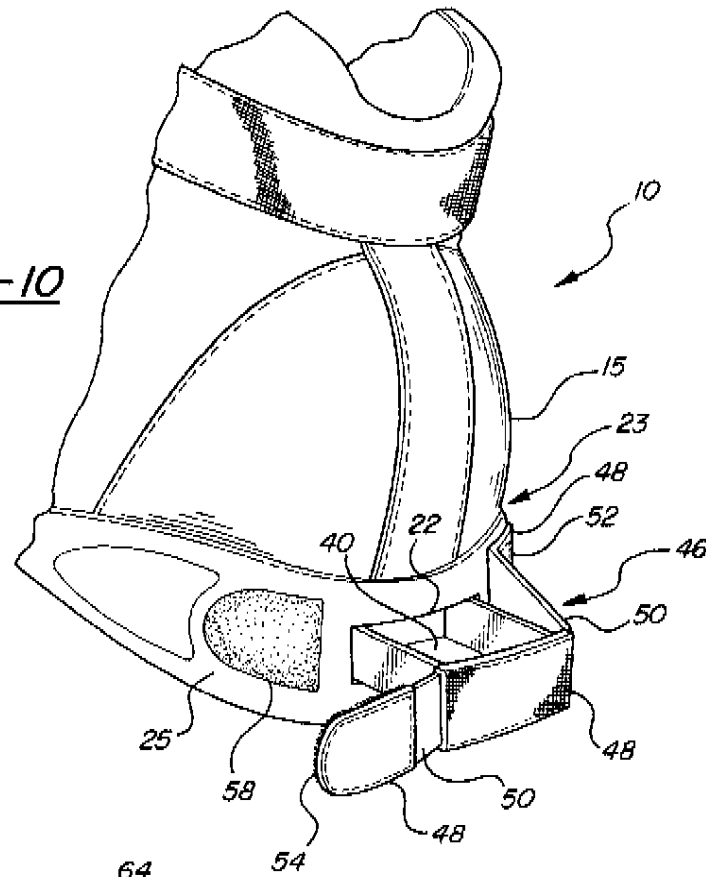


FIG-11

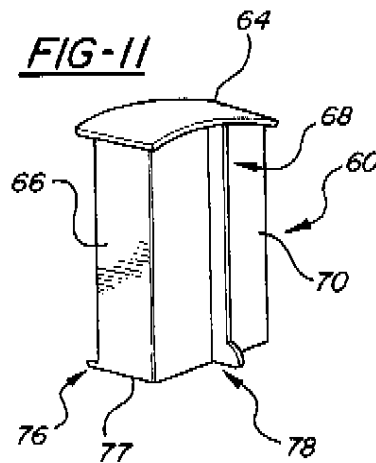
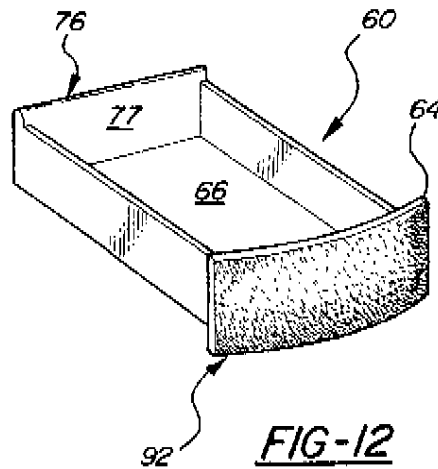


FIG-12



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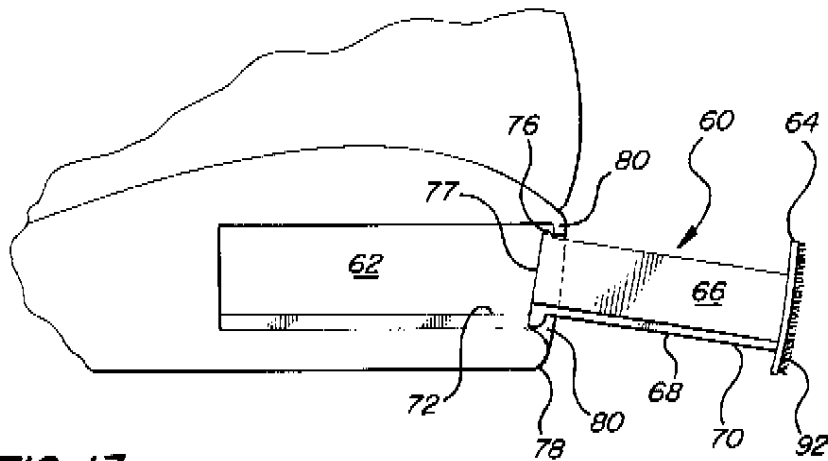


FIG-13

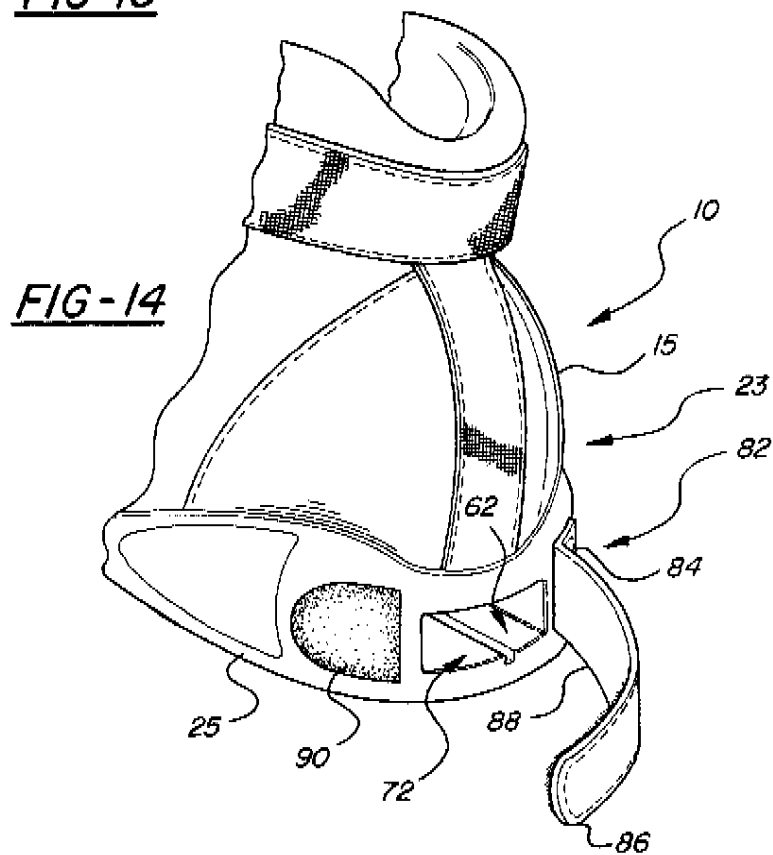


FIG-14

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1 SHOE

This Application claims benefit of Provisional Application 60/036,295, filed Feb. 26, 1997.

FIELD OF THE INVENTION

This invention relates to athletic shoes. More particularly, it relates to an athletic shoe provided with one or more storage compartments incorporated in the shoe structure.

BACKGROUND OF THE INVENTION

There is a need for shoes, especially athletic shoes, which are provided with a storage compartment for small articles such as keys, identification cards, coins, and the like. Such storage compartments should be readily accessible to the person wearing the shoes, and yet it is desirable to have the storage compartment incorporated in the shoe structure without imposing limitations on the styling of the shoe itself.

This invention provides improvements in storage compartments incorporated in the structure of a shoe.

SUMMARY OF THE INVENTION

The present invention relates to a shoe comprising an upper, a sole joined to the upper including a heel, and a compartment within the heel. The compartment includes an opening having a flange extending inwardly from a peripheral edge of the opening, and a drawer is provided which is adapted to be slidably received within the compartment. The drawer includes a bottom end, a front end, and a back end, and an upwardly extending projection is provided on the drawer adjacent the front end. Further, a downwardly extending projection is provided on the drawer adjacent the front end on a bottom surface of the drawer. The projections will engage with the flange surrounding the opening to prevent complete withdrawal of the drawer from the compartment.

The invention also relates to a shoe including an upper, a sole joined to the upper including a heel, and a compartment within the heel having an opening. A drawer is adapted to be slidably received within the compartment and includes a back side which faces outwardly from the compartment. A closure strap is provided including a first end fastened to the shoe on a first side of the compartment opening. A second end of the strap includes one portion of a fastener adapted to engage with a mating portion of the fastener at a location opposite the first side of the compartment opening. The closure strap includes a middle portion joined to the back side of the drawer and an elastic portion between the first end and the middle portion.

The present invention also relates to a shoe including an upper, a sole joined to the upper including a heel, and a compartment within the heel having an opening. A drawer is provided which is adapted to be slidably received within the compartment. A closure strap is provided including a first end fastened to the shoe on a first side of the compartment opening. The strap includes a second end having one portion of a hook and loop fastener adapted to engage with a mating portion of the fastener on the shoe at a location opposite the first side of the compartment opening.

Thus, the present invention provides a convenient storage drawer within a compartment in a shoe which can be securely maintained within the shoe to prevent undesired removal of the drawer from the shoe and the corresponding loss of stored articles.

A complete understanding of this invention may be obtained from the detailed description that follows taken with the accompanying drawings.

2 DESCRIPTION OF THE DRAWINGS

FIG. 1 is a perspective view showing one side of the shoe of this invention;

FIG. 2 is a rear elevation view of the shoe showing a storage compartment in the heel;

FIG. 3 is a perspective view of a storage drawer for the shoe;

FIG. 4 is a perspective view showing a second embodiment of the storage drawer being inserted into the storage compartment in the heel;

FIG. 5 is an inverted view of the shoe showing the storage compartment of FIG. 4 in a closed condition;

FIG. 6 is a perspective view of a third embodiment of the storage drawer;

FIG. 7 is a side view of the storage drawer of FIG. 6;

FIG. 8 is top view of the storage drawer of FIG. 6 being inserted into the storage compartment in the heel;

FIG. 9 is a front view of the closure strap of the third embodiment of

FIG. 10 is a rear perspective view of the storage drawer and closure strap of the third embodiment being inserted into the storage compartment in the heel;

FIG. 11 is a perspective view of a fourth embodiment of the storage drawer illustrating the bottom of the storage drawer;

FIG. 12 is a perspective view of the fourth embodiment of the storage drawer illustrating the top of the storage drawer;

FIG. 13 is a partial cross sectional view of the fourth embodiment of the invention illustrating the storage drawer being inserted into the storage compartment in the heel; and

FIG. 14 is a rear perspective view of the fourth embodiment of the invention illustrating the storage compartment in the heel of the shoe.

BEST MODE FOR CARRYING OUT THE INVENTION

Referring now to the drawings, there is shown an illustrative embodiment of the invention in an athletic shoe which incorporates a storage compartment in the heel and a storage pocket in the tongue. It will be appreciated that the invention may be used in other shoe styles and may be realized in a wide variety of modifications. Obviously, either storage facility is useful without the other in the same shoe or both may be used in the same shoe.

As shown in FIG. 1, the shoe 10 is provided with an elongated tongue 12 which extends from the bottom of the lacing 13 and terminates in its free end at a level somewhat above the upper 15 of the shoe 10. The tongue 12 is constructed with front and rear layers 14 and 16, respectively, of soft flexible material such as fabric, leather, or plastic. The tongue 12 defines a pocket between the layers 14 and 16 and has a zipper 18 as a closure at the upper extremity of the tongue 12. The front and rear layers 14 and 16 are joined together along both side edges and across the tongue 12 at a desired depth to define the limits of the pocket. A zipper 18 extends across the top of the tongue 12 and may, if desired, extend part way down the sides to provide a wide mouth to facilitate access to the contents of the pocket. Further, the extended length of the tongue 12 above the upper 13 permits the tongue 12 to be tilted downwardly to empty the contents of the pocket.

A storage compartment 22 is disposed in a heel portion 23 of the shoe sole 25 and is adapted to receive a drawer 24 as

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shown in FIGS. 2 and 3. The heel compartment 22 is open at the rear of the shoe 10 and comprises a generally rectangular space extending into the heel 23 of the sole 25. The compartment 22 is formed by molding it in the sole 25 to be integrally formed with the sole 25.

The drawer 24 is an open-topped box of substantially rectangular shape. It is made of molded plastic and is sized to slidably fit within the compartment 22. The drawer 24 is provided with a drawer pull 26 adhesively attached to a back face 27 of the drawer 24 and is constructed of fabric with a handle portion 28.

As shown in FIG. 2, a compartment closure is provided comprising a closure strap 34 having a first end 35 permanently connected to the outer surface of the heel 23 adjacent one side of the compartment 22. The strap 34 includes a fastener portion 36 at its free end 37, preferably a hook-and-loop fastener such as Velcro. A mating fastener portion 38 is secured to the heel 23 for receiving the fastener portion 36 to hold the strap 34 in place.

In use, after the drawer 24 is inserted into the compartment 22, the strap 34 is pulled across the compartment with the fastener parts 36, 38 engaged to securely contain the drawer 24 and its contents within the compartment 22. If desired, the storage compartment 22 can be used without the drawer 24 for storing certain types of articles. In either case, the contents of the compartment 22 are readily accessible by opening the closure strap 34 while the shoe 10 is being worn or otherwise.

FIGS. 4 and 5 show a second embodiment similar to that of FIG. 2 wherein the compartment 22' and the drawer 24' in FIG. 4 are relatively narrower than the compartment 22 and drawer 24 of FIG. 2.

FIGS. 6-10 illustrate a third embodiment of the invention including modifications to the drawer and closure strap. As shown in FIGS. 6 and 7, the drawer 40 is a rectangular open topped box including a back face 42 comprising an outwardly extending flange. The back face 42 extends outwardly beyond the outer periphery of a storage portion 44 of the drawer 24 and prevents the drawer 40 from being inserted too far into the heel 23 of the shoe 10. The back face 42 also overlaps the opening of the compartment 22 in the heel 23 to prevent water or other debris from entering the sole 25.

As shown in FIGS. 8-10, a modified closure strap 46 is provided which includes three fabric sections 48 separated by elastic sections 50. A first fabric section 48 at a first end 52 of the closure strap 46 is joined to the shoe 10 as shown in FIG. 10, and a middle fabric section 48 is joined to the back face 42 of the drawer 40. A third fabric section 48 at a free end 54 of the strap 46 includes a fastener 56 for joining the free end 54 to the shoe 10. The fastener 56 preferably comprises a hook and loop fastener which mates with a corresponding fastener portion 58 on the shoe 10. The drawer 40 is made from rubber or other resilient material to match the sole 25 of the shoe 10.

Thus, with the third embodiment of the invention, the drawer 40 is permanently attached to the shoe sole 25 by the elastic closure strap 46. The drawer 40 may be pulled out of the compartment 22 merely by stretching the strap 46 as the drawer 40 is withdrawn, and the drawer 40 may be secured to the shoe sole 25 by joining the fastener mechanism 56 on the free end of the strap 46 with the mating fastener mechanism 58 on the shoe sole 25.

As shown in FIGS. 6-9, the storage portion 44 of the drawer 40 is preferably six centimeters long, three centimeters wide, and one centimeter tall. The back face 42 of the

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drawer 40 is preferably two centimeters tall and four centimeters wide. As shown in FIG. 9, the closure strap 46 is preferably eleven centimeters long and two centimeters wide.

A fourth embodiment of the invention is shown in FIGS. 11-14 and includes a drawer 60 adapted to be slidably received within a compartment 62 in the heel 23 of the sole 25. As shown in FIGS. 11-13, the drawer 60 is a rectangular open topped box including a back face 64 extending outwardly from the storage compartment 66 of the drawer 60. As shown in FIGS. 11 and 13, the drawer 60 also includes a guide rail 68 on a bottom surface 70 thereof extending longitudinally along the center of the bottom surface 70. The guide rail 68 is adapted to engage a guide slot 72 extending longitudinally along the center of the bottom surface 74 of the storage compartment 62, as shown in FIGS. 13 and 14. In this manner, the drawer 60 can be easily guided for insertion and removal from the heel 23.

The drawer 60 includes an upwardly extending ridge 76 on a front face 77 of the drawer 60. The guide rail 68 also includes a downwardly extending nub 78 at the end of the guide rail 68 adjacent the front face 77 of the drawer 60. As shown in FIG. 13, the ridge 76 and nub 78 engage with inwardly extending flanges 80 at the opening of the compartment 22 to prevent the drawer 60 from being removed from the compartment 62 unless sufficient force is applied to the drawer 60. The drawer 60 is made of rubber similar to the sole 25 of the shoe 10 and can be withdrawn from the shoe 10 by slightly deforming the drawer 60 to overcome the inwardly extending flanges 80.

As shown in FIG. 14, a closure strap 82 is provided including a first end 84 permanently attached to the shoe sole 25 on one side of the compartment 62. The strap 82 includes a free end 86 having a fastener mechanism 88 adapted to engage with a mating fastener mechanism 90 on an opposite side of the compartment 62. The strap 82 also includes a fastener mechanism 88 along a middle portion thereof adapted to engage with a mating fastener 92 on the back face 64 of the drawer 60, as shown in FIGS. 11-13. Thus, after the drawer 60 is inserted within the compartment 62, the closure strap 82 is extended across the sole 25 until the fastener mechanism 88 on the strap 82 engages with the corresponding fastener mechanisms 90, 92 on the drawer 60 and on the sole 25. As with the previous embodiments, the fastener mechanism preferably comprises a hook and loop retainer such as Velcro.

Although the description of this invention has been given with reference to a particular embodiment, it is not to be construed in a limiting sense. Many variations and modifications will now occur to those skilled in the art.

What is claimed is:

1. A shoe comprising:

an upper;
a sole joined to said upper and including a heel;
said heel including a compartment having an opening;
said heel including a flange extending inwardly from a peripheral edge of said opening;
a drawer adapted to be slidably received within said compartment;
said drawer including a bottom surface, a front end, and a back end; and
said drawer including a projection adapted to engage said flange to prevent complete withdrawal of said drawer from said compartment.

2. The shoe of claim 1 wherein said drawer includes an upwardly extending projection adjacent said front end and a

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downwardly extending projection on said bottom surface adjacent said front end which are adapted to engage with said flange surrounding said opening.

3. The shoe of claim 1 further comprising a guide rail on said bottom surface of said drawer adapted to engage a guide slot on a bottom surface of said compartment.

4. The shoe of claim 3 wherein said downwardly extending projection is disposed on a rear end of said guide rail and said upwardly extending projection comprises a rail extending from an upper edge of said front end of said drawer.

5. The shoe of claim 1 further comprising:

a closure strap including a first end fastened to said shoe on a first side of said compartment openings and a second end having one portion of a fastener adapted to engage with a mating portion of said fastener on said shoe at a location opposite said first side of said compartment opening.

6. The shoe of claim 5 wherein said fastener comprises a hook and loop fastener.

7. The shoe of claim 6 wherein said drawer includes a back side larger than said opening in said compartment and said closure strap includes a middle region having one portion of said fastener adapted to engage with a mating portion of said fastener disposed on said back side of said drawer.

8. The shoe of claim 6 wherein said drawer comprises a rectangular open-topped box.

9. The shoe of claim 1 further comprising:

a tongue joined to said upper including first and second layers defining a pocket therebetween; and

a closure mechanism adapted to join said first and second layers together to close said pocket.

10. A shoe comprising:

an upper;

a sole joined to said upper and including a heel;

said heel including a compartment having an opening;

a drawer adapted to be slidably received within said compartment;

said drawer including a back side which faces outwardly from said compartment;

a closure strap including a first end fastened to said shoe on a first side of said compartment opening;

said closure strap including a second end having one portion of a fastener adapted to engage with a mating portion of said fastener on said shoe at a location opposite said first side of said compartment opening; and

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said closure strap including a middle portion joined to said back side of said drawer and an elastic portion between said first end and said middle.

11. The shoe of claim 10 wherein said fastener comprises a hook-and-loop fastener.

12. The shoe of claim 10 wherein said drawer is made of rubber.

13. The shoe of claim 10 wherein said back side of said drawer is larger than said opening in said compartment.

14. The shoe of claim 10 wherein said drawer comprises a rectangular open-topped box.

15. The shoe of claim 10 further comprising:

a tongue joined to said upper including first and second layers defining a pocket therebetween; and

a closure mechanism adapted to join said first and second layers together to close said pocket.

16. A shoe comprising:

an upper;

a sole joined to said upper and including a heel;

said heel including a compartment having an opening;

a drawer adapted to be slidably received within said compartment;

a closure strap including a first end fastened to said shoe on a first side of said compartment opening; and

said closure strap including a second end having one portion of a hook-and-loop fastener adapted to engage with a mating portion of said fastener on said shoe at a location opposite said first side of said compartment opening.

17. The shoe of claim 16 wherein:

said drawer includes a back side which faces outwardly from said compartment; and

said closure strap includes a middle having one portion of a hook-and-loop fastener adapted to engage with a mating portion of said fastener on said back side of said drawer.

18. The shoe of claim 16 wherein said drawer comprises a rectangular open-topped box.

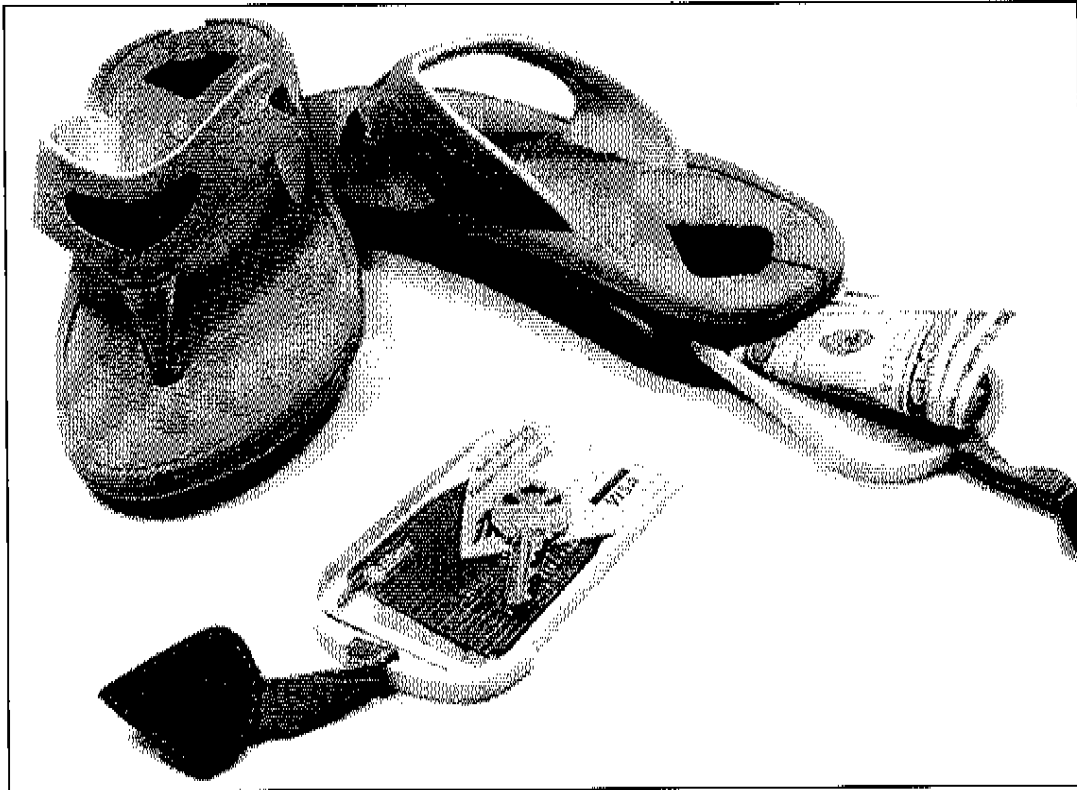
19. The shoe of claim 17 further comprising:

a tongue joined to said upper including first and second layers defining a pocket therebetween; and

a closure mechanism adapted to join said first and second layers together to close said pocket.

* * * * *

B



This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of filing the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

Kidsational, Inc.

DEFENDANTS

VF Outdoor, Inc. d/b/a REEF, a Delaware Corporation, South Cone, Inc. d/b/a REEF, a California Corporation

(b) County of Residence of First Listed Plaintiff Chatham County, Georgia
(EXCEPT IN U.S. PLAINTIFF CASES)

County of Residence of First Listed Defendant Alameda County, CA

(c) Attorney's (Firm Name, Address, and Telephone Number)

Andrew M. Grove, Teresa A. Chisholm, Reising, Ethington, et al. P.O. Box 4390, Troy, Michigan 48099-4390 Ph: 248 689 3500

Case: 2:07-cv-13268

Assigned To: Duggan, Patrick J

Referral Judge: Whalen, R. Steven

Filed: 08-06-2007 At 02:39 PM

CMP KIDSATIONAL V. VF OUTDOOR ET AL

(DA)

HF

II. BASIS OF JURISDICTION (Select One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Select One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Select One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input checked="" type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition			

V. ORIGIN

(Select One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from another district (specify)
- ☐ 6 Multidistrict Litigation
- ☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
35 USC 271 and 281-285

Brief description of cause:
Patent infringement

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$ Money Damages & Injunctive Relief

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE

DOCKET NUMBER

DATE

August 6, 2007

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

IN COMPLIANCE WITH LOCAL RULE 83.11

1. Is this a case that has been previously dismissed?

☐ Yes

☒ No

If yes, give the following information:

Court: _____

Case No.: _____

Judge: _____

2. Other than stated above, are there any pending or previously discontinued or dismissed companion cases in this or any other court, including state court? (Companion cases are matters in which it appears substantially similar evidence will be offered or the same or related parties are present and the cases arise out of the same transaction or occurrence.)

☐ Yes

☒ No

If yes, give the following information:

Court: _____

Case No.: _____

Judge: _____

Notes : _____
