

RXC 5/24/02 15:20
3:02-CV-01028 CALLAWAY GOLF CO V. TECHNIQUE GOLF LLC
1
CMP.

1 Juanita R. Brooks (SBN 75934)
Daniel T. Pascucci (SBN 166780)
2 Andrew D. Skale (SBN 211096)
FISH & RICHARDSON P.C.
3 4350 La Jolla Village Drive, Suite 500
San Diego, California 92122
4 Telephone: (858) 678-5070
Facsimile: (858) 678-5099

5 Attorneys for Plaintiff
6 CALLAWAY GOLF COMPANY

FILED

02 MAY 24 PM 1:31

CLERK, U.S. DIST. CT. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

BY: *[Signature]*

DEPUTY

7
8 UNITED STATES DISTRICT COURT
9 SOUTHERN DISTRICT OF CALIFORNIA

10
11 CALLAWAY GOLF COMPANY, a
12 Delaware corporation,

13 Plaintiff,

14 v.

15 TECHNIQUE GOLF LLC, doing business as
16 TIGER SHARK GOLF, a Michigan limited
liability corporation,

17 Defendant.

Case No. '02 CV 1028 K (CGA)

COMPLAINT FOR PATENT
INFRINGEMENT

DEMAND FOR JURY TRIAL

18
19 Plaintiff, CALLAWAY GOLF COMPANY (hereinafter "Callaway Golf"), hereby
20 complains and alleges against defendant TECHNIQUE GOLF LLC, doing business as TIGER
21 SHARK GOLF (hereinafter "defendant" or "Technique") as follows:

22 1. Plaintiff Callaway Golf is a corporation organized and existing under the laws of the
23 State of Delaware, with its principal place of business in Carlsbad, California.

24 2. On information and belief, defendant Technique is a limited liability company
25 organized and existing under the laws of the State of Michigan, with a principal place of business in
26 26020 Mound Road, Warren, Michigan, 48091-1292.

27 ///

28 ///

[Handwritten mark]

JURISDICTION

3. This is a civil action for patent infringement arising under the patent laws of the United States of America, and more specifically, under Title 35, United States Code, Sections 271, 281, 283, 284 and 285. Jurisdiction in this Court is founded upon 28 U.S.C. §§ 1331 and 1338(a):

4. On information and belief, defendant is engaged in the business of manufacturing, offering for sale, and/or selling in the district golf clubs that infringe Callaway Golf's intellectual property rights. In addition, defendant has purposefully availed itself of the laws of the State of California such as to make it subject to the jurisdiction of the Court by selling its products in California, including within this district, on a regular and routine basis and by causing and/or contributing to the distribution of products into the district which infringe the intellectual property rights of Callaway Golf.

5. Venue is proper in this district under 28 U.S.C. §§ 1391 and 1400.

GENERAL ALLEGATIONS

6. Callaway Golf has been engaged in the business of manufacturing and distributing golf clubs for twenty years. Callaway Golf's products have a reputation in the industry for being of extremely high quality. These products include putters marketed under the famous brand name Odyssey, which is a well-known and esteemed putter brand.

7. In an effort to create and further public awareness of Callaway Golf, Callaway Golf has spent large sums of money in promotion, marketing and advertising throughout the State of California and nationally.

8. On August 25, 1987, United States Patent No. 4,688,798 ("the '798 Patent"), on an invention entitled "GOLF CLUB AND HEAD INCLUDING ALIGNMENT INDICATORS," was duly and legally issued to David T. Pelz. David T. Pelz assigned all right, title, and interest in and to the '798 Patent to Callaway Golf. A true and correct copy of the '798 Patent is attached as Exhibit A of this Complaint.

9. Callaway Golf was assigned all rights in the '798 Patent and at all times relevant hereto has been the lawful owner of all rights, title, and interest in the '798 Patent.

///

10. Callaway Golf is the sole owner of the '798 Patent.

11. Callaway Golf manufactures and sells the Odyssey White Hot "2-Ball" Putter (the "2-Ball Putter"), which incorporates and uses the technology that is covered by the '798 Patent.

12. Defendant has manufactured, offered for sale, sold and delivered in the United States a Vortex Plus ("Vortex") putter.

PATENT INFRINGEMENT
Count I
(U.S. Patent No. 4,688,798)

13. Callaway Golf realleges and incorporates the allegations of paragraphs 1-12 as if fully set forth herein.

14. Defendant has manufactured, offered for sale, sold and delivered in the United States its Vortex putter, which literally and under the doctrine of equivalents infringes the claims of the '798 Patent in violation of 35 U.S.C. Section 271.

15. Defendant is actively inducing others to infringe, and/or committing acts of contributory infringement, of one or more claims of the '798 Patent through its activities related to making, using, importing, offering for sale, and/or selling its infringing products or causing infringing products to be made, used, imported, offered for sale, and/or sold in the United States, all in violation of 35 U.S.C. § 271.

16. Callaway Golf has been damaged and has suffered irreparable injury due to acts of infringement by defendant and will continue to suffer irreparable injury unless defendant's activities are enjoined.

17. Callaway Golf has suffered and will continue to suffer substantial damages by reason of defendant's acts of patent infringement as alleged above and Callaway Golf is entitled to recover from defendant the damages sustained as a result of defendant's acts.

18. Defendant has willfully and deliberately infringed the '798 Patent in disregard of Callaway Golf's rights.

///

///

PRAYER FOR RELIEF

WHEREFORE, Callaway Golf prays that the Court enter judgment:

- a) In favor of Callaway Golf and against defendant on all of Callaway Golf's claims;
- b) That defendant has infringed United States Patent No. 4,688,798;
- c) That defendant has induced infringement and/or contributorily infringed United

States Patent No. 4,688,798;

d) Immediately, preliminary, and permanently enjoining and restraining defendant, its officers, agents, subsidiaries, servants, partners, employees, attorneys and all others in active concert or participation with defendant from:

1. Making, using, selling, importing, or offering to sell any Vortex putter or any colorable imitations thereof;

2. Making, using, selling, importing, or offering to sell any goods that in any way infringe, either literally or under the doctrine of equivalents, the '798 Patent; and

3. Inducing or contributorily infringing the '798 Patent.

e) Ordering defendant to account for and pay over to Callaway Golf all damages sustained by Callaway Golf and all profits obtained by defendant as a result of its infringement;

f) That defendant's infringement of the '798 Patent was willful;

g) For an award of damages adequate to compensate Callaway Golf for defendant's infringement of the '798 Patent, but no less than a reasonable royalty, with interest, including pre-judgment interest, and a trebling of such damages due to defendant's willful and deliberate infringement;

h) For monetary damages in an amount according to proof;

i) For interest on said damages at the legal rate from and after the date such damages were incurred;

j) That this is an exceptional case and for an award for Callaway Golf's attorneys' fees and costs; and

k) For such other relief as the Court may deem just and proper.

///

DEMAND FOR JURY TRIAL

Plaintiff Callaway Golf hereby demands a jury trial as to all issues that are so triable.

Dated: May 24, 2002

FISH & RICHARDSON P.C.

By: Juanita R. Brooks
Juanita R. Brooks
Daniel T. Pascucci
Andrew D. Skale

Attorneys for Plaintiff,
CALLAWAY GOLF COMPANY

10186794.doc

United States Patent [19]

[11] Patent Number: **4,688,798**

Pelz

[45] Date of Patent: **Aug. 25, 1987**

- [54] **GOLF CLUB AND HEAD INCLUDING ALIGNMENT INDICATORS**
- [76] Inventor: **David T. Pelz, 37 Tamarisk Cir., Abilene, Tex. 79605**
- [21] Appl. No.: **787,109**
- [22] Filed: **Oct. 15, 1985**
- [51] Int. Cl.⁴ **A63B 69/36**
- [52] U.S. Cl. **273/164; 273/168; 273/169; 273/80 C**
- [58] Field of Search **D21/219; 273/163 R, 273/163 A, 164, 183 D, 183 C, 186 A, 186 C, 167 F, 168, 169, 171; 40/317**

3,884,477	5/1975	Bianco	273/183 D
3,918,720	11/1975	Gordos	273/183 C
4,278,254	7/1981	Simjian	273/183 C
4,411,431	10/1983	Judice	273/183 C

FOREIGN PATENT DOCUMENTS

109891	10/1917	United Kingdom	273/163 R
--------	---------	----------------------	-----------

Primary Examiner—George J. Marlo
Attorney, Agent, or Firm—N. J. Aquilino

[57] **ABSTRACT**

A putter type golf club alignment system wherein a ball to be struck forms an extension of the alignment indicia on the golf club to provide an indication that the putter head is properly aligned with the ball and the intended target line, including a putter club head, having an upper surface, and a ball striking face wherein the upper surface of the club head is provided with a plurality of simulated golf balls aligned in a row perpendicular to the ball striking face, the simulated balls in use forming a straight line row with the ball to be struck when the putter is properly aligned.

[56] **References Cited**
U.S. PATENT DOCUMENTS

D. 245,437	8/1977	Thiel	D21/219
1,485,272	2/1924	Kinsman	273/164
1,526,951	2/1925	Beaumont	273/163 R
2,447,967	8/1948	Stone	273/164
3,333,854	8/1967	White	273/164
3,343,839	9/1967	Borah	273/164 X
3,708,172	1/1973	Rango	273/164
3,779,398	12/1973	Hunter	273/164 X

15 Claims, 12 Drawing Figures

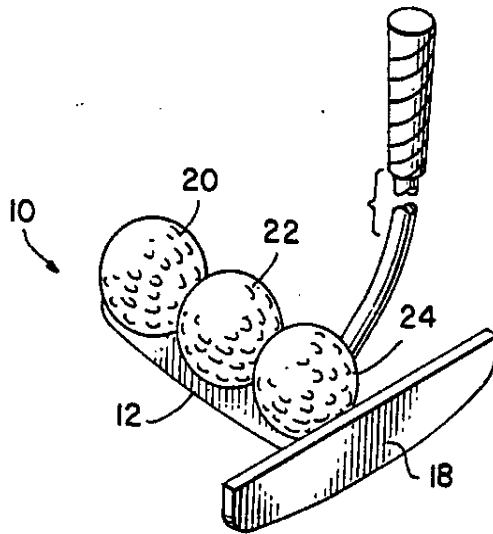


FIG. 1.

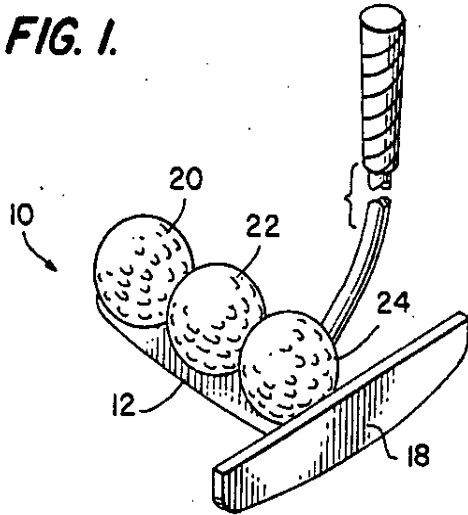


FIG. 2.

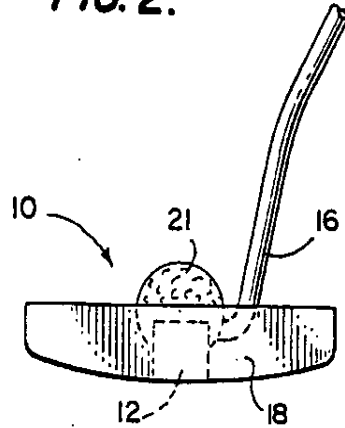


FIG. 3.

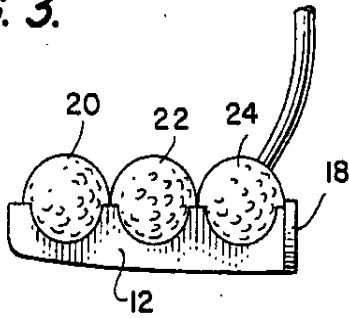


FIG. 4.

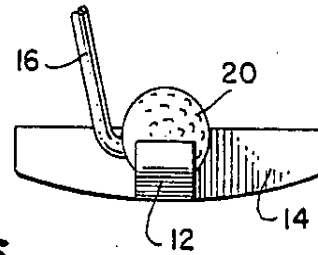


FIG. 5.

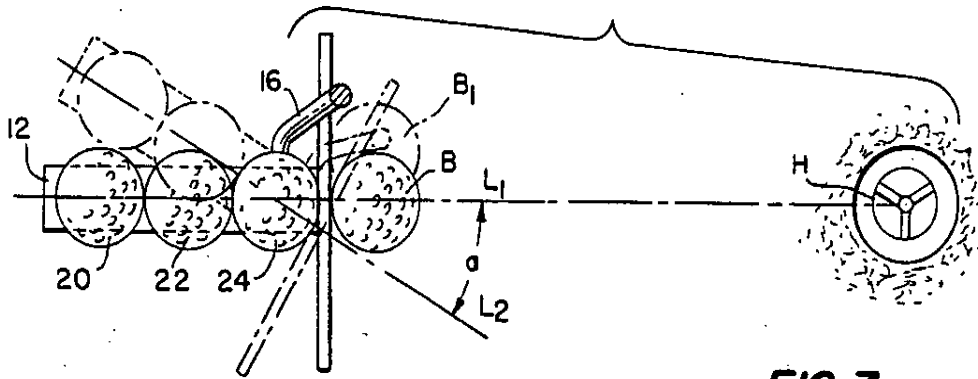


FIG. 6.

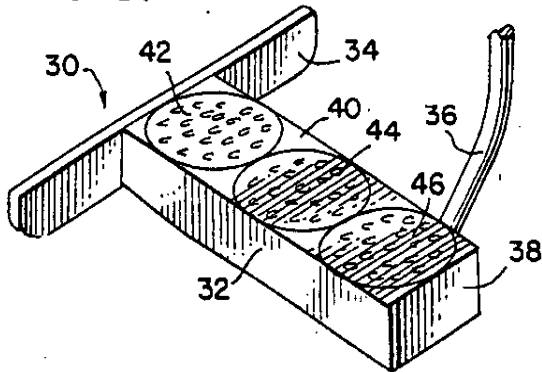


FIG. 7.

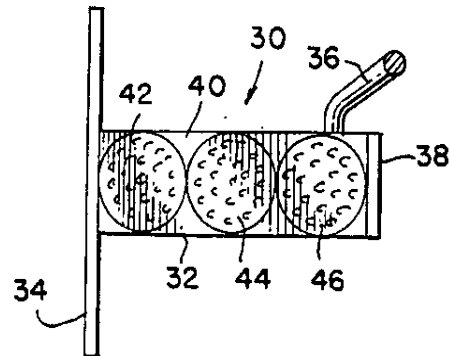


FIG. 8.

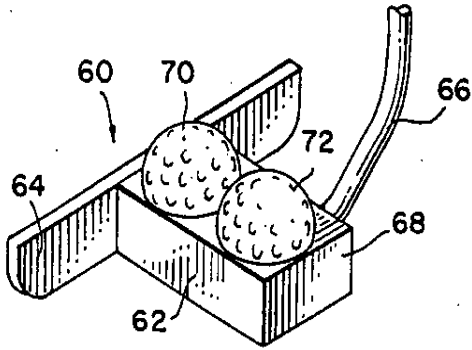


FIG. 10.

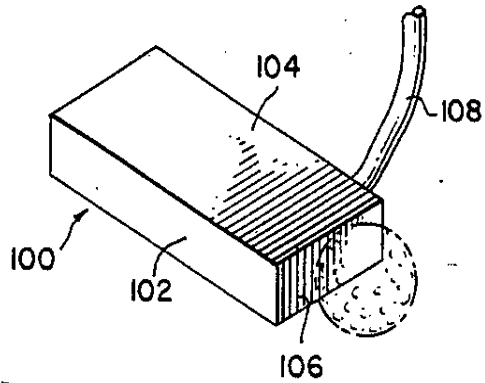


FIG. 9.

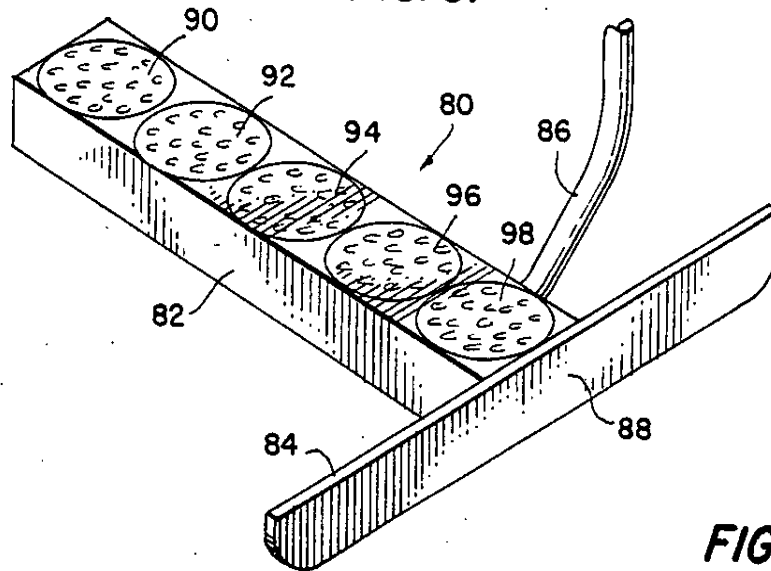


FIG. 11.

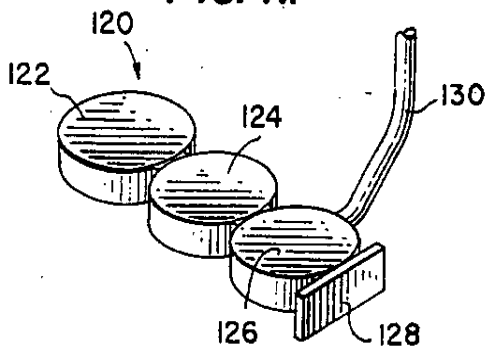
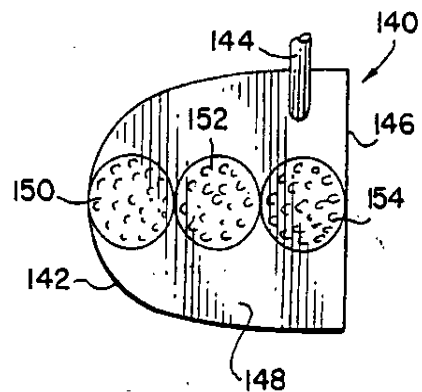


FIG. 12.



GOLF CLUB AND HEAD INCLUDING ALIGNMENT INDICATORS

BACKGROUND OF THE INVENTION

The present invention relates to a golf club alignment system and more particularly to an alignment system for a putter type golf club.

In the game of golf perhaps the single most important stroke is a putt where the ball is hit into the hole to determine the score for the player. The putt requires accuracy in the force of the stroke as well as in the direction the ball is struck in order for it to end up in the hole. In this regard, alignment of the putter head relative to the intended target line becomes of primary importance since a mis-aligned golf club will require an adjustment in the stroke in order to hit the ball into the hole. Proper alignment of a golf club to both a ball and an intended target line is one of the most prevalent problems existing in the game of golf today.

Various types of alignment systems are known in the prior art of golf clubs. Sighting line and sighting devices have been used on and in combination with golf putter heads. Among the better known prior art alignment devices for putters are those shown in the patent to McCabe, U.S. Pat. No. 3,880,430. Other related prior art are shown in U.S. Pat. Nos. to Delgadillo, D230,615, McCord D241,563, Boyce, 1,654,916, Borah 3,343,839, White 3,333,854, Antonious 3,408,074 and Bianco 3,884,477.

The proper alignment of a golf club and ball relative to the golf club and the proper alignment the club head itself relative to a target line is a twofold process. First the ball must be properly positioned with respect to the ideal point of impact on the golf club striking face at the center of percussion. Then the golf club must be properly aligned with the intended target line.

Many of the prior art alignment devices of the type described above have aided golfers in those alignment processes, however, difficulties nonetheless arise when certain players attempt to align a round golf ball with a point, line or another single representation of a golf ball. There is no precise point of reference with which to make a proper straight line alignment because two objects which are aligned or placed together provide a straight line in an infinite number of positions relative to one another. In the case where a straight line is used to be aligned with a round object, it is helpful but nonetheless difficulties arise aligning objects of one shape with another. On the other hand, it is a rather simple optical exercise for the human eye to align an element or object in a straight line with a previously established straight line of identical shaped or dimensioned elements. This is true with a golf ball which easily can be aligned in a row with a previously aligned row of balls or simulated golf balls to form an extended straight line. This concept is used in the present alignment system.

SUMMARY OF THE INVENTION

The present invention is directed to a putter type golf club having an improved alignment system. The alignment system incorporates the ball to be struck which forms an extension of the alignment indicia on the golf club.

The alignment system incorporates the ability of the human optical system to align a plurality of objects in a row. The system provides a golf club head, including a fixed representation of a plurality of golf balls on the

upper surface thereof, which are in a straight line and orientated perpendicular to the club striking face. The balls are aligned with the golf ball to be struck, in order to provide an extended row of golf balls in a straight line in the direction of the target. The golf ball representations on the putter preferably will be in the form of three dimensional, dimpled ball surfaces. Alternately the balls on the club head may be in the form of essentially two-dimensional golf ball designs on a relatively flat surface of the club head or a longitudinal line having identical dimensions to the width of the ball to be struck.

The present invention permits a golfer to place the ball relative to the previously established line of balls on the putter, thereby automatically positioning the ball at the center of percussion of the putter, and permits the golfer to use the extended line of balls formed therefrom, for more easily aiming the club at the intended target line.

One of the objects of the present invention is to provide a putter whereby the ball may be readily positioned opposite to center of percussion of the golf club. Another of the objects of the present invention is to provide a putter type golf club with an improved alignment system which simulates a row of golf balls in a straight line in the direction a ball is to be struck when the alignment is properly made.

The invention and its objects will be more readily understood from the following specification and accompanying drawings.

DESCRIPTION OF THE DRAWINGS

FIG. 1 is a perspective view of the putter head of the present invention;

FIGS. 2 is front elevational view of the putter head of FIG. 1;

FIG. 3, is a side elevational view of the putter head of FIG. 1;

FIG. 4 is a rear elevational view of the putter head of FIG. 1;

FIG. 5 is a top plan view of the putter head of FIG. 1;

FIG. 6 is a perspective view of another embodiment of a putter head of the present invention;

FIG. 7 is a top plan view of the putter head of FIG. 6;

FIG. 8 is a perspective view of a third embodiment of the putter head of the present invention.

FIG. 9 is a perspective view of a fourth embodiment of the putter head of the present invention.

FIG. 10 is a perspective view of a fifth embodiment of the putter head of the present invention;

FIG. 11 is a perspective view of a sixth embodiment of the putter head of the present invention; and

FIG. 12 is a top plan view of a seventh embodiment of the putter head of the present invention.

DESCRIPTION OF THE PREFERRED EMBODIMENTS

Referring to FIGS. 1 to 5 of the drawing, a first embodiment of a putter type golf club 10 includes a body 12, a forward wing like member 14, a shaft 16 and a ball striking face 18. The upper surface of the body 12 is provided with a plurality of three dimensional simulated golf balls 20, 22 and 24. The balls are arranged in a row so that a straight line L1 passes through the center of each of the balls 20, 22 and 24 and through the

percussion center of the putter head, and is perpendicular to the striking face 18. Referring to FIG. 5, when a golf ball B which is to be struck by the golf club 10 is properly aligned with the three balls 20, 22 and 24, the line L1, passes directly through the center of the Ball B.

Since the center of percussion is on the line L1, through the simulated balls 20, 22 and 24, it becomes readily apparent that a ball B1, shown in phantom and mis-aligned with line L1, would also be offset from the center of percussion. If an extended line formed by the entire golf club 10 (also shown in phantom) and the ball B1 is mis-aligned from the intended target line L1, this misalignment becomes readily apparent to the human eye. By using the three balls 20, 22 and 24 and the fourth ball B to be struck, the extended row of balls, formed by this proper alignment, is readily aimed at a hole H and it is a relatively simple matter to manipulate the golf club 10 until the desired direction toward the hole H is visually achieved.

FIGS. 6 and 7 show a second embodiment of a putter type golf club 30 of the present invention including a body 32, a rearward wing-like member 34, a shaft 36 and a ball striking face 38. In this embodiment the body 32 is generally rectangular in shape and includes an essentially flat upper surface 40, which is provided with a visual two-dimensional simulation of a plurality of golf balls 42, 44 and 46. The simulation of golf balls is created, for example, by painting or applying decals on the upper surface 40 of the golf club 30.

It will be appreciated that the similar visual effect will be created with the two dimensional balls 42, 44 and 46 as with the three dimensional design of FIGS. 1 to 5 and this embodiment is used the same way to properly align the golf club 30 with the ball and target line.

FIG. 8 shows still another embodiment of a putter type golf club 60 of the present invention including a body 62, a rearward wing-like member 64, a shaft 66 and a ball striking face 68. In this embodiment the upper surface of the body 62 carries only two simulated golf balls 70 and 72, which are shown in the three dimensional form; although it will be appreciated that a two-dimensional form of the type shown in FIGS. 6 and 7 would be equally applicable. The two ball simulation on the top of the golf club 60 operates in the same way as a three ball embodiment although it is somewhat more difficult to visualize a straight line using only two balls on the golf club 60.

FIG. 9 shows a fourth embodiment of a putter type golf club 80 of the present invention including a body 82, a forward wing-like member 84, a shaft 86 and a ball striking face 88. In this embodiment the upper surface of the body 82, carries five simulated golf balls 90, 92, 94, 96 and 98 shown in a two-dimensional form. As with the other embodiments, two-dimensional and three-dimensional simulations of golf balls are interchangeable. The club head 80 operates in the same way as the three ball embodiment although the larger number of simulated balls make it somewhat easier to align the club head 80 toward a target and to align it with a ball (not shown) with the larger number of simulated balls.

FIG. 10 illustrates a fifth embodiment of a putter type golf club 100 of the present invention including an elongated rectangular body 102 having an upper surface 104 and a ball striking face 106. A suitable shaft 108 is connected to the body 102 as shown. The width of the upper surface 104 is preferably identical, or nearly so to the diameter of a golf ball, namely 1.68 inches. The upper surface 104 may be white, optic orange, optic

yellow or any other color in order to optically conform to the color of the ball. With this structure, the upper surface 104 will act as alignment indicia which can be aligned with a ball because of the similar dimensions and which can be used with the ball as an extension of the indicia for alignment purposes toward the target.

FIG. 11 shows a sixth embodiment of the putter type golf club 120 of the present invention including a plurality of discs 122, 124 and 126 which are dimensioned to simulate the diameter of a golf ball. The club 10 includes a ball striking face 128 and a shaft 130. Each disc preferably would be the color of a golf ball and may include a dimple pattern to further simulate a plurality of golf balls aligned in a row.

FIG. 12 shows a more conventional type golf club head 140 including a body 142 having a shaft 144 and a ball striking face 146. The upper surface 148 includes a series of simulated golf balls 150, 152 and 154. The club head 140 is aligned with a golf ball to be struck and target line as described herein above.

Other changes may be made in keeping within the scope of the invention. For example, the objects on the top surface of the club head need not be simulated golf balls. Circle or even other geometrical shapes of various sizes could be used with similar results.

I claim:

1. A golf club including a putter type golf club head having a body, an upper surface on said body, and a ball striking face, and wherein the improvement comprises: alignment means on said upper surface of said golf club head; said alignment means being formed of a plurality of adjacent indicators each of which has substantially the same shape and diameter and corresponds generally to the appearance of a golf ball to be struck by said club head; each of said indicators being located along a line extending perpendicular to and in line with the center of said ball striking face and through the centers of said indicators; whereby, in use, said plurality of indicators form an aiming line and said ball to be struck forms an extension of said aiming line.
2. The golf club head of claim 1 wherein said plurality of indicators are three-dimensional, hemispherically shaped forms.
3. The golf club head of claim 1 wherein said plurality of indicators are two-dimensional circular shaped forms.
4. The golf club head of claim 1 wherein said plurality of indicators are three.
5. The golf club head of claim 1 wherein said plurality of indicators include markings having the appearance of a plurality of golf ball dimples providing further the appearance of a golf ball.
6. The golf club head of claim 1 wherein said body is an elongated block.
7. The golf club head of claim 6 wherein said block is formed with a width having substantially the same dimension as the diameters of said indicators and the golf ball to be struck.
8. The golf club head of claim 7 wherein said indicators on said upper surface of said rectangular block are two-dimensional and circular shaped forms.
9. The golf club head of claim 1 wherein said body is a series of discs, the diameters of which are substantially the same as the diameters of said indicators and said golf ball to be struck.

5

6

10. The golf club head of claim 1 wherein said diameter of said indicators is approximately 1.68 inches.

11. A golf club head comprising an elongated body having a longitudinal axis, said body including an upper surface, a ball striking face formed on one end of said body, said ball striking face having a length substantially greater than the width of said elongated body and said ball striking face presenting a flat planar surface perpendicular to said longitudinal axis of said body, and wherein the improvement comprises:

alignment means on said upper surface of said golf club head; said alignment means being formed of a plurality of adjacent indicators each of which has substantially the same shape and diameter and corresponds generally to the appearance of a golf ball to be struck by said club head; each of said indicators being located along a line extending perpendicular to and in line with the center of said ball

striking face and through the centers of said indicators;

whereby, in use, said plurality of indicators form an aiming line and said ball to be struck forms an extension of said aiming line.

12. The golf club head of claim 11 wherein said plurality of indicators are three-dimensional, hemispherically shaped forms.

13. The golf club head of claim 11 wherein said plurality of indicators include markings having the appearance of a plurality of golf ball dimples providing further the appearance of a golf ball.

14. The golf club head of claim 11 wherein said body is an elongated block.

15. The golf club head of claim 14 wherein said indicators on said upper surface of said elongated block are two-dimensional and circular shaped forms.

* * * * *

20

25

30

35

40

45

50

55

60

65

TO: Commissioner of Patents and Trademarks Washington, D.C. 20231	REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT
--------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------

In compliance with the Act of July 19, 1952 (66 Stat. 814; 35 U.S.C. 290) you are hereby advised that a court action has been filed on the following patent(s) in the U.S. District Court:

DOCKET NO. 02cv1028K (CGA)	DATE FILED 5/24/02	U.S. DISTRICT COURT United States District Court, Southern District of California
PLAINTIFF Callaway Golf Company		DEFENDANT Technique Golf LLC
PATENT NO.	DATE OF PATENT	PATENTEE
1. 4,688,798	Aug 25, 1987	David T. Pelz
2.		
3.		
4.		
5.		

In the above-entitled case, the following patent(s) have been included:

DATE INCLUDED	INCLUDED BY <input type="checkbox"/> Amendment <input type="checkbox"/> Answer <input type="checkbox"/> Cross Bill <input type="checkbox"/> Other Pleading			
PATENT NO.	DATE OF PATENT	PATENTEE		
1				
2				
3				
4				
5				

In the above-entitled case, the following decision has been rendered or judgment issued:

DECISION/JUDGMENT		
CLERK	(BY) DEPUTY CLERK	DATE

Copy 1 - Upon initiation of action, mail this copy to Commissioner Copy 3 - Upon termination of action, mail this copy to Commissioner
 Copy 2 - Upon filing document adding patent(s), mail this copy to Commissioner Copy 4 - Case file copy

I. (a) PLAINTIFFS

CALLAWAY GOLF COMPANY, a Delaware corporation,

DEFENDANTS

TECHNIQUE GOLF LLC, doing business as TIGER SHARK GOLF, a Michigan limited liability corporation

(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF San Diego
 (EXCEPT IN U.S. PLAINTIFF CASES)

CLERK, U.S. DISTRICT COURT
 SOUTHERN DISTRICT OF CALIFORNIA
 COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT
 (IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED. DEPUTY

(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)
 FISH & RICHARDSON P.C.
 4350 La Jolla Village Drive
 Suite 500
 San Diego, California 92122
 (858) 678-5070

ATTORNEYS (IF KNOWN)

02 CV 1028 K (CGA)

II. BASIS OF JURISDICTION (PLACE AN 'X' IN ONE BOX ONLY)

- 1 U.S. Government Plaintiff
 2 U.S. Government Defendant
 3 Federal Question (U.S. Government Not a Party)
 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (PLACE AN 'X' IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)

	PT	DEF		PT	DEF
Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business in This State	<input checked="" type="checkbox"/> 4	<input type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5	<input checked="" type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

IV. CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE. DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY.) This is a civil action for patent infringement arising under the patent laws of the United States of America: Title 35, U.S. Code, Sections 271, 281, 283, 284 and 285.

V. NATURE OF SUIT (PLACE AN "X" IN ONE BOX ONLY)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Medical Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input checked="" type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (13958) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS - Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reappointment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes <input type="checkbox"/> 890 Other Statutory Actions
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motion to Vacate Sentence HABEAS CORPUS: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Conditions		

VI. ORIGIN

(PLACE AN "X" IN ONE BOX ONLY)

- 1 Original Proceeding
 2 Removal from State Court
 3 Remanded from Appellate Court
 4 Reinstated or Reopened
 5 Transferred from another district (specify)
 6 Multidistrict Litigation
 7 Appeal to District Judge from Magistrate Judgment

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 DEMAND \$

CHECK YES only if demanded in complaint:
 JURY DEMAND: YES NO

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE _____

Docket Number _____

DATE SIGNATURE OF ATTORNEY OF RECORD

May 24, 2002

Juanita R. Brooks

Juanita R. Brooks

PD \$150.00 5/24/02 #82899 VB