

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

WARRIOR SPORTS, INC.,
a Michigan corporation,

Case No.

Plaintiff,

Hon.

v.

EASTON-BELL SPORTS, INC.,
a Delaware corporation,

Defendant.

Janet Ramsey (P63285)
Douglas A. Dozeman (P35781)
Hodayune Ghaussi (P63028)
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Attorneys for Plaintiff Warrior Sports, Inc.

COMPLAINT AND DEMAND FOR JURY TRIAL

Plaintiff Warrior Sports, Inc. states its Complaint against Defendant Easton-Bell Sports, Inc. as follows:

The Parties

1. Plaintiff Warrior Sports, Inc. (“Warrior”) is a Michigan corporation having its principal place of business in Warren, Michigan. Warrior is a sports equipment manufacturer that manufactures and sells, among other things, lacrosse stick heads.

2. Upon information and belief, Defendant Easton-Bell Sports, Inc. (“Easton-Bell”) is a Delaware corporation, with a principal place of business at 7855 Haskell Avenue, Suite 200, Van Nuys, CA 91406-1902. Easton-Bell is also a sports equipment manufacturer who manufactures and sells, among other things, lacrosse stick heads. Upon information and belief, Easton Lacrosse is a division of Easton-Bell.

Jurisdiction and Venue

3. This is an action for patent infringement under the Patent Act, 35 U.S.C. § 101 *et seq.*

4. This Court has subject matter jurisdiction under 28 U.S.C. §§ 1331 and 1338(a), as this action arises under the patent laws.

5. Upon information and belief, Easton-Bell makes, sells, and offers for sale lacrosse stick heads throughout the United States and has systematic and continuous dealings within this District.

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

Allegations and Claim for Relief

7. For many years, Warrior has continuously engaged in the development, manufacture, and sale of a wide variety of athletic products. Warrior quickly bypassed other manufacturers and has become one of the premiere sources of sports equipment. The athletic products at issue in this litigation are lacrosse sticks heads.

8. Warrior has taken steps over the years to protect its innovative lacrosse stick heads. In particular, Warrior is and has been the sole owner by assignment of all right, title, and interest to United States Patent RE 38,216 (“the ‘216 Patent”), issued on August 12, 2003 and entitled “Scooped Lacrosse Head.” (**Exhibit 1.**)

9. Warrior is entitled to sue for past and future infringement of the '216 Patent.

10. Easton-Bell is in the business of manufacturing or having manufactured, offering to sell, selling or importing into the United States lacrosse stick heads, in competition with major manufacturers, including Warrior.

11. Easton-Bell 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 '216 Patent. The infringing lacrosse stick heads include, but are not limited to, the Launch and the Stealth HS.

COUNT I - Infringement of the '216 Patent

12. Warrior incorporates by reference all preceding paragraphs.

13. Easton-Bell has been and still is manufacturing, using, offering to sell, selling or importing into the United States lacrosse stick heads, including, but not limited to, the Launch and Stealth HS, that infringe the '216 Patent in violation of 35 U.S.C. § 271(a).

14. Easton-Bell has been and still is actively inducing others to infringe the '216 Patent in violation of 35 U.S.C. § 271(b).

15. Easton-Bell's infringement of the '216 Patent has been intentional and willful, making this an exceptional case.

16. Easton-Bell's continued infringement of the '216 Patent has damaged and will continue to damage Warrior.

17. By reason of Easton-Bell's infringement of the '216 Patent, Warrior has been irreparably harmed, and unless and until Easton-Bell is enjoined by this Court, Warrior will continue to suffer irreparable damage and injury for which it has no adequate remedy at law.

WHEREFORE, Warrior respectfully requests the following relief:

- A. Judgment that Easton-Bell has infringed and actively induced others to infringe the '216 Patent;
- B. A permanent injunction enjoining Easton-Bell, 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 '216 Patent;
- C. An award of damages adequate to compensate Warrior for Easton-Bell's infringement, but in no event less than a reasonable royalty under 35 U.S.C. § 284;
- D. An order trebling all damages awarded to Warrior by reason of Easton-Bell's willful infringement of the '216 Patent, pursuant to 35 U.S.C. § 284;
- E. An order awarding Warrior interest on the damages awarded and its costs pursuant to 35 U.S.C. § 284;
- F. An order finding that this is an exceptional case and award Warrior its reasonable costs 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 25, 2012

/s/ Janet Ramsey

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