

FILED

UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF FLORIDA

JUN 23 PM 3:16

Keng's Firearms Specialty, Inc.  
P.O. Box 44405  
Atlanta, GA 30336

Plaintiff,

v.

Leapers, Inc.  
37250 Plymouth Road  
Livonia, Michigan 48150

and

David Ding aka Tai-Lai Ding  
7675 5 Mile Road  
Northville, MI 48167

and

Tina Ding aka Dung-Ju Ding  
7675 5 Mile Road  
Northville, MI 48167

Defendants.

Case No.

6:04-cv-973-ORL-18DAB

Patent Infringement  
Trademark Infringement

U.S. DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA

Rec # 15627  
\$150  
No SI

COMPLAINT

Jurisdiction

1. Plaintiff Keng's Firearms Specialty, Inc. ("KFS") is a corporation organized under the laws of the State of Georgia in which jurisdiction it maintains its principal place of business.
2. Defendant Leapers, Inc. ("Leapers") is a Michigan corporation which has its principal place of business in that State.
3. Defendant Tina Ding aka Dong-Ju Ding ("Mrs. Ding") is one of the principal owners and operators of Leapers and a resident of the State of Michigan.
4. Defendant David Ding aka Tai-Lai Ding ("Mr. Ding") is one of the principal owners and operators of Leapers and a resident of the State of Michigan.
5. Upon information and belief Mr. and Mrs. Ding are husband and wife.
6. Mr. and Mrs. Ding were the persons actively controlling and directing operations of Leapers including the acts of infringement complained of herein and they are personally liable jointly with the corporate defendant and with each other for the torts complained of herein. They have actively induced others to infringe the Patents in suit in this and other judicial districts.

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7. This case arises in part under the Patent laws of the United States of America and thus this Court has jurisdiction pursuant to 28 U.S.C. §§1331 and 1338.

8. This case arises in part under the trademark laws of the United States and thus this Court has jurisdiction pursuant to 15 U.S.C. §§ 1114, 1116, 1121 and 1125(a) and 28 U.S.C. §§1331 and 1338.

9. Defendants are persons which or who are not citizens or residents of Florida but which or who conducted business at a trade show and committed tortious acts in Florida and in this judicial district, including without limitation offering for sale devices which infringed the patents which are the subject of this suit. Defendants have also offered the infringing devices for sale by advertising and internet means in this judicial district.

10. Personal jurisdiction and venue in this action are predicated on 28 U.S.C. §§ 1391(c) and 1400(b) and F.S.A. § 48.193 in that a substantial portion of the infringing activities complained of herein occurred in this judicial district and the claims made herein arise, in part, out of the business conducted and torts committed by Leapers within this judicial district.

#### Background Facts

11. KFS is the owner of United States Letters of Patent 5,711,103 issued on January 27, 1998, and United States Letters of Patent 5,815,974 issued on October 6, 1998. The two subject Patents may be referred to herein collectively as "the Patents."

12. In general, the Patents concern devices that allow a bipod to be attached to the front end of a firearm to assist the user of the firearm to steady the firearm and thereby increase accuracy in firing. More particularly KFS's patented devices permit the bipods to be attached to most standard rifles without need of expensive modifications to the rifle and they permit relatively quick and easy attachment and detachment of the bipod.

13. KFS has commercially exploited the Patents by selling bipods manufactured to its specifications which practice the inventions taught by the Patents. KFS' bi-pods are sold under its registered mark, VERSA-POD®. Each of the subject bi-pods sold by KFS has the standard Patent notice stamped upon it and/or is packaged in a container that displays the Patent notice.

14. As the owner of the Patents, KFS has the exclusive right to import, use, sell, offer

to sell or make devices in the United States that are subject to the Patents.

15. Defendants do not have the right to import, sell, offer to sell, make or to use devices that infringe the Patents without the permission of KFS as the patent owner and KFS has not been asked for its permission nor has it granted any such permission to Defendants.

16. At a national firearms industry trade show held in Orlando, Florida in 2003, KFS discovered that Defendants were selling and offering to sell bipods that contained exactly the mounting devices shown and described in the Patents and which were the subject of the claims of the Patents. The mounting devices offered and sold by Defendants are the accused devices.

17. KFS has never licensed or otherwise consented to the use by Defendants of its intellectual property including trademarks or patents.

18. All of the unlawful conduct complained of herein has proximately and foreseeably injured KFS and will continue to do so unless prevented by this Court.

19. The patent infringements described above are not the only violations of KFS' proprietary rights by Defendants which and who have also infringed trademarks owned by KFS and the trade dress of KFS' VERSA-POD® bi-pods.

20. KFS is the owner of the mark RED STAR used in connection with riflescopes and scope mounts and is the owner of the mark BLUE LINE used in connection with law enforcement products including handcuffs and handcuff keys. Defendants, without KFS' permission, sold firearms riflescopes under the mark RED STAR and sold handcuffs and handcuff keys under the mark BLUE LINE.

21. Unless restrained by this Court, Defendants will continue to violate KFS' intellectual property and will continue to sell and offer to sell products that consumers and dealers may confuse with products made to the more exacting standards required by KFS.

#### Claims

22. KFS realleges all of the foregoing and incorporates the same herein by reference.


23. Based upon the foregoing, Defendants have, without authority of KFS, used, offered to sell, or sold within the United States and imported into the United States the accused devices during the term of the said Patents and thus infringed the Patents in violation of 35 U.S.C. 271.

24. Based upon the foregoing Defendants have infringed Plaintiff's marks RED STAR AND BLUE LINE.

25. Based upon the foregoing Defendants have violated Plaintiff's trade dress rights.

Wherefore, KFS respectfully prays for relief in the form of the Consent Injunction filed simultaneously with this Complaint and such other and further relief as to the Court seems just.

Respectfully submitted,



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