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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH

<p>LIFETIME PRODUCTS, INC., a Utah corporation,</p> <p style="text-align: center;">Plaintiff,</p> <p>v.</p> <p>MAC SPORTS and TOFASCO OF AMERICA INC., a California corporation,</p> <p style="text-align: center;">Defendants.</p>	<p style="text-align: center;">AMENDED COMPLAINT</p> <p style="text-align: center;">(JURY TRIAL DEMANDED)</p> <p>Case No.: 1:05CV00007 BSJ</p> <p>Judge Bruce S. Jenkins</p>
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Pursuant to Fed. R. Civ P. 15(a), Plaintiff LIFETIME PRODUCTS, INC. ("Lifetime") hereby amends its Complaint, which was filed with this Court on January 19, 2005, and complains against the defendants MAC SPORTS and its parent company TOFASCO OF AMERICA INC., (collectively "Mac Sports"), and for causes of action alleges as follows:

THE PARTIES

1. Lifetime is a corporation duly organized and existing under the laws of the State of Utah, with its principal place of business in the City of Clearfield, Davis County, Utah.

2. Lifetime alleges on information and belief that Mac Sports is a corporation organized and existing under the laws of the State of California, with its principal headquarters at 1661 Fairplex Drive, La Verne, CA 91750.

3. This is an action for patent infringement. The products accused of infringement are folding blow-molded plastic utility tables of a certain style and design which, Lifetime alleges on information and belief, Mac Sports imports, makes, sells and/or offers for sale within the United States.

JURISDICTION AND VENUE

4. This is a civil action for patent infringement committed by Mac Sports, arising under the patent laws of the United States, including 35 U.S.C. §§ 271, 281, 283, 284 and 285.

5. This Court has original subject matter jurisdiction over Lifetime's claims for relief, which arise under the laws of the United States, pursuant to 28 U.S.C. §1331 (federal question).

6. This Court also has original subject matter jurisdiction over Lifetime's claims for relief, which arise under acts of Congress relating to patents, pursuant to 28 U.S.C. §1338(a).

7. On information and belief, Mac Sports has sold or contracted for the sale of infringing goods within the State of Utah, or has induced others to sell or contract for the sale of infringing goods within the State of Utah, to Lifetime's injury, which relates to the claims asserted by Lifetime, and out of which Lifetime's claims in part arise.

8. This Court's exercise of personal jurisdiction over Mac Sports is consistent with the Constitutions of the United States and the State of Utah. Moreover, this Court has personal jurisdiction over Mac Sports pursuant to the Utah Long Arm Statute, Utah Code Ann. § 78-27-24.

9. Pursuant to 28 U.S.C. § 1391(c), Mac Sports is deemed to reside in this judicial district for purposes of venue.

10. Venue is proper in this judicial district pursuant to, at least, 28 U.S.C. § 1391(b)(1), 28 U.S.C. § 1391(b)(2), and 28 U.S.C. § 1400(b).

FACTUAL BACKGROUND

11. Lifetime is an award-winning innovator in the field of sports equipment, consumer products and office products, which are constructed of high quality steel and blow-molded plastic.

12. Several of Lifetime's most successful innovations have been in the design and development of lightweight and highly durable folding tables that combine metal frames and blow-molded plastic tops.

13. Lifetime's folding tables are protected, *inter alia*, by a portfolio of utility and design patents, including United States Patent Nos. 6,832,563 (the "'563 Patent") and 6,848,370 (the "'370 Patent"), which are reproduced as Exhibits A and B hereto and incorporated by this reference herein.

14. Lifetime is the owner by assignment of each of the '563 and '370 Patents.

15. Lifetime has not licensed Mac Sports to practice the '563 or '370 Patents.

CAUSES OF ACTION

FIRST CAUSE OF ACTION

(Infringement of the '563 Patent)

16. By this reference Lifetime realleges and incorporates the foregoing paragraphs 1 through 15, as though fully set forth herein.

17. Lifetime alleges on information and belief that Mac Sports is importing, making, selling and/or offering for sale within the United States folding plastic tables that fall within the scope of the '563 Patent.

18. Lifetime alleges on information and belief that, by at least the activities alleged in the foregoing paragraph, Mac Sports has infringed, continues to infringe, and, unless and until enjoined by this Court, will continue to infringe the '563 Patent.

19. The conduct of Mac Sports as set forth hereinabove gives rise to a cause of action for infringement of the '563 Patent, pursuant to 35 U.S.C. §§ 171, 271(a), and 281.

20. Lifetime alleges on information and belief that Mac Sports is infringing the '563 Patent in willful and deliberate disregard of Lifetime's rights.

21. By reason of the foregoing, Lifetime is entitled to injunctive and monetary relief against Mac Sports, pursuant to 35 U.S.C. §§ 283-85 and 289, as more fully set forth herein below.

SECOND CAUSE OF ACTION

(Inducement of Infringement of the '563 Patent)

22. By this reference Lifetime realleges and incorporates the foregoing paragraphs 1 through 21, as though fully set forth herein.

23. Lifetime alleges on information and belief that Mac Sports is actively inducing others to use, sell, and/or offer for sale, within the United States, without authority or license to do so from Lifetime, folding plastic tables that fall within the scope of the '563 Patent.

24. The conduct of Mac Sports as set forth hereinabove gives rise to a claim for relief for inducement of infringement of the '563 Patent, pursuant to 35 U.S.C. §§ 171, 271(b) and 281.

25. Lifetime alleges on information and belief that Mac Sports is inducing infringement of the '563 Patent in willful and deliberate disregard of Lifetime's rights.

26. By reason of the foregoing, Lifetime is entitled to injunctive and monetary relief against Mac Sports, pursuant to 35 U.S.C. §§ 283-85 and 289, as more fully set forth herein below.

THIRD CAUSE OF ACTION

(Infringement of the '370 Patent)

27. By this reference Lifetime realleges and incorporates the foregoing paragraphs 1 through 26, as though fully set forth herein.

28. Lifetime alleges on information and belief that Mac Sports is importing, making, selling and/or offering for sale within the United States folding plastic tables that fall within the scope of the '370 Patent.

29. Lifetime alleges on information and belief that, by at least the activities alleged in the foregoing paragraph, Mac Sports has infringed, continues to infringe, and, unless and until enjoined by this Court, will continue to infringe the '370 Patent.

30. The conduct of Mac Sports as set forth hereinabove gives rise to a cause of action for infringement of the '370 Patent, pursuant to 35 U.S.C. §§ 171, 271(a), and 281.

31. Lifetime alleges on information and belief that Mac Sports is infringing the '370 Patent in willful and deliberate disregard of Lifetime's rights.

32. By reason of the foregoing, Lifetime is entitled to injunctive and monetary relief against Mac Sports, pursuant to 35 U.S.C. §§ 283-85 and 289, as more fully set forth herein below.

FOURTH CAUSE OF ACTION

(Inducement of Infringement of the '370 Patent)

33. By this reference Lifetime realleges and incorporates the foregoing paragraphs 1 through 32, as though fully set forth herein.

34. Lifetime alleges on information and belief that Mac Sports is actively inducing others to use, sell, and/or offer for sale, within the United States, without authority or license to do so from Lifetime, folding plastic tables that fall within the scope of the '370 Patent.

35. The conduct of Mac Sports as set forth hereinabove gives rise to a claim for relief for inducement of infringement of the '370 Patent, pursuant to 35 U.S.C. §§ 171, 271(b) and 281.

36. Lifetime alleges on information and belief that Mac Sports is inducing infringement of the '370 Patent in willful and deliberate disregard of Lifetime's rights.

37. By reason of the foregoing, Lifetime is entitled to injunctive and monetary relief against Mac Sports, pursuant to 35 U.S.C. §§ 283-85 and 289, as more fully set forth herein below.

PRAYER FOR RELIEF

WHEREFORE, Lifetime prays for judgment against Mac Sports as follows:

A. A judgment finding Mac Sports liable for infringement of the '563 and '370 Patents;

B. An Order of this Court temporarily, preliminarily, and permanently enjoining Mac Sports, its agents and servants, and any and all parties acting in concert with any of them, from directly or indirectly infringing in any manner any of the '563 and/or '370 Patents, whether by making, using, selling, offering to sell, or importing into the United States any table or other product falling within the scope of any of the claims

of the '563 and/or '370 Patents, or inducing others to engage in any of the aforementioned acts or otherwise, pursuant to at least 35 U.S.C. § 283;

C. An order of this Court directing Mac Sports to destroy its entire stock of infringing products within the United States, pursuant to at least 35 U.S.C. § 283;

D. An award of damages to Lifetime, in an amount to be proven at trial, pursuant to at least 35 U.S.C. §§ 284;

E. An award to Lifetime of its damages, and that such damages be trebled in view of the infringement by Mac Sports, pursuant to at least 35 U.S.C. § 284;

F. Prejudgment interest, pursuant to at least 35 U.S.C. § 284;

G. An award of Lifetime's costs in bringing this action, pursuant to at least 35 U.S.C. § 284;

H. That this be declared an exceptional case, and that Lifetime be awarded its attorneys' fees and expenses, pursuant to at least 35 U.S.C. § 285;

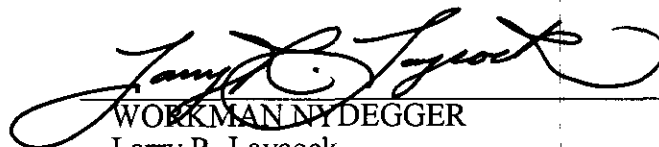
I. Post-judgment interest, pursuant to at least 28 U.S.C. § 1961(a); and

J. For such other and further relief as the Court deems just, proper, and equitable.

DEMAND FOR JURY

Plaintiff demands TRIAL BY JURY of all causes so triable.

DATED this 2ND day of February, 2005.


WORKMAN NYDEGGER
Larry R. Laycock
David R. Wright
Tige Keller

CERTIFICATE OF SERVICE

The undersigned declares that he/she is over the age of 18 years, not a party to this action, and employed in the County of Salt Lake, by Workman Nydegger, Attorneys at Law, 60 East South Temple, Suite 1000, Salt Lake City, Utah 84111. On the date listed below, I served copies, with all exhibits and attachments, of the foregoing **AMENDED COMPLAINT** on the following individuals and entities, as addressed below, by the means indicated below:

Jon M. Leader
Justin Walker
Leader Koxmor Macias
1990 S. Bundy Drive, Suite 390
Los Angeles, CA 90025

X (BY MAIL) by placing for collection and deposit in the United States mail true copies of the documents at Salt Lake City, Utah, in a sealed envelope with postage thereon fully prepaid, addressed as above.

 (BY HAND DELIVERY) I caused each such document to be personally delivered by hand to the addressees shown above.

 (BY FACSIMILE) I caused each such document to be sent by facsimile to the addressees shown above.

 (BY OVERNIGHT COURIER) I caused this document to be sent by overnight courier for next-day delivery, with all charges prepaid, to the addressees shown above at the addresses shown above.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed on February 2 , 2005, at Salt Lake City, Utah.

J Brodzka

Exhibits/
Attachments
to this document
have **not** been
scanned.

Please see the
case file.