

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

STX, L.L.C.,
1500 Bush Street
Baltimore, MD 21230
a Maryland Limited Liability Company,

Plaintiff,

v.

J. DEBEER & SON, INC.
8 Charles Boulevard
Guilderland, NY 12084
a New York Corporation,

Defendant.

Civil Action No.:

JURY TRIAL DEMANDED

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff, through its undersigned counsel, hereby complains and alleges as follows:

NATURE OF THE ACTION

1. This is an action for, inter alia, patent infringement arising under the patent laws of the United States, including 35 U.S.C. §§ 271, 281, 283, 284, and 285.

THE PARTIES

A. THE PLAINTIFF

2. Plaintiff STX L.L.C. ("STX") is a limited liability company organized and existing under the laws of the State of Maryland, has a principal place of business at 1500 Bush Street, Baltimore, Maryland, 21230, and is doing business in this District.

3. STX manufactures lacrosse equipment, including separate lacrosse heads and handles and assembled lacrosse heads and handles known as lacrosse sticks, for sale in this District, in the United States, and throughout the world.

B. THE DEFENDANT

4. On information and belief, Defendant J. deBeer & Son, Inc. (“deBeer”) is a New York corporation, having a principal place of business at 8 Charles Boulevard, Guilderland, NY 12084 and is doing business in this District.

5. deBeer manufactures lacrosse equipment, including separate lacrosse heads and handles and assembled lacrosse heads and handles, for sale in this District, in the United States, and throughout the world.

JURISDICTION AND VENUE

6. This Court has jurisdiction over the subject matter of the claims asserted in this action under 28 U.S.C. § 1331 and 1338(a).

7. This Court has personal jurisdiction over deBeer because deBeer is doing business in this District, has committed acts of infringement in this District, and/or has caused harm or tortuous injury in this District by acts therein.

8. Venue properly lies in this district under 28 U.S.C. § 1400(b) because deBeer is subject to personal jurisdiction in this District.

**COUNT I
PATENT INFRINGEMENT – U.S. PATENT NO. 5,651,744**

9. STX realleges and incorporates by reference paragraphs 1 through 8 above as if fully set forth herein.

10. STX is the owner of and the assignee of all rights, title, and interest in and to United States Patent No. 5,651,744 (the “’744 patent”), which issued July 29, 1997, for an invention entitled “Lacrosse Stick Having Offset Handle.” A copy of the ‘744 patent is attached hereto as Exhibit A.

11. The '744 patent grants to STX the exclusive right to make, use, sell, offer to sell, import and/or license lacrosse sticks incorporating the invention claimed therein.

12. STX has manufactured and sold products covered by the '744 patent, including but not limited to assembled lacrosse heads and handles named K18, Kannon, X3, Pipeline and Tilt.

13. deBeer has infringed and/or is continuing to infringe at least claim 9 of the '744 patent by making, using, offering to sell, and selling lacrosse handles which embody or are covered by the '744 patent claims, and assembled lacrosse heads and handles, otherwise known as lacrosse sticks, named Thrust, Intuition, Essence, Envy Pro, Devine, Apex Pro and Impulse Pro ("Accused Products") throughout the United States, including in this Judicial District, which embody or are covered by the '744 claims. Attached as Exhibit B are printouts of pages of deBeer's catalogue evidencing the offering for sale of these products.

14. deBeer first introduced and began to market its Accused Products in at least as early as June 2007.

15. In violation of 35 U.S.C. § 271(a)-(c), deBeer directly infringes, actively induces infringement by others and/or contributes to the infringement by others of the '744 patent through the manufacture, use, offer to sell, and/or sale of its Accused Products.

16. deBeer's infringement has been deliberate, willful, wanton, intentional and with full knowledge of the existence and validity of the '744 patent.

17. Plaintiff STX manufactures and sells lacrosse sticks incorporating the invention of the '744 patent in competition with deBeer's Accused Products.

18. deBeer has caused and will continue to cause STX substantial damages and injury, including lost profits due to lost sales of STX's lacrosse sticks incorporating the invention of the '744 patent, by virtue of its past and/or continuing infringement of the '744 patent.

19. STX will suffer further damage and injury unless and until deBeer is enjoined by this Court from continuing such infringement. The damage caused by deBeer is irreparable and cannot be adequately compensated for in money damages.

PRAYER FOR RELIEF

WHEREFORE, STX respectfully requests that Judgment be entered that deBeer has infringed valid claims of the '744 patent and that STX be granted the following relief:

(a) Entry of a preliminary injunction pending resolution of this action and a permanent injunction thereafter restraining deBeer, its officers, agents, servants, attorneys and all persons acting in concert with deBeer from further acts of infringement of the '744 patent;

(b) An accounting of damages, and an award of damages sufficient to compensate STX for deBeer's infringement of the '744 patent; including where applicable and permitted by law, enhanced, punitive, treble and/or statutory damages (including damages under 35 U.S.C. § 284);

(c) An award of prejudgment interest pursuant to 35 U.S.C. § 284, from the date of each act of infringement of the '744 patent by deBeer until the day a damages judgment is entered herein, and a further award of post judgment interest, pursuant to 28 U.S.C. § 1961, continuing thereafter until such judgment is paid;

(d) An award of increased damages in an amount not less than three times the amount of damages found by the jury or assessed by this Court, for deBeer's willful and wanton acts of infringement of infringement, pursuant to 35 U.S.C. § 284;

(e) That STX recover from deBeer an award of STX's reasonable attorneys' fees, pursuant to 35 U.S.C. § 285, and STX's costs of suit, pursuant to 35 U.S.C. § 284;

(f) Such other and further relief as this Court shall deem appropriate.

JURY DEMAND

Plaintiffs hereby demand a trial by jury on all issues triable to a jury.

Dated: July 19, 2007

STX, L.L.C.

By: James K. Archibald /jm
James K. Archibald (Bar No. 00097)
Chief Litigation Counsel
STX, L.L.C.
1500 Bush Street
Baltimore, MD 21230
(410) 783-0144
jima@wmtburnett.com

By: [Signature]
Vicki Margolis (Bar No. 07267)
Venable LLP
Two Hopkins Plaza, Suite 1800
Baltimore, MD 21201
(410) 244-7400
vmargolis@venable.com