

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

GREENKEEPERS, INC.
2170 Bennett Road
Philadelphia, Pa 19116

GREENKEEPERS OF
DELAWARE, LLC
103 Foulk Road, Suite 202
Wilmington, DE 19803

Plaintiffs,

v.

Civil Action No. 07-2419

ACUSHNET COMPANY
333 Bridge Street
Fairhaven, MA 02719

SOFTSPIKES, LLC
f/k/a SOFTSPIKES, INC.
155 Franklin Road, Suite 250
Brentwood, TN 37027

And

PRIDE MANUFACTURING
COMPANY, LLC
155 Franklin Road, Suite 250
Brentwood, TN 37027

Defendants.

USDC-EDPA
REC'D OVER
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**SECOND AMENDED COMPLAINT FOR PATENT
INFRINGEMENT AND DEMAND FOR JURY TRIAL**

Plaintiffs, Greenkeepers, Inc. and Greenkeepers of Delaware, LLC (“Greenkeepers”), file this Second Amended Complaint against Defendants Acushnet Company, Softspikes, LLC f/k/a Softspikes, Inc., and Pride Manufacturing Company, LLC (d/b/a PrideSports) (collectively “Defendants”) and in support thereof, state as follows:

I. JURISDICTION AND VENUE

1. This is a civil action for patent infringement under the laws of the United States, 35 U.S.C. §271 et seq. This Court has original subject matter jurisdiction under 28 U.S.C. §§1331 (federal question), and 1338(a) (patent-exclusive jurisdiction).

2. Defendants have continuous and systematic contacts with Pennsylvania sufficient to establish personal jurisdiction in this Court. Upon information and belief, Defendants have continuous and systematic contacts with the Commonwealth of Pennsylvania and have purposely availed themselves of the jurisdiction of this state. Moreover, Defendants have infringed Greenkeepers' United States Patent No. RE40,047 ("the '047 Patent") in the Commonwealth of Pennsylvania by either making, using, selling or offering to sell infringing products in Pennsylvania and/or shipping infringing products into Pennsylvania.

3. Venue is proper under 28 U.S.C. §1391(c), as on information and belief, Defendants are subject to personal jurisdiction in this district.

II. THE PARTIES

4. Greenkeepers of Delaware, LLC is a Delaware limited liability company having its principal place of business at 103 Foulk Road, Suite 202, Wilmington, Delaware 19803 and the owner of the '047 patent.

5. Greenkeepers, Inc. is a Pennsylvania corporation having its principal place of business at 1836 Stout Drive, Unit 16, Warminster, PA 18974 and the exclusive licensee of the '047 patent.

6. Defendant Acushnet Company is a Delaware corporation with its principal place of business at 333 Bridge Street, Fairhaven, MA 02719.

7. Defendant Softspikes, LLC f/k/a/ Softspikes, Inc. is a limited liability company organized under the laws of the State of Delaware with its principal place of business at 155 Franklin Road, Suite 250, Brentwood, TN 37027.

8. Defendant Pride Manufacturing Company, LLC is a limited liability company organized under the laws of the State of Wisconsin with its principal place of business at 155 Franklin Road, Suite 250, Brentwood, TN 37027.

9. Upon information and belief, Defendants are offering for sale, selling, making, and using all or a material part of an infringing golf shoe cleat in this district and elsewhere.

III. INFRINGEMENT OF U.S. PATENT NO. RE40,047

10. On February 12, 2008, the United States Patent and Trademark Office duly and legally issued United States Letter Patent No. RE40,047 (the '047 patent), entitled "Sports Shoe Cleats," to GreenKeepers of Delaware. A true and correct copy of the '047 patent is attached as Exhibit 1.

11. On information and belief, Defendants have infringed the '047 patent in this district and elsewhere by making, using, offering for sale, or selling infringing golf shoe cleats and/or golf shoes with infringing cleats and will continue to do so unless enjoined by the Court.

12. Defendants knowingly, willfully, and deliberately infringed the '047 patent in conscious disregard of Greenkeepers' rights, making this case exceptional within the meaning of 35 U.S.C. §285 and justifying treble damages pursuant to 35 U.S.C. §284.

13. On information and belief, Defendants will continue to infringe the '047 patent, causing immediate and irreparable harm unless this Court enjoins and restrains its activities.

14. On information and belief, the infringement by Defendants has and will deprive Greenkeepers of sales, profits, royalties, and other related revenue which Greenkeepers would have made or would enjoy in the future, has injured Greenkeepers in other respects, and will

cause Greenkeepers added injury and damage, including loss of sales, profits, royalties and other related revenue in the future unless Defendants are enjoined from infringing Greenkeepers' '047 patent.

IV. JURY DEMAND

15. Pursuant to Rule 38 of the Federal Rules of Civil Procedure, Greenkeepers demands that the issues in this case be tried by a jury.

V. PRAYER FOR RELIEF

WHEREFORE, Greenkeepers respectfully requests this Court to:

1. Enter judgment for Greenkeepers that the '047 patent is valid, enforceable, and has been infringed by Defendants;
2. Issue a permanent injunction restraining Defendants, their directors, officers, agents, employees, successors, subsidiaries, assigns, and all persons acting in privity or in concert or participation with Defendants from the continued infringement, direct or contributory, or active inducement of infringement by others, of the '047 patent;
3. Direct Defendants to file with this Court, and to serve on Greenkeepers, a written report under oath setting forth in detail the manner and form in which Defendants have complied with the injunction;
4. Order Defendants to account for and to pay to Greenkeepers its actual damages suffered by reason of its infringement of the '047 patent and that such damages be trebled due to Defendants' deliberate, willful, and knowing conduct;
5. Order Defendants to pay Greenkeepers its costs, expenses, and fees, including reasonable attorneys' fees pursuant to 35 U.S.C. §285, and pre-judgment and post-judgment interest at the maximum rate allowed by law; and

6. Grant Greenkeepers such other and further relief as the Court may deem just and proper.

Respectfully submitted,

BLANK ROME LLP

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Dated: October 8, 2009

CERTIFICATE OF SERVICE

I hereby certify that on this 8th day of October 2009, a copy of the foregoing Second Amended Complaint was served via first class mail, postage pre-paid, upon the following:

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