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Easton Technical Products, Inc.

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION**

EASTON TECHNICAL PRODUCTS, INC., a
Utah corporation;

Plaintiff,

vs.

BLACK EAGLE ARROWS, LLC, a Georgia
corporation,

Defendant.

COMPLAINT

Case No. _____

(JURY DEMAND)

Plaintiff Easton Technical Products, Inc. ("Easton") complains against Defendant Black Eagle Arrows, LLC ("BEA") and alleges as follows:

PARTIES

1. Easton is a Utah corporation having its principal place of business in Salt Lake City, Utah.

2. For decades, Easton has been an industry leader in the manufacture and sale of high-quality archery equipment. Easton offers a full line of arrows for a variety of applications. Easton also sells other high-quality archery equipment and archery-related products and equipment.

3. On information and belief, BEA is a corporation organized and existing under Georgia law and having its principal place of business at 127 Ridge View Drive, Ballground, Georgia.

4. BEA also sells archery products, components, gear, and accessories, including but not limited to hunting arrows.

JURISDICTION AND VENUE

5. This is an action for patent infringement under 35 U.S.C. § 271. This court has original subject matter jurisdiction over this controversy pursuant to 28 U.S.C. § 1331 and 1338(a).

6. This Court has personal jurisdiction over BEA because, upon information and belief, BEA regularly transacts business in the State of Utah, including selling, offering for sale, and/or advertising products such as hunting arrows and related components, gear, and accessories, including the arrows accused of infringement in this complaint. Upon information and belief, BEA sells these products via its website (www.blackeararrows.com) and in brick and mortar stores, such as Ogden Archery, Ziis Outdoors, Camofire, Big Chief Hunting Co., Dark Canyon Archery, Quakie Ridge Archery, and Sticks and Strings, Inc., all of which are in Utah. BEA has continuous and systematic contacts with Utah, has committed and continues to commit acts of patent infringement in Utah, and has harmed and continues to harm Easton by selling and offering to sell infringing products in Utah from which it earns substantial revenues.

7. Venue is proper in this district pursuant to 28 U.S.C. § 1391 because this Court has personal jurisdiction over BEA.

GENERAL ALLEGATIONS

THE PATENTS-IN-SUIT

8. Easton is the owner of all right, title, and interest in and to U.S. Patent No. 7,004,859 (“the ’859 patent”), U.S. Patent No. 7,608,001 (“the ’001 patent”), and U.S. Patent No. 7,374,504 (“the ’504 patent”) (collectively “the Patents-in-Suit”). Each of the Patents-in-Suit relate to small diameter hunting arrows. True and correct copies of the ’851 patent, the ’001 patent, and the ’504 patent are attached hereto as Exhibit A.

9. The ’859 patent relates to an “arrow system” and was issued by the United States Patent and Trademark Office to Teddy D. Palomaki and Jacob C. Smith on February 28, 2006 and assigned to Easton.

10. The ’001 patent relates to an “arrow system” and was issued by the United States Patent and Trademark Office to Teddy D. Palomaki and Jacob C. Smith on October 27, 2009 and assigned to Easton.

11. The ’504 patent relates to an “arrow system” and was issued by the United States Patent and Trademark Office to Teddy D. Palomaki and Jacob C. Smith on May 20, 2008 and assigned to Easton.

BEA’S INFRINGING PRODUCT

12. Upon information and belief, BEA makes, uses, sells, and offers for sale a product called Spartan Arrows that infringes each of the Patents-in-Suit.

13. Upon information and belief, the Spartan Arrows comprise an all-composite shaft construction, are hunting arrows, and include a stainless steel RPS insert. True and correct copies of pages from BEA’s 2016 product catalog showing representative images of the Spartan Arrows and the stainless RPS insert used in connection with the Spartan Arrows are attached hereto as Exhibit B. A true and correct copy of a page from BEA’s 2016 product catalog showing the spine and weight measurements for various Spartan Arrows is attached hereto as Exhibit C.

FIRST CAUSE OF ACTION
(PATENT INFRINGEMENT)

14. Easton re-alleges and incorporates by reference all of the foregoing paragraphs.

15. BEA has infringed and continues to infringe the Patents-in-Suit by making, using, selling, and offering for sale infringing small diameter hunting arrows within Utah, as well as throughout the United States.

16. For example, BEA directly infringes at least Claim 1 of the '859 patent by making, using, selling, and offering for sale the Spartan Arrows. Annotated FIG. 12 from the '859 patent demonstrates that the spine and outside diameter of the shafts on the Spartan Arrows falls within the scope of at least claim 1 of the '859 patent. A true and correct annotated copy of FIG. 12 from the '859 patent and the relevant claims are contained in Exhibit D, attached hereto.

17. As another example, BEA directly infringes at least Claim 1 of the '001 patent by making, using, selling, and offering for sale the Spartan Arrows. Annotated FIG. 12 from the '001 patent demonstrates that the spine and outside diameter of the Spartan Arrows falls within the scope of at least claim 1 of the '001 patent. A true and correct annotated copy of FIG. 12 from the '001 patent and the relevant claims are contained in Exhibit D, attached hereto.

18. As another example, BEA directly infringes at least Claim 1 of the '504 patent by making, using, selling, and offering for sale the Spartan Arrows. Annotated FIG. 13 from the '504 patent demonstrates that the weight and outside diameter of the Spartan Arrows falls within the scope of at least claim 1 of the '504 patent. A true and correct annotated copy of FIG. 13 from the '504 patent and the relevant claims are contained in Exhibit D, attached hereto.

19. As a result of BEA's infringement of the Patents-in-Suit, Easton has suffered and continues to suffer substantial injury and is entitled to recover all damages caused by BEA's

infringement of the Patents-in-Suit to the fullest extent the Patent Act allows, together with prejudgment interests and costs for BEA's wrongful conduct.

20. Easton has no adequate remedy at law to prevent future infringement of the Patents-in-Suit. Easton suffers and continues to suffer irreparable harm as a result of BEA's patent infringement and is, therefore, entitled to preliminary and permanent injunctive relief to enjoin BEA's wrongful conduct.

21. Upon information and belief, BEA has knowledge of the Patents-in-Suit. Upon information and belief, BEA has committed its infringing acts with knowledge of each of the Patents-in-Suit, despite an objectively high likelihood that its actions constituted infringement. BEA's infringement has, thus, been willful, intentional, and purposeful.

PRAYER FOR RELIEF

WHEREFORE, Easton respectfully requests judgment against BEA as follows:

A. That the Court enter judgment that the Patents-in-Suit have each been and continue to be infringed by BEA;

B. That the Court enter a preliminary and a permanent injunction prohibiting BEA from making, using, advertising, selling, and offering for sale the Spartan Arrow and from otherwise infringing any of the Patents-in-Suit;

C. That the Court enter judgment in favor of Easton and against BEA for monetary damages to compensate it for BEA's infringement of the Patents-in-Suit pursuant to 35 U.S.C. § 284, including costs and pre-judgment interest as allowed by law;

D. That the Court enter judgment in favor of Easton and against BEA for accounting and/or supplemental damages for all damages occurring after any discovery cutoff and through the Court's entry of final judgment;

E. That the Court enter judgment that damages be trebled due to BEA's willful infringement;

F. That the Court enter judgment that this case is exceptional under 35 U.S.C. § 285 and enter an award to Easton of its costs and attorneys' fees; and

G. That the Court award Easton all further relief as the Court deems just and proper.

JURY DEMAND

Easton demands that all claims and causes of action raised in this Complaint against BEA be tried to a jury to the fullest extent possible under the United States and the Utah Constitutions.

DATED this 26th day of February, 2016.

Respectfully Submitted,

/s/ Brett L. Foster

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