

4950 Jennie Kate lane  
Lexington Kentucky 40510

**Ben Afshari**

**United States District Court  
Eastern District Of Kentucky  
Central Division  
Lexington**

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Ben Afshari

Plaintiff,

V.

Escalade Inc, Bear Archery Inc., SOP services Inc.,  
and Jack Bowman

Defendants.

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Case Number

Demand For Jury  
Trial

**1<sup>st</sup> AMENDED COMPLAINT**

Plaintiff Ben Afshari, for its complaint of patent infringement against defendant Escalade Inc. Bear archery inc and SOP services Inc. and Jack Bowman, Vice President and General Manager of Bear Archery alleges as follows:

**THE PARTIES**

1. Plaintiff, Ben Afshari, is an individual under the laws of the United States of America, representing himself, prose.
2. Defendant, SOP Services, Inc. is a corporation organized under the laws of the State of Nevada, and has a principal place of business at 2325-B Renaissance Drive, Suite 10, Salvages, Nevada 89119.
3. Defendant, Bear Archery Inc., is a corporation organized under the laws of

state of Florida, and has a principal place of business at 817 Maxwell Avenue, Evansville, IN 47711.

4. Defendant Escalade Inc is a corporation organized under the laws of the state of Indiana, and has a principal place of business at 817 Maxwell Avenue, Evansville, IN 47711.
5. Jack Bowman, Vice president and General Manager place of work, 817 Maxwell Avenue, Evansville IN 47711.
6. On information and belief Escalade Inc., Bear Archery Inc., and SOP services Inc., at all times material hereto, have conducted business in the State of Kentucky.
7. On information and belief that Jack Bowman has influenced and induced the sale and marketing of infringing product offered by Bear Archery Inc., and Escalade Inc. in State of Kentucky.

#### **JURISDICTION AND VENUE**

8. This action arises under the patent laws of the United States, 35 U. S. C. §§ 271, 281, 283-285. Subject matter jurisdiction is conferred on this court by 28 U.S.C. §§ 1331 and 1338(a). Venue is proper in this court under 28 U.S.C. §§ 1391(b), 1391(c) and/or 1400(b).

#### **BACKGROUND**

9. On April 27<sup>th</sup> 2004, United States Letters Patent No. 6,725,854 ("the '854 patent") was issued for an invention entitled "Illuminated Sight Pin" with a priority date of Jan 26<sup>th</sup> 2001, Ben Afshari as the inventor. A true and correct copy of the 854 patent is attached hereto as Exhibit "A".
10. On March 17<sup>th</sup> 2009, United States Letters Patent No. 7,503,321 ("the '321 patent") was issued for an invention entitled "Illuminated Sight Pin" with priority date Jan 26 2001, Ben Afshari as the inventor. A true and correct copy of the 321 patent is attached hereto as Exhibit "B".
11. The '854 and 321 patents are directed to, an archery bow sight system which includes a sight pin, a sight pin guard, a long fiber optic member, a pin attachment portion, and a wrapped portion when one end of fiber optic member is attached through a hole which is at one end of the sight pin and a portion of the fiber optic is at least partially wrapped for gathering light and exposing it from

the ends of the fiber optic member.

12. On information and belief, defendants Escalade Inc., Bear archery Inc., SOP Services Inc., and Jack Bowman have engaged in providing users with various versions of paragraph 8 above since 2006 until now. These products are so far identified as. Foxfire SP, Outlaw, Judge, Cypher, MicroCypher, Hitman, Drive Slider, V5, V3, Alpha, and Pursuit.

13. The technology covered by the '321 and 854 patents enables archers to hunt confidently during the dusk and dawn without being worried about seeing their sight pin tip for accurate shot placement.

### **COUNT I**

#### **PATENT INFRINGEMENT**

14. Paragraphs 1-13 above, inclusive, are hereby incorporated herein by reference.

15. Defendants Escalade Inc., Bear Archery Inc., and SOP Services Inc., and Jack Bowman, have manufactured, sold or offered to sell, and will continue to Manufacture, sell or offer to sell, bow sights which incorporates all elements of 854 and 321 patents.

16. By manufacturing, selling, and/or offering for sale its bow sight (correction) system, defendants, Escalade Inc., Bear archery Inc., SOP services Inc., and Jack Bowman, have directly and contributory infringed, and will continue to directly and contributory infringe, claim 7 and 12 of 854 patent under 35 U.S. C. § 271 (a), (b), (c), and/or (f), literally and/or under the doctrine of equivalents.

17. By manufacturing, selling, and/or offering for sale its "Bow Sight System" (correction), defendants Escalade Inc., Bear Archery Inc., SOP services Inc., and Jack Bowman, have directly and contributory infringed, and will continue to directly and contributory infringe, claim 1, 5, 6, 7, 8, 9, 13, 14, 15, 17, 18, 19, 20, 21, 25, 26 of 321 patent under 35 U.S. C. § 271 (a), (b), (c), and/or (f), literally and/or under the doctrine of equivalents.

18. By making, using, selling, and/or offering for sale certain bow sights, defendants Escalade Inc., Bear Archery Inc., SOP services Inc., and Jack Bowman, have induced infringement of, and will continue to induce infringement of, more than one claim from 854 and 321 patents under 35 U.S. C. § 271 (b), and/or (f), literally and/or under the doctrine of equivalents.

19. On information and belief, Escalade Inc., Bear Archery Inc., SOP services

Inc., and Jack Bowman infringement of the '854 and 321 patents have been, and continues to be, willful and deliberate.

20. As a direct and proximate consequence of the acts and practices of the defendants, plaintiff Ben Afshari has been, is being, and unless such acts and practices are enjoined by the court, will continue to be injured in its business and property rights, and has suffered, is suffering, and will continue to suffer injury and damages for which it is entitled to relief under 35 U.S.C. § 284.

21. As a direct and proximate consequence of the acts and practices of the defendants. Defendants have also caused, is causing, and, unless such acts and practices are enjoined by the court, will continue to cause irreparable harm to Ben Afshari, for which there is no adequate remedy at law, and for which the plaintiff is entitled to injunctive relief under 35 U. S. C. § 283.

### **PRAYER FOR RELIEF**

WHEREFORE, plaintiff Ben Afshari prays for the entry of a judgment from this court:

- a. Declaring that United States Letters Patent 6,725,854 and 7,503,321 was duly and legally issued, is valid, and is enforceable.
- b. Declaring that defendants Escalade Inc., Bear Archery Inc., SOP Services Inc., and Jack Bowman have directly infringed, contributory infringed, and/or induced infringement of Several Claims from 854 and 321 patents;
- c. Declaring that defendant Escalade Inc., Bear Archery Inc., and SOP Services Inc., have willfully infringed one or more claims of 854 and 321 patents.
- d. Deeming this to be an "exceptional" case within the meaning of 35 U.S.C. § 285, entitling plaintiff to an award of its reasonable attorney fees, expenses and costs in this action.
- e. Preliminarily and permanently enjoining the defendants Escalade Inc., Bear Archery Inc., SOP Services Inc., and Jack Bowman, as well as its respective officers, agents, servants, employees, and attorneys, and those persons in active concert or participation with them who receive actual notice of the order by personal service or otherwise, from committing further acts of infringement under 35 U.S.C. § 271 of Claims 1, 5, 6, 7, 8, 9, 13, 14, 15, 17, 18, 19, 20, 21, 25, 26 of 321 under 35 U.S.C. § 283;
- f. Preliminarily and permanently enjoining defendant Escalade Inc., Bear Archery Inc., SOP Services Inc., and Jack Bowman, as well as its respective officers, agents, servants, employees, and attorneys, and those persons in active concert or participation with them who receive actual notice of the order by personal service or otherwise, from committing

further acts of infringement under 35 U.S.C. § 271 of Claims 7 and 12 of 854 patent under 35 U.S.C. § 283;

g. Awarding plaintiff damages in accordance with 35 U.S.C. § 284;

h. Awarding plaintiff its costs in connection with this action; and

i. Awarding plaintiff such other and further relief as this court may deem to be just and proper.

j. Preliminarily stop Escalade Inc., Bear Archery Inc., SOP services Inc., and Jack Bowman, from selling, marketing, and manufacturing all infringing products including: Outlaw, Judge, Cypher, MicroCypher, Hitman, Drive Slider, V5, V3, Alpha, and Pursuit

Amended Date:

Dated: March 29th 2012

Ben Afshari

By: 

4950 Jennie Kate lane

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