

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Torspo Hockey International, Inc.,

Plaintiff,

v.

Kor Hockey Ltd.,

Defendant.

Civil Action No.

07CV 246
PJS/JJB

COMPLAINT FOR
DECLARATORY JUDGMENT
(JURY TRIAL DEMANDED)

Plaintiff, Torspo Hockey International, Inc. ("Torspo") for its complaint against
Defendants, Kor Hockey Ltd. ("Kor"), alleges as follows:

THE PARTIES

1. Plaintiff, Torspo, is a corporation organized and existing under the laws of the state of Minnesota having a principal place of business at 12 Bridge Square, Suite 103, Anoka, Minnesota 55303.

2. Upon information and belief, Defendants, Kor is a corporation organized under the laws of the province of Alberta, Canada having an address at 3430 – 25 Street NE, Calgary, Alberta, Canada T1Y 6C1.

JURISDICTION AND VENUE

3. This court has subject matter jurisdiction under 28 U.S.C. §§ 1331, 1338(a), 2201(a) and 2202.

4. This court has personal jurisdiction over Kor under 35 U.S.C. § 1391 (d) because Kor is an alien as defined in the statute.

SCANNED

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U.S. DISTRICT COURT MPLS

5. Venue in the United States District Court for the District of Minnesota is proper pursuant to 28 U.S.C. § 1391(d).

RELATIONSHIP BETWEEN THE PARTIES

6. Torpso is a Minnesota corporation having a principal place of business at 12 Bridge Square, Suite 103, Anoka, Minnesota 55303.

7. Torspo is in the business of selling a full line of hockey equipment internationally and in the United States.

8. Torpso has been and will be offering for sale a line of hockey equipment from its principal place of business at 12 Bridge Square, Suite 103, Anoka, Minnesota 55303.

9. Torpso will be presenting and offering for sale the line of hockey equipment at a tradeshow in Las Vegas, Nevada on or about the end of January 2007.

10. On or about January 15, 2007, Torpso received a letter form Kor's Canadian solicitor that Torspo's hockey skate infringed Kor's patents and demanded that Torpso cease distribution or sale of the allegedly infringing skates. A copy of the January 15, 2007 letter is attached hereto as Exhibit A.

11. On or about January 15, 2007, Torpso received a letter form Kor's United States attorneys that Torspo's hockey skate infringed Kor's U.S. Patent Nos. D514,505, 6,954,997 and 7,062,867 and demanded that Torpso immediately remove from display and offer for sale any and all hockey skates that allegedly infringe Kor's patents. Kor also stated that it expected Torspo to not show the allegedly infringing skates at the "Las Vegas show." A copy of the January 15, 2007 letter is attached hereto as Exhibit B.

12. Torspo does not believe that it infringes any of Kor's patents and intends to continue to offer for sale and sell hockey skates alleged to be infringed by Kor, including the tradeshow in Las

Vegas on or about the end of January 2007

13. Based upon the prior interaction between the parties, Torspo has a reasonable apprehension of that it will face a patent infringement lawsuit.

14. An actual controversy exists as to Torpsos alleged infringement of U.S. Patent Nos. D514,505, 6,954,997 and 7,062,867.

COUNT I
DECLARATORY JUDGMENT THAT TORPSO'S HOCKEY SKATE DOES NOT
INFRINGE U.S. PATENT NO. D514,505

15. Torpso re-alleges and incorporates by reference the allegations set forth in paragraphs 1 through 14 of the Complaint as fully set forth herein.

16. Upon information and belief, Kor has alleged that Torspos ice skate infringes U.S. Patent No. D514,505 ("D505 patent") in the January 15, 2007 letters. A copy of the 'D505 patent is attached hereto as Exhibit C.

17. Torpsos hockey skates do not infringe the 'D505 patent.

COUNT II
DECLARATORY JUDGMENT THAT THE 'D505 PATENT IS INVALID

18. CSI re-alleges and incorporates by reference the allegations set forth in paragraphs 1 through 17 of the Complaint as fully set forth herein.

19. Upon information and belief, the invention claimed in the 'D505 patent is invalid under 35 U.S.C. §§ 102, 103 and/or 112.

COUNT III
DECLARATORY JUDGMENT THAT TORPSO'S HOCKEY SKATE DOES NOT
INFRINGE U.S. PATENT NO. 6,954,997

20. Torpso re-alleges and incorporates by reference the allegations set forth in paragraphs 1 through 19 of the Complaint as fully set forth herein.

21. Upon information and belief, Kor has alleged that Torspo's ice skate infringes U.S. Patent No. 6,954,997 ("997 patent") in the January 15, 2007 letters. A copy of the '997 patent is attached hereto as Exhibit D.

22. Torspo's hockey skates do not infringe the '997 patent.

COUNT IV
DECLARATORY JUDGMENT THAT THE '997 PATENT IS INVALID

23. CSI re-alleges and incorporates by reference the allegations set forth in paragraphs 1 through 22 of the Complaint as fully set forth herein.

24. Upon information and belief, the invention claimed in the '997 patent is invalid under 35 U.S.C. §§ 102, 103 and/or 112.

COUNT V
DECLARATORY JUDGMENT THAT TORPSO'S HOCKEY SKATE DOES NOT
INFRINGE U.S. PATENT NO. 7,062,867

25. Torspo re-alleges and incorporates by reference the allegations set forth in paragraphs 1 through 24 of the Complaint as fully set forth herein.

26. Upon information and belief, Kor has alleged that Torspo's ice skate infringes U.S. Patent No. 7,062,867 ("867 patent") in the January 15, 2007 letters. A copy of the '867 patent is attached hereto as Exhibit E.

27. Torspo's hockey skates do not infringe the '867 patent.

COUNT VI
DECLARATORY JUDGMENT THAT THE '997 PATENT IS INVALID

28. CSI re-alleges and incorporates by reference the allegations set forth in paragraphs 1 through 27 of the Complaint as fully set forth herein.

29. Upon information and belief, the invention claimed in the '867 patent is invalid under 35 U.S.C. §§ 102, 103 and/or 112.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff, Torspo, prays for the following relief:

- a. That Torspo's hockey skates do not infringe the 'D505 patent;
- b. That Torspo's hockey skates do not infringe the '997 patent;
- c. That Torspo's hockey skates do not infringe the '867 patent;
- d. That the 'D505 patent is invalid;
- e. That the '997 patent is invalid;
- f. That the '867 patent is invalid;
- g. That Torspo be awarded its costs and attorneys' fees incurred in prosecuting this action, plus interest; and
- h. That Torspo be awarded such other relief as the Court deems just and proper.

JURY DEMAND

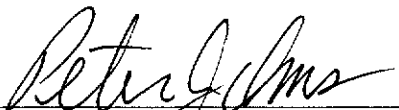
Torspo demands a jury trial on all issues so triable.

Respectfully submitted,

Westman, Champlin & Kelly, P.A.

Dated: January 18, 2007

By:



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**ATTORNEYS FOR PLAINTIFF
TORPSO HOCKEY INT'L, INC.**