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FILED
FEB 13 2006
CLERK OF DISTRICT COURT
DISTRICT OF OREGON

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Attorneys for Plaintiff, NIKE, Inc.

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON

CV '06 . 204 BR

NIKE, INC., an Oregon corporation,

Case No.

PLAINTIFF,

COMPLAINT

For Patent Infringement

v.

JURY TRIAL DEMANDED

BYRON JONES, INC., a California corporation,

DEFENDANT.

7889

Plaintiff, NIKE, Inc., by and through its attorneys, makes this Complaint against Defendant, Byron Jones, Inc. seeking: (1) judgment that the Defendant has willfully infringed NIKE's United States Design Patent Nos. D487,491 and D487,492, (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. Defendant Byron Jones, Inc. ("Byron Jones") is a corporation organized and existing under the laws of the State of California and has a principal place of business at 3910 Prospect Avenue Suite A, Yorba Linda, CA 92886.

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 has personal jurisdiction over Byron Jones based upon Bryon Jones' 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 Byron Jones regularly does business, has committed acts of infringement, and is subject to personal jurisdiction here.

7. 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. Today, among many other things, NIKE develops, manufactures, and sells golf equipment, including golf clubs. Over the years, NIKE has taken steps to protect its innovative golf club designs. For example, NIKE owns various United States design patents covering its golf club designs.

8. On March 9, 2004, United States Design Patent No. D487,491, entitled "Portion of a Golf Club Head," was duly and legally issued to NIKE. A copy of this patent is attached to this Complaint as Exhibit 1.

9. On March 9, 2004, United States Design Patent No. D487,492, entitled "Portion of a Golf Club Head," was duly and legally issued to NIKE. A copy of this patent is attached to this Complaint as Exhibit 2.

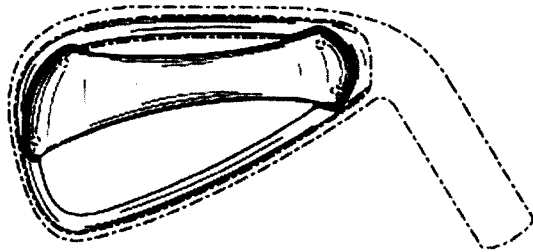
10. On May 10, 2005, United States Design Patent No. D504,924, entitled "Golf Club Head," was duly and legally issued to NIKE. A copy of this patent is attached to this Complaint as Exhibit 3.

11. NIKE is and has been the owner of all right, title and interest to United States Design Patent Nos. D487,491, D487,492, and D504,924 (hereafter, the "Asserted NIKE Design Patents") since the date each patent duly and legally issued to NIKE.

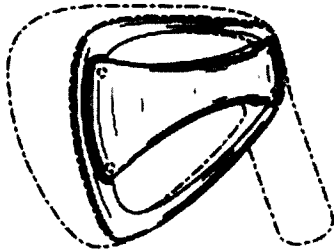
12. On information and belief, the Defendant has and is willfully and deliberately infringing the Asserted NIKE Design Patents by making, using, selling, offerings for sale, and/or importing into the United States golf clubs that are covered by the Asserted NIKE Design Patents. Defendant's golf clubs have been made, used, sold, offered for sale, and/or

imported without NIKE's authorization or permission. Chart 1 below demonstrates Byron Jones' infringement, comparing figures from the Asserted NIKE Design Patents with images of Byron Jones' infringing golf clubs:

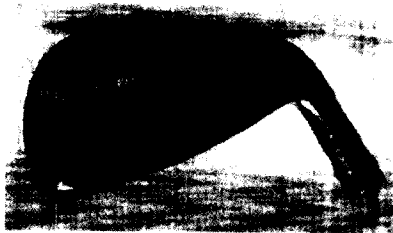
Chart 1: Byron Jones' Infringement of NIKE Design Patents D487,492, D487,491, and D504,924.



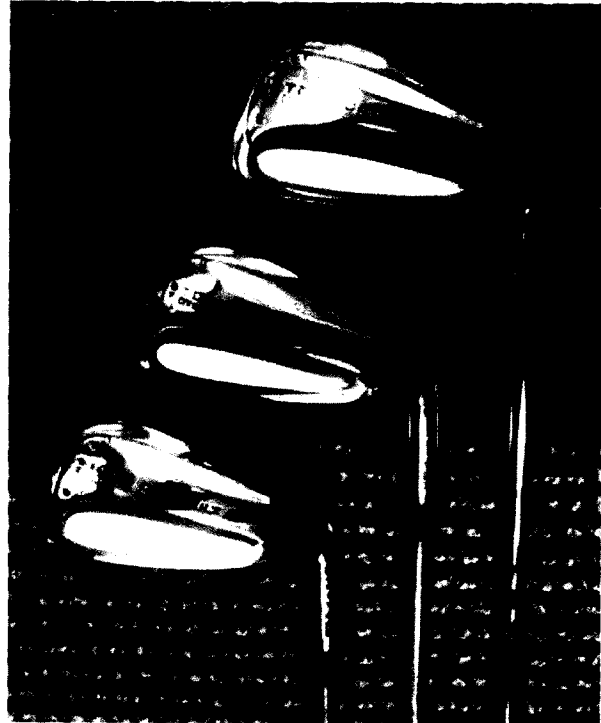
D487,491, Fig. 1



D487,492, Fig. 3



D504,924, Fig. 2



Byron Jones' Tour Collection Catapult Golf Clubs

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

the Asserted NIKE Design Patents.

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

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

RELIEF REQUESTED

WHEREFORE, plaintiff NIKE respectfully prays for:

A. Judgment that the 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 the 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

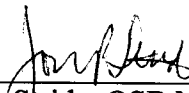
Pursuant to Fed. R. Civ. P. 38, NIKE demands a jury trial on all issues raised in this Complaint triable to a jury.

Respectfully submitted,

TONKON TORP LLP

Dated: February 13, 2006.

By:



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Attorneys for Plaintiff NIKE, Inc.

3231/5/675268_1.DOC



US00D487491S

(12) **United States Design Patent** (10) **Patent No.:** **US D487,491 S**
Madore et al. (45) **Date of Patent:** **** Mar. 9, 2004**

(54) **PORTION OF A GOLF CLUB HEAD**

(75) Inventors: **Carl L. Madore**, Portland, OR (US);
John T. Stites, Weatherford, TX (US)

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

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

(21) Appl. No.: **29/184,051**

(22) Filed: **Oct. 8, 2003**

Related U.S. Application Data

(62) Division of application No. 29/183,617, filed on Jun. 16, 2003.

(51) **LOC (7) Cl.** **21-02**

(52) **U.S. Cl.** **D21/759**

(58) **Field of Search** **D21/747-751,**
D21/759; 473/324, 327-331, 350

(56) **References Cited**

U.S. PATENT DOCUMENTS

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 Edwin Watts Golf Catalog Summer 2002 p. 69, dated Summer 2002.
 Edwin Watts Golf Catalog Holiday 2002 p. 25, dated Holiday 2002.

Primary Examiner—Mitchell Siegel

(74) *Attorney, Agent, or Firm*—Banner & Witcoff, Ltd.

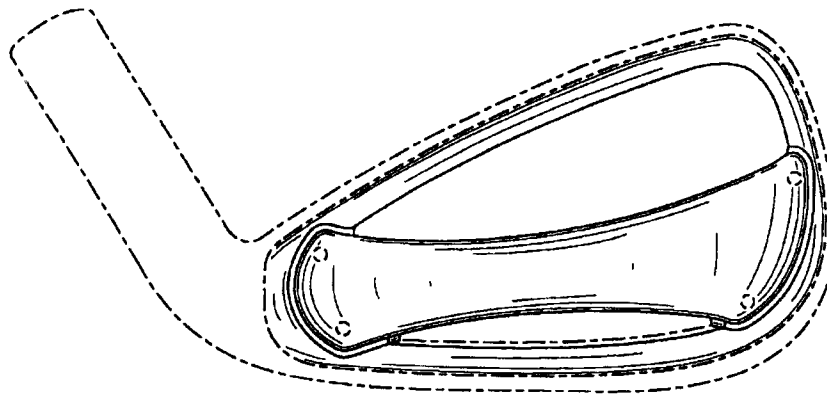
(57) **CLAIM**

The ornamental design for a portion of a golf club head, as shown and described.

DESCRIPTION

FIG. 1 an elevational view of a portion of a golf club head showing our new design;
 FIG. 2 is a heel end perspective view thereof;
 FIG. 3 is a toe end perspective view thereof;
 FIG. 4 is a toe end view thereof; and,
 FIG. 5 is a bottom view thereof.
 The broken line representation of various features and the remainder of the golf club head forms no part of the claimed design.

1 Claim, 3 Drawing Sheets



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5,616,086 A	4/1997	Chappell	D444,195 S	6/2001	Wahl et al.
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D400,943 S *	11/1998	Ezaki D21/747	6,450,897 B2	11/2002	Stites et al.
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D418,887 S *	1/2000	Williams, Jr. D21/749	D469,832 S	2/2003	Bode et al.
D420,080 S	2/2000	Gates	D476,050 S	6/2003	Walker
6,077,173 A	6/2000	Stites	2001/0044345 A1	11/2001	Stites et al.
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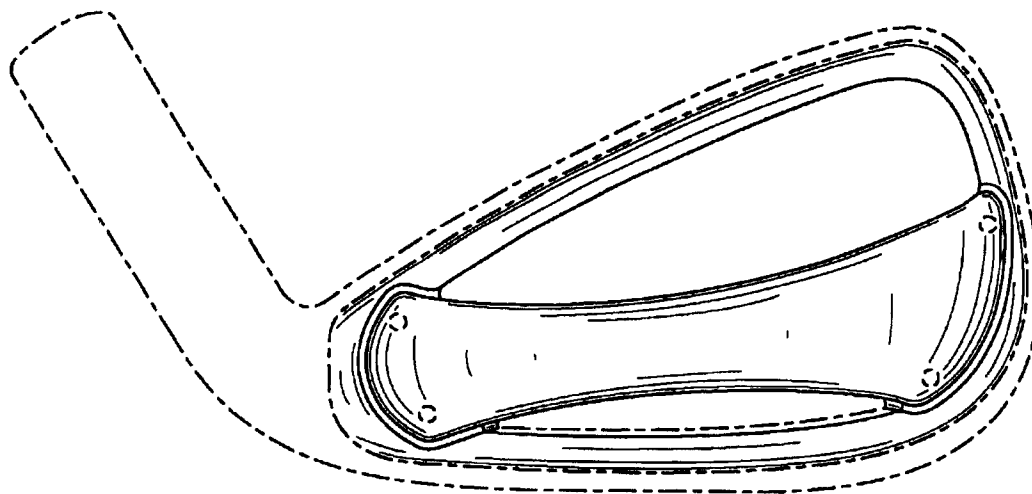


FIG. 1

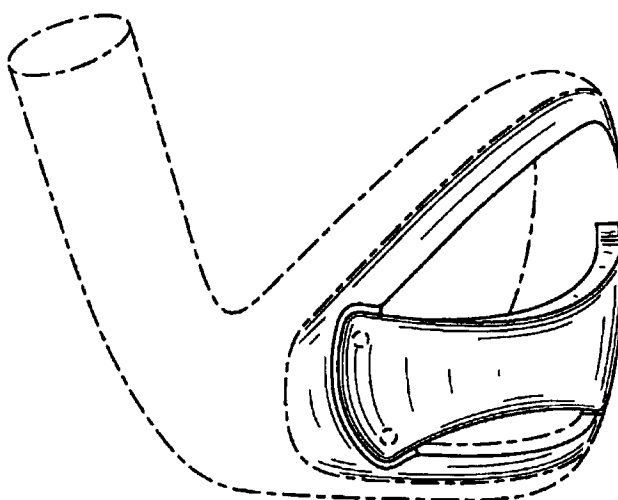


FIG. 2

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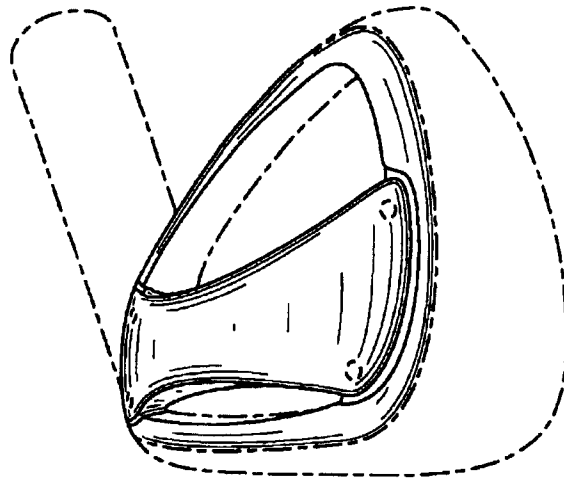


FIG. 3

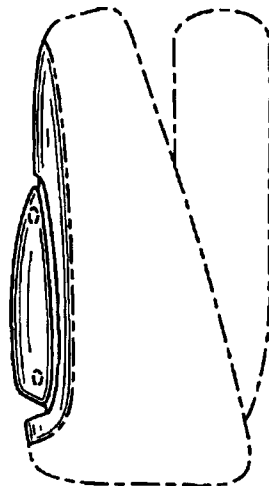


FIG. 4

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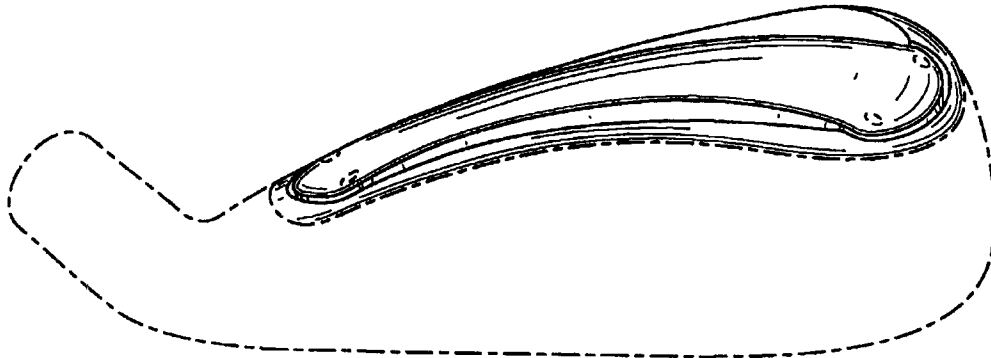


FIG. 5



US00D487492S

(12) **United States Design Patent** (10) **Patent No.:** **US D487,492 S**
Madore et al. (45) **Date of Patent:** **** Mar. 9, 2004**

(54) **PORTION OF A GOLF CLUB HEAD** 4,883,274 A * 11/1989 Hsien 473/335
 5,082,278 A 1/1992 Hsien
 (75) Inventors: **Carl L. Madore**, Portland, OR (US); D329,482 S 9/1992 Antonious
John T. Stites, Weatherford, TX (US) 5,160,137 A 11/1992 Katayama
 5,199,707 A * 4/1993 Knox 473/314

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

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

(List continued on next page.)

(21) Appl. No.: **29/184,052**

(22) Filed: **Oct. 8, 2003**

OTHER PUBLICATIONS

Related U.S. Application Data

(62) Division of application No. 29/183,617, filed on Jun. 16, 2003.

(51) **LOC (7) Cl.** **21-02**

(52) **U.S. Cl.** **D21/759**

(58) **Field of Search** D21/747-751,
 D21/759; 473/324, 327-331, 350

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Primary Examiner—Mitchell Siegel

(74) *Attorney, Agent, or Firm*—Banner & Witcoff, Ltd.

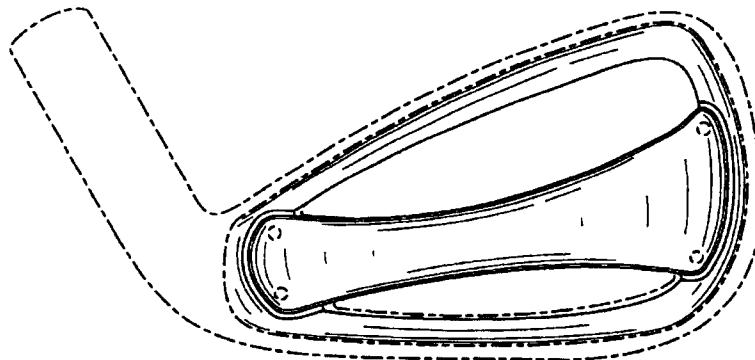
(57) **CLAIM**

The ornamental design for a portion of a golf club head, as shown and described.

DESCRIPTION

FIG. 1 is an elevational view of a portion of a golf club head showing our new design;
 FIG. 2 is a heel end perspective view thereof;
 FIG. 3 is a toe end perspective view thereof;
 FIG. 4 is a toe end view thereof; and,
 FIG. 5 is a bottom view thereof.
 The broken line representation of various features and the remainder of the golf club head forms no part of the claimed design.

1 Claim, 3 Drawing Sheets



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D418,887 S	* 1/2000	Williams, Jr.	D21/749	2001/0044345 A1	11/2001	Stites et al.	
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6,077,173 A	6/2000	Stites		2002/0173376 A1	11/2002	Stites et al.	
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D428,633 S	7/2000	Hasebe'					

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U.S. Patent

Mar. 9, 2004

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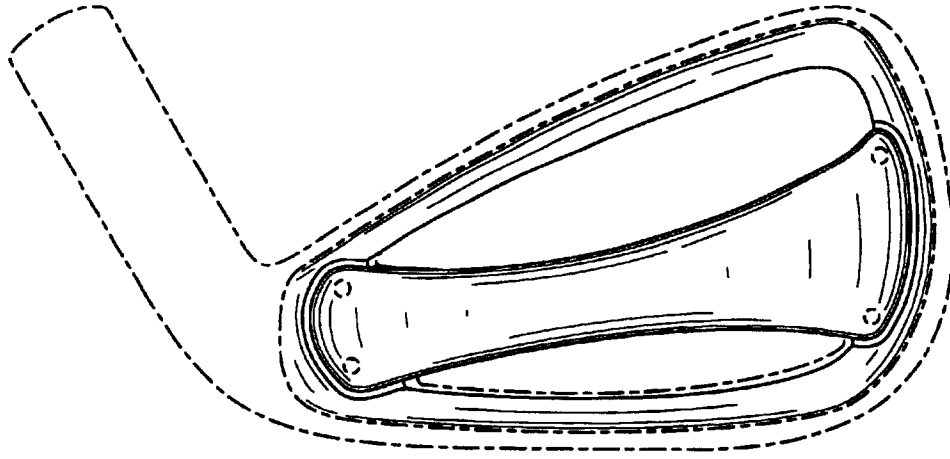


FIG. 1

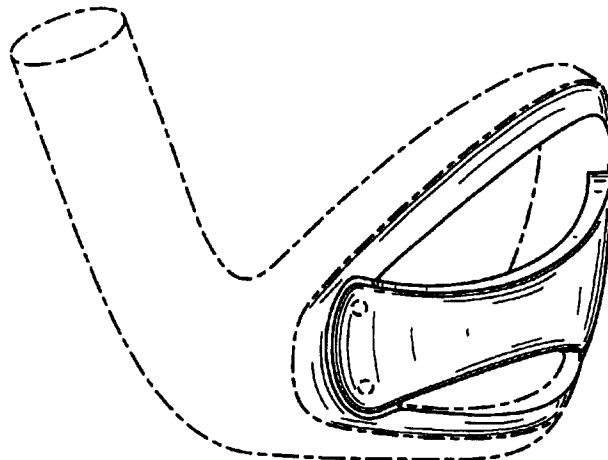


FIG. 2

U.S. Patent

Mar. 9, 2004

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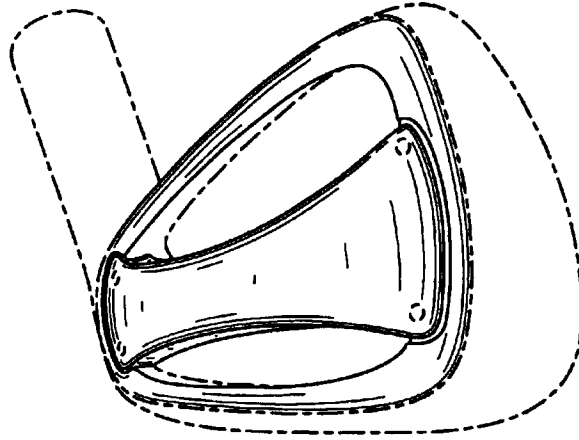


FIG. 3

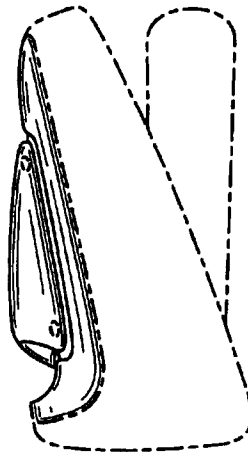


FIG. 4

U.S. Patent

Mar. 9, 2004

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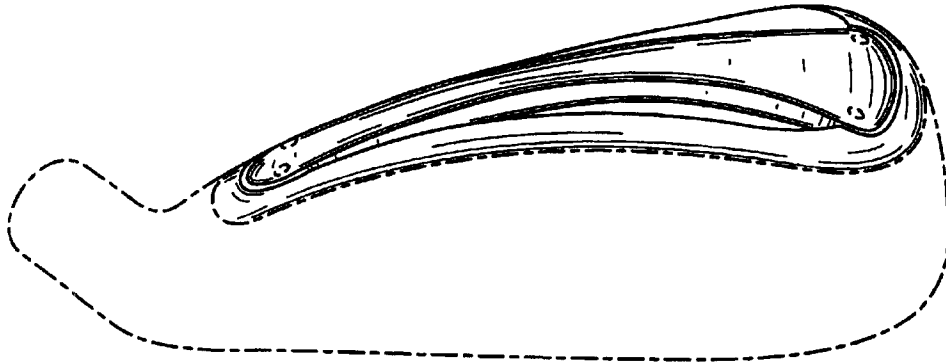


FIG. 5



US00D504924S

(12) **United States Design Patent** (10) **Patent No.:** **US D504,924 S**
Madore et al. (45) **Date of Patent:** **** May 10, 2005**

(54) **GOLF CLUB HEAD** D368,753 S 4/1996 Blough et al.

(75) Inventors: **Carl L. Madore**, Portland, OR (US);
John T. Stites, Weatherford, TX (US)

(Continued)

OTHER PUBLICATIONS

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

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

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(21) Appl. No.: **29/183,617**

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(22) Filed: **Jun. 16, 2003**

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(51) **LOC (7) Cl.** **21-02**

(52) **U.S. Cl.** **D21/747**

(58) **Field of Search** **D21/747-751,**
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Primary Examiner—Mitchell Siegel

(74) *Attorney, Agent, or Firm*—Banner & Witcoff, Ltd.

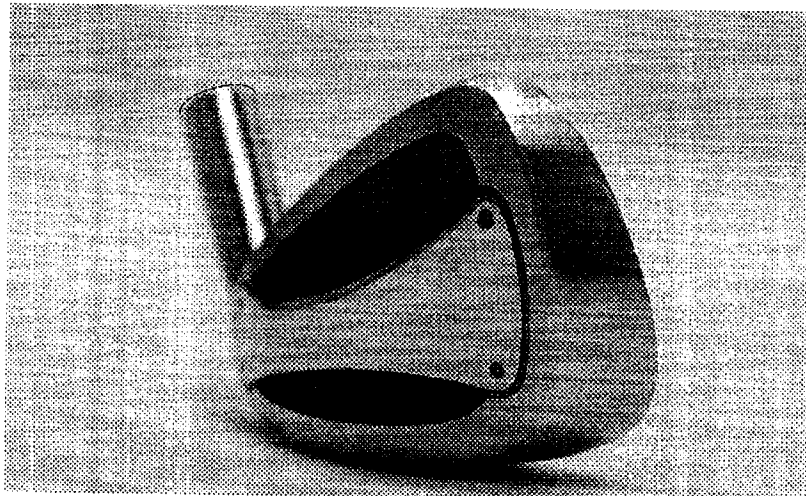
(57) **CLAIM**

The ornamental design for a golf club head, as shown and described.

DESCRIPTION

FIG. 1 is a first perspective photographic view of the second a golf club head showing our new design;
 FIG. 2 is a rear photographic view thereof;
 FIG. 3 is a second perspective photographic view thereof;
 FIG. 4 is a front photographic view thereof;
 FIG. 5 is a heel end photographic view thereof;
 FIG. 6 is a toe end photographic view thereof;
 FIG. 7 is a top photographic view thereof; and
 FIG. 8 is a bottom photographic view thereof.
 The broken line showing of various aspects of the golf club head, including the unshaded regions therein, is for illustrative purposes only and forms no part of the claimed design.

1 Claim, 4 Drawing Sheets



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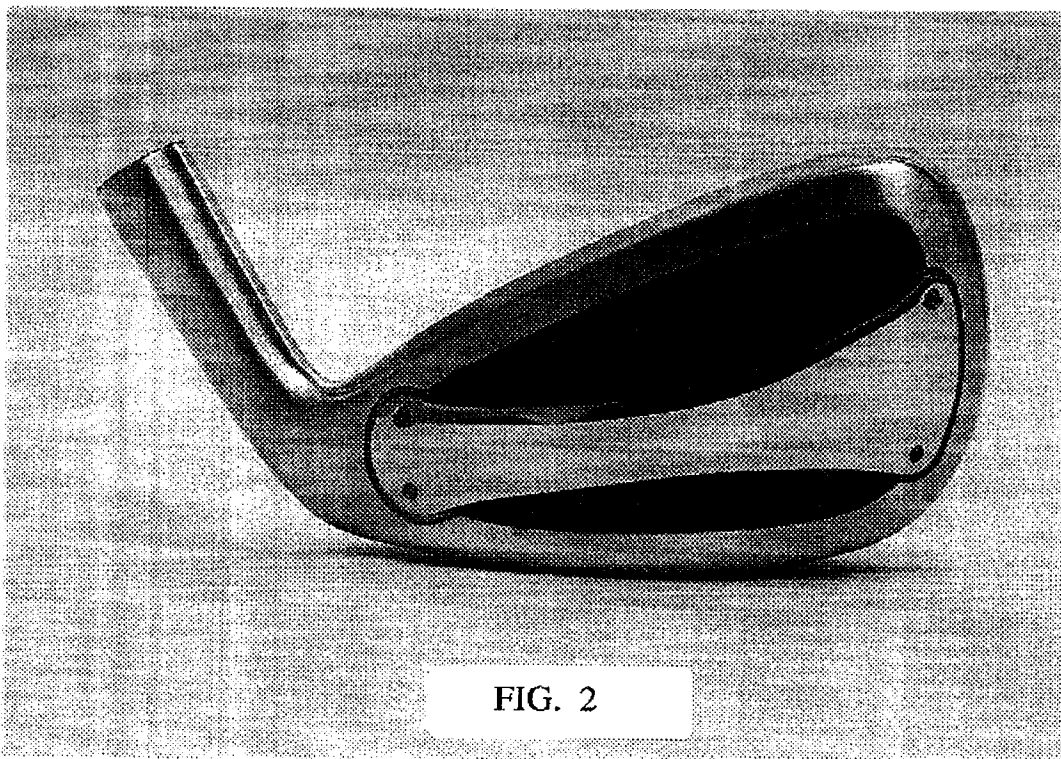
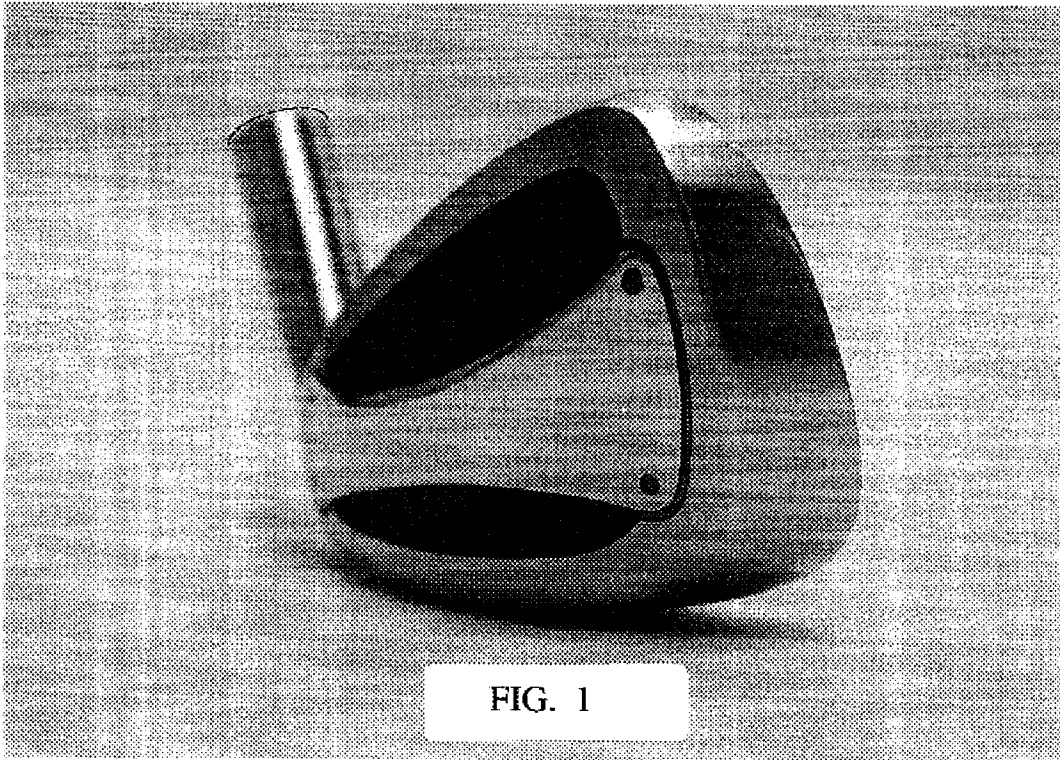
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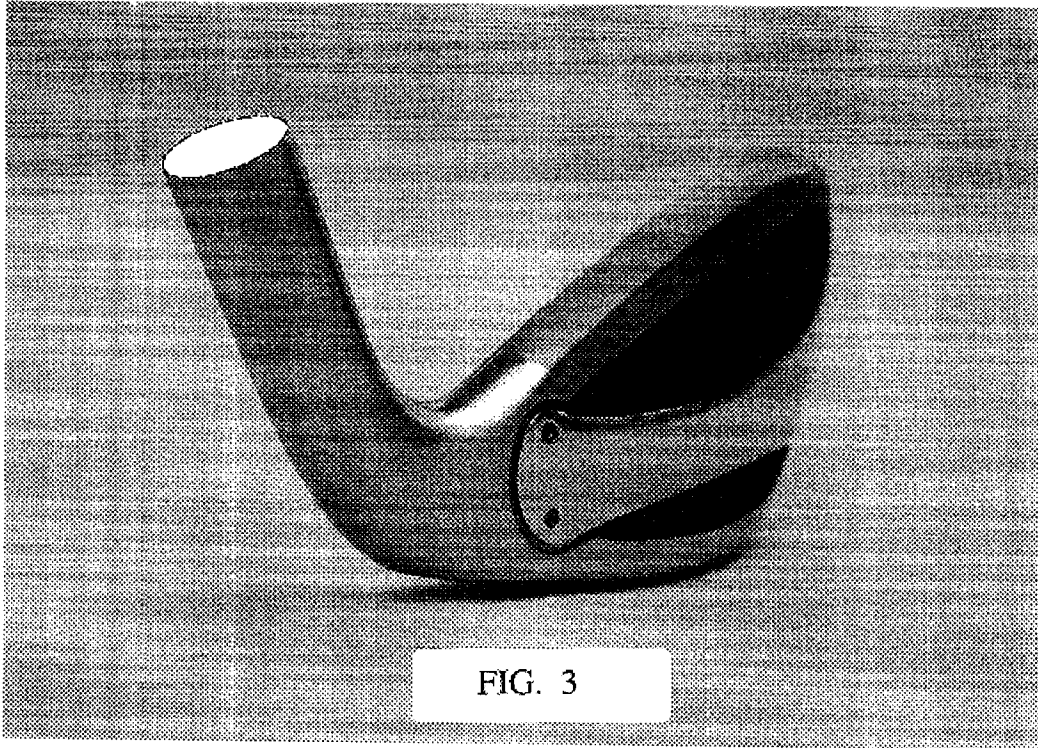


FIG. 3

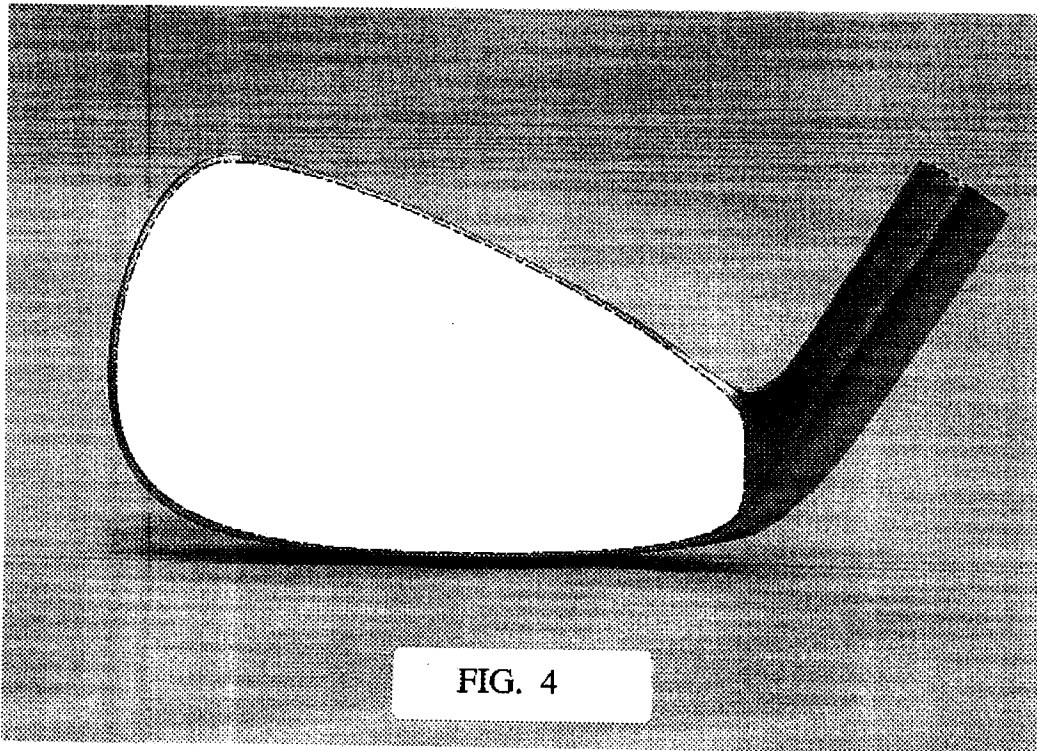


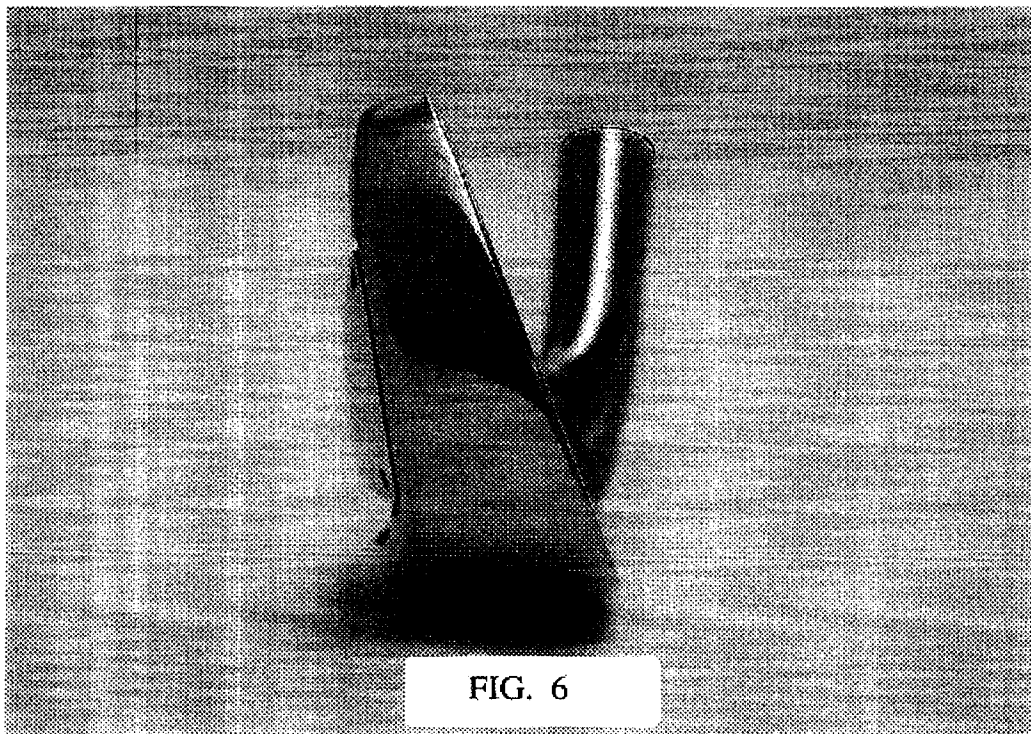
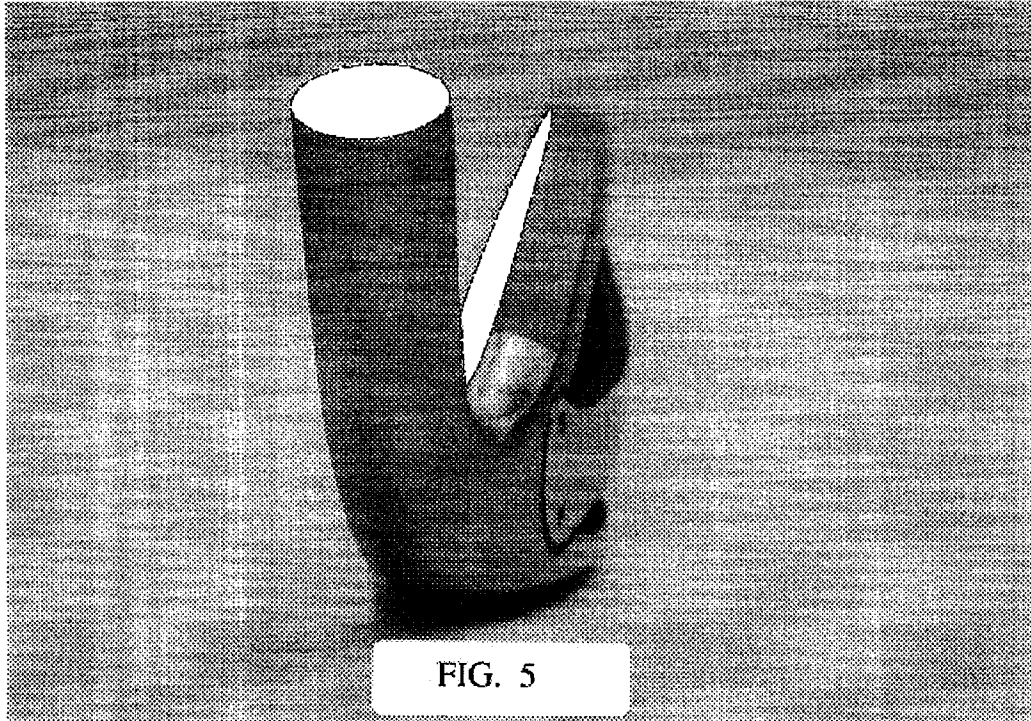
FIG. 4

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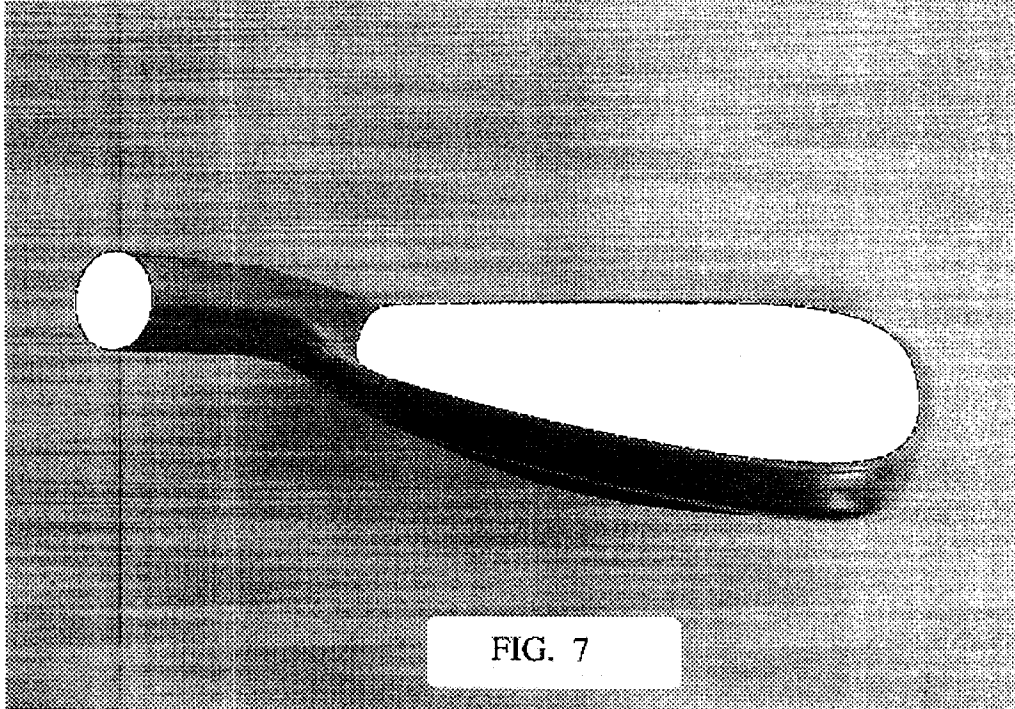


FIG. 7

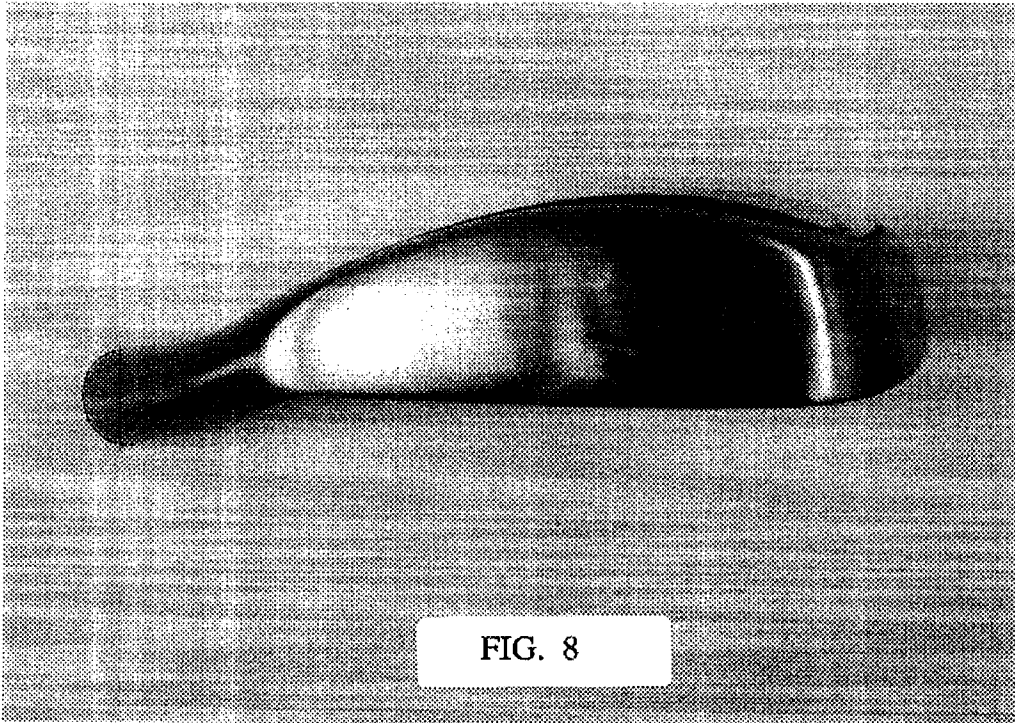


FIG. 8

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT NO. : Des. 504,924 S
DATED : May 10, 2005
INVENTOR(S) : Carl L. Madore et al.

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It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

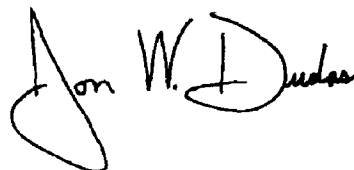
Title page.

Item [56], **References Cited**, U.S. PATENT DOCUMENTS, "6,450,897 9/2002 Stites, et al." has been replaced with -- 6,450,897 11/2002 Stites, et al. --.

Item [57], **DESCRIPTION**, after "FIG 1.," the words "the second" have been removed.

Signed and Sealed this

Thirtieth Day of August, 2005

A handwritten signature in black ink that reads "Jon W. Dudas". The signature is stylized, with the first name "Jon" written in a cursive-like font, and "W. Dudas" following in a more formal but still handwritten style.

JON W. DUDAS

Director of the United States Patent and Trademark Office