

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN**

WARRIOR SPORTS, INC.,
a Michigan corporation,

Case No.

Plaintiff,

Hon.

v.

VALKEN, INC.
a New Jersey corporation,

Defendant.

COMPLAINT AND DEMAND FOR JURY TRIAL

Plaintiff Warrior Sports, Inc. states its Complaint against Defendant Valken, Inc.
as follows:

THE PARTIES

1. Plaintiff Warrior Sports, Inc. (“Warrior”) is a Michigan corporation. Warrior’s principal place of business is in Warren, Michigan.
2. Defendant Valken, Inc. (“Valken”) is a New Jersey corporation. Valken’s principal place of business is in Sewell, New Jersey.

JURISDICTION AND VENUE

3. This is an action for patent infringement under the Patent Act, 35 U.S.C. § 101 *et seq.*
4. The Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331, 1338(a).

5. Valken conducts business in this judicial district and has committed acts of infringement here.

6. Venue is proper under 28 U.S.C. §§ 1391 and 1400.

FACTS COMMON TO ALL COUNTS

7. For many years, Warrior has continuously engaged in the development, manufacture and sale of a wide variety of athletic products. The athletic products at issue in this litigation are lacrosse stick heads and protective equipment, such as gloves.

8. Warrior has taken steps over the years to protect its innovative lacrosse stick heads and gloves. In particular, Warrior is and has been the sole owner by assignment of all right, title and interest to each of the five United States Patents identified in the table below (the “Warrior Patents”), and is entitled to sue for past and future infringement of each of these Warrior Patents. Each of the Warrior Patents was duly and legally issued on the date indicated. A copy of each of the Warrior Patents is attached as an exhibit to this Complaint as indicated in the table.

WARRIOR PATENTS		
United States Patent Number	Issue Date of Patent	Complaint Exhibit
5,651,549 (the ‘549 Patent)	July 29, 1997	A
6,085,354 (the ‘354 Patent)	July 11, 2000	B
6,550,069 (the ‘069 Patent)	April 22, 2003	C
6,813,780 (the ‘780 Patent)	November 9, 2004	D
7,117,540 (the ‘540 Patent)	October 10, 2006	E

9. Valken is in the business of manufacturing or having manufactured, offering to sell, selling, or importing into the United States lacrosse stick heads and gloves, in competition with major manufacturers, including Warrior.

10. Valken has, without authority or license from Warrior, made, used, offered to sell, sold or imported into the United States lacrosse stick heads that infringe the Warrior Patents. The infringing lacrosse stick heads include the LAX Elite lacrosse stick heads.

11. Valken has, without authority or license from Warrior, made, used, offered to sell, sold or imported into the United States gloves that infringe the Warrior Patents. The infringing gloves include the LAX Elite gloves.

12. Warrior has given written notice to Valken of its infringement.

COUNT 1
INFRINGEMENT OF THE '549 PATENT

13. Warrior incorporates the allegations in Paragraphs 1-12 above.

14. Valken has been and still is making, using, offering to sell, selling or importing into the United States lacrosse stick heads that infringe the '549 patent in violation of 35 U.S.C. § 271(a).

15. Valken has been and still is actively inducing others to infringe the '549 patent in violation of 35 U.S.C. §271(b).

16. Valken's infringement has been intentional and willful, making this an exceptional case.

17. Valken's continued infringement of the '549 Patent has damaged and will continue to damage Warrior.

18. By reason of Valken's infringement, Warrior has been irreparably harmed, and unless and until Valken is enjoined by this Court, Warrior will continue to suffer irreparable damage and injury for which it has no adequate remedy at law.

COUNT II
INFRINGEMENT OF THE '354 PATENT

19. Warrior incorporates the allegations in Paragraphs 1-12 above.

20. Valken has been and still is making, using, offering to sell, selling or importing into the United States gloves that infringe the '354 patent in violation of 35 U.S.C. § 271(a).

21. Valken has been and still is actively inducing others to infringe the '354 patent in violation of 35 U.S.C. § 271(b).

22. Valken's infringement has been intentional and willful, making this an exceptional case.

23. Valken's continued infringement of the '354 Patent has damaged and will continue to damage Warrior.

24. By reason of Valken's infringement, Warrior has been irreparably harmed, and unless and until Valken is enjoined by this Court, Warrior will continue to suffer irreparable damage and injury for which it has no adequate remedy at law.

COUNT III
INFRINGEMENT OF THE '069 PATENT

25. Warrior incorporates the allegations in Paragraphs 1-12 above.

26. Valken has been and still is making, using, offering to sell, selling or importing into the United States gloves that infringe the '069 patent in violation of 35 U.S.C. § 271(a).

27. Valken has been and still is actively inducing others to infringe the '069 patent in violation of 35 U.S.C. §271(b).

28. Valken's infringement has been intentional and willful, making this an exceptional case.

29. Valken's continued infringement of the '069 Patent has damaged and will continue to damage Warrior.

30. By reason of Valken's infringement, Warrior has been irreparably harmed, and unless and until Valken is enjoined by this Court, Warrior will continue to suffer irreparable damage and injury for which it has no adequate remedy at law.

COUNT IV
INFRINGEMENT OF THE '780 PATENT

31. Warrior incorporates the allegations in Paragraphs 1-12 above.

32. Valken has been and still is making, using, offering to sell, selling or importing into the United States gloves that infringe the '780 patent in violation of 35 U.S.C. § 271(a).

33. Valken has been and still is actively inducing others to infringe the '780 patent in violation of 35 U.S.C. § 271(b).

34. Valken's infringement has been intentional and willful, making this an exceptional case.

35. Valken's continued infringement of the '780 Patent has damaged and will continue to damage Warrior.

36. By reason of Valken's infringement, Warrior has been irreparably harmed, and unless and until Valken is enjoined by this Court, Warrior will continue to suffer irreparable damage and injury for which it has no adequate remedy at law.

COUNT V
INFRINGEMENT OF THE '540 PATENT

37. Warrior incorporates the allegations in Paragraphs 1-12 above.

38. Valken has been and still is making, using, offering to sell, selling or importing into the United States gloves that infringe the '540 patent in violation of 35 U.S.C. § 271(a).

39. Valken has been and still is actively inducing others to infringe the '540 patent in violation of 35 U.S.C. § 271(b).

40. Valken's infringement has been intentional and willful, making this an exceptional case.

41. Valken's continued infringement of the '540 Patent has damaged and will continue to damage Warrior.

42. By reason of Valken's infringement, Warrior has been irreparably harmed, and unless and until Valken is enjoined by this Court, Warrior will continue to suffer irreparable damage and injury for which it has no adequate remedy at law.

RELIEF REQUESTED

WHEREFORE, Warrior requests the following relief:

A. Judgment that Valken has infringed and actively induced others to infringe the Warrior Patents;

B. A permanent injunction enjoining Valken, its officers, employees, agents, and all others acting in concert with it or participating with it from further infringement and/or inducement of infringement of the Warrior Patents;

C. An award of damages adequate to compensate Warrior for Valken's infringement, but in no event less than a reasonable royalty under 35 U.S.C. § 284;

D. Enter an order trebling all damages awarded to Warrior by reason of Valken's willful infringement of the Warrior Patents, pursuant to 35 U.S.C. § 284;

E. Enter an order awarding Warrior interest on the damages awarded and its costs pursuant to 35 U.S.C. § 284;

F. Enter an order finding that this is an exceptional case and award Warrior its reasonable costs, expenses, and reasonable attorneys' fees pursuant to 35 U.S.C. § 285; and,

G. Award such other relief as the Court may deem appropriate and just under the circumstances.

DEMAND FOR JURY TRIAL

Warrior demands a trial by jury.

Respectfully submitted,

Dated: January 29, 2009

/s/ Janet Ramsey

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