Case 2;08-cv-04617-DDP-RC Document 1 Filed 07/15/08 Page 1 of 5 Page ID #:1 FILED 1 Grant E. Kinsel (State Bar No. 172407) 2008 JUL 15 PH 12: 55 gkinsel@foley.com E-Mail: Lori V. Minassian (State Bar No. 223542) lminassian@foley.com E-Mail: FOLEY & LARDNER LLP 555 South Flower Street, Suite 3500 Los Angeles, Ca 90071-2411 Telephone: 213.972.4500 5 Facsimile: 213.486.0065 6 Attorneys for Plaintiff 7 PATENT CATEGORY CORPORATION 8 9 UNITED STATES DISTRICT COURT CENTRAL DISTRICT OF CALIFORNIA 10 11 WESTERN DIVISION CV08-04617 PATENT CATEGORY Case No: CORPORATION, a California 13 **COMPLAINT FOR PATENT** corporation, **INFRINGEMENT; JURY TRIAL** 14 Plaintiff. **DEMAND** 15 VS. 16 EASTON SPORTS, INC., a California corporation 17 Defendant. 18 19 20 21 22 23 24 25 26 27 28 COMPLAINT LACA_1839361.1

Plaintiff Patent Category Corporation ("PCC") alleges:

JURISDICTION AND VENUE

- 1. This is a civil action for patent infringement, injunctive relief and damages arising under the Acts of Congress relating to patents, 35 U.S.C. § § 1, et seq. This Court has jurisdiction under 28 U.S.C. § § 1331 and 1338.
- 2. Venue is proper in this Judicial District pursuant to 28 U.S.C. § § 1400(b) and 1391. PCC is informed and believes and thereon alleges that Defendants have engaged in the complained of activities in this Judicial District.

PARTIES

- 3. PCC is a corporation organized and existing under the laws of the State of California, and has a principal place of business in Walnut, California.
- 4. Defendant Easton Sports, Inc. ("Easton") is a corporation organized and existing under the laws of the State of California. PCC is informed and believes and thereon alleges that Easton has a principal place of business in Van Nuys, California.

CLAIM FOR RELIEF

Patent Infringement

- 5. PCC incorporates paragraphs 1 through 4, above.
- 6. On March 19, 2002, U.S. Patent No. 6,357,510 (the "510 patent") was duly and legally issued to inventor Yu Zheng by the United States Patent Office. PCC, as assignee of the '510 patent, is the owner of the entire right, title and interest in and to the '510 patent. A true and correct copy of the '510 patent is attached as Exhibit "1."
- 7. On August 12, 2003, U.S. Patent No. 6,604,537 (the "537 patent") was duly and legally issued to inventor Yu Zheng by the United States Patent Office. PCC, as assignee of the '537 patent, is the owner of the entire right, title and interest in and to the '537 patent. A true and correct copy of the '537 patent is attached as Exhibit "2."

- 8. On July 6, 2004, U.S. Patent No. 6,758,003 (the "'003 patent") was duly and legally issued to inventor Yu Zheng by the United States Patent Office. PCC, as assignee of the '003 patent, is the owner of the entire right, title and interest in and to the '003 patent. A true and correct copy of the '003 patent is attached as Exhibit "3."
- 9. The '510, '537, and '003 patents are collectively referred to as the "patents-in-suit."
- 10. PCC is informed and believes and thereon alleges that Easton has manufactured, used, sold, and/or offered for sale one or more collapsible structure products, the manufacture, use, sale and/or offer for sale of which infringes the patents-in-suit, including but not limited to, Easton's 5 foot pop-up multi-net and 7 foot catch net (collectively the "Infringing Products").
- 11. PCC is informed and believes and thereon alleges that Easton has induced others to infringe each of the patents-in-suit by encouraging and promoting the use, manufacture, sale and/or offer for sale by others of one or more of the Infringing Products.
- 12. PCC has been damaged by Easton's infringement of each of the patents-in-suit in an amount to be determined at trial. Furthermore, by these acts, Easton has irreparably injured PCC and such injury will continue unless Easton is enjoined by this Court.

PRAYER

WHEREFORE, PCC prays for judgment against Easton as follows:

- A. That Easton be adjudged to have infringed each of the patents-in-suit;
- B. That Easton be adjudged to have induced the infringement of each of the patents-in-suit;
- C. That Easton, its subsidiaries, affiliates, parents, successors, assigns, officers, agents, servants, employees, attorneys, and all persons acting in concert or in participation with Easton, be preliminarily and permanently enjoined from

infringing, contributing to the infringement of, and inducing infringement of each of the patents-in-suit, and specifically from directly or indirectly making, using, selling, or offering for sale, any products embodying the inventions of any of the patents-in-suit during the life of the claims of the patents-in-suit without the 4 express written authority of PCC; 5 For damages according to proof; D. 6 That Easton be ordered to deliver to PCC, for destruction at PCC's E. 7 option, all products that infringe each of the patents-in-suit; 8 That this case be deemed exception and PCC be awarded its 9 F. attorneys' fees; 10 For the costs of suit; G. 11 For such other and further relief as the Court may deem proper. H. 12 13 14 FOLEY & LARDNER LLP Dated: July 15, 2008 15 GRANT E. KINSEL LORI V. MINASSIA] 16 17 18 By: 19 Attorneys for Plaintiff PATENT CATEGORY 20 CORPORATION 21 22

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JURY TRIAL DEMAND PCC hereby demands a trial by jury. FOLEY & LARDNER LLP GRANT E. KINSEL LORI V. MINASSIAN Dated: July 15, 2008 By: Attorneys for Plaintiff PATENT CATEGORY CORPORATION COMPLAINT LACA_1839361.1