

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

LLOYD E. HACKMAN)	
1322 Clubview Blvd. S)	
Columbus, Ohio 43235)	Civil Action No. 10-1018
)	
PLAINTIFF)	
)	
v.)	COMPLAINT WITH DEMAND
)	FOR JURY TRIAL
Mizuno USA, Inc.)	Plaintiff hereby demands a trial
Corporate Headquarters)	by jury on all issues presented in
4925 Avalon Ridge Parkway)	this Complaint that are so triable.
Norcross, Georgia 30071)	
)	
DEFENDANT)	

COMPLAINT

Plaintiff Lloyd E. Hackman complains of Defendant as follows:

The Parties

1. Plaintiff Lloyd E. Hackman (hereafter "Hackman") is an individual having a home at 1322 Clubview Blvd. S, Columbus, Ohio 43235.
2. On information and belief, Defendant Mizuno USA, Inc. (hereafter "Mizuno") is a Georgia corporation having a place of business at 4925 Avalon Ridge Parkway, Norcross, Georgia 30071.

Jurisdiction

3. This is a claim for patent infringement arising under the patent laws of the United States, Title 35 of the United States Code, Sections 101 et seq.

4. This Court has original jurisdiction over the subject matter under Title 28 of the United States Code Sections 1331 and 1338.

5. This Court has personal jurisdiction over Defendant Mizuno by virtue of its conduct of business in this judicial district and acts of infringement that have been committed in this judicial district.

Facts

6. On August 19, 2003, United States Letters Patent No. 6,607,450 (hereafter the '450 patent) was duly and legally issued to Lloyd E. Hackman, as inventor, for an invention in a GOLF SWING FREQUENCY ANALYZER.

7. Plaintiff Hackman has been, through the period of the Defendant's infringing acts, and still is the owner of the '450 patent, a copy of which is appended hereto as **Exhibit 1**. Thus, Plaintiff is entitled as the real party in interest to recover for any infringement of the '450 patent.

8. Plaintiff has complied with the statutory requirement of placing a notice of the '450 patent on all Golf Swing Frequency Analyzers that he manufactures and sells and has given the Defendant notice of the '450 patent, as evidenced by a letter from Defendant's attorney dated December 10, 2009, a true copy of which is appended hereto as **Exhibit 2**.

9. Defendant is without right, license or other authority to make, use, sell, import or offer to sell a method and/or apparatus that meets the claim limitations of the '450 patent.

10. Defendant is without right, license or other authority actively to induce others to make, use, sell, import or offer to sell a method that meets the claim limitations of the '450 patent.

FIRST COUNT - PATENT INFRINGEMENT

11. Plaintiff hereby adopts and incorporates by reference the allegations of paragraphs 1-10 above as if fully set forth herein.

12. On information and belief, Defendant has been and still is without authority making, using, offering to sell, and/or selling the patented invention within this judicial district and elsewhere during the term of the '450 patent, and will continue to do so unless enjoined by this Court.

13. Defendant is, without authority and during the term of the '450 patent, actively inducing infringement of the '450 patent in this judicial district and elsewhere, and will continue to do so unless enjoined by this Court.

14. Infringement of the '450 patent by Defendant has been with actual knowledge of the '450 patent since at least as early as December 2009, before which time Plaintiff gave notice to Defendant Mizuno of the '450 patent as evidenced by **Exhibit 2**.

15. On information and belief, infringement of the '450 patent by Defendant has been willful.

16. Infringement of the '450 patent by Defendant has injured Plaintiff by depriving Plaintiff and its distributors of the sales and the fees which they otherwise

would have made, and has in other respects injured Plaintiff and will cause Plaintiff added injury and loss of profits unless enjoined by this Court.

17. Defendant's patent infringements are actionable under 35 U.S.C. § 271 (a)-(c).

DEMAND FOR RELIEF

WHEREFORE, premises considered, Plaintiff respectfully demands judgment against Defendant, its subsidiaries, affiliates, agents, servants, employees and all persons in active concert or participation with them, granting Plaintiff the following:

- A. Judgment that Defendant has infringed U.S. Patent No. 6,607,450.
- B. After hearing a preliminary injunction under Title 35 of the United States Code §283 to enjoin Defendant, its agents, servants, employees, and all other persons in active concert or participation with it from further infringement of the '450 patent; such preliminary injunction to remain in effect until Plaintiff's attorneys have had reasonable opportunity to take the depositions of Defendant and the officers and employees of Defendant, and to have its discovery.
- C. An injunction perpetually restraining Defendant and all those in privity with it from further infringement of the '450 patent.
- D. An order requiring Defendant to account to Plaintiff for the actual damages, with interest, suffered by Plaintiff as the result of the infringement of the '450 patent by Defendant, and a determination of whether such damages should be tripled, as provided for under Title 35 of the United States Code §284 because of a willful and deliberate character of the infringement, but in no event less than a reasonable royalty.

E. A finding whether this case is “exceptional,” and an award to Plaintiff for reasonable attorney fees and costs as provided for under Title 35 of the United States Code §285.

F. That Defendant be required to file with the Court and to serve on Plaintiff, within 30 days after service of the Court’s Order as herein prayed, a report in writing under oath setting forth in detail the manner and form in which Defendant has complied with the Court’s Order.

G. That judgment be entered for Plaintiff and against Defendant for Plaintiff’s actual damages according to proof, and for any profits attributable to infringements of Plaintiff’s patent, in accordance with proof.

H. That Plaintiff have judgment against Defendant for Plaintiff’s costs and attorneys’ fees.

I. Such other and further relief to which Plaintiff may be justly entitled.

Respectfully Submitted,
Lloyd E. Hackman

/Jason H. Foster/
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