

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN

WARRIOR SPORTS, INC.,
a Michigan corporation,

Case No.

Plaintiff,

Hon.

v.

TRIBE7 LACROSSE LLC,
a New York limited liability company,

COMPLAINT AND
DEMAND FOR JURY TRIAL

Defendant.

Douglas A. Dozeman (P35781)
Janet Ramsey (P63285)
Hodayune Ghaussi (P63028)
WARNER NORCROSS & JUDD LLP
900 Fifth Third Center
111 Lyon NW
Grand Rapids, MI 49503
Telephone: (616) 752-2000
Fax: (616) 222-2736
ddozeman@wnj.com
jramsey@wnj.com
hghaussi@wnj.com
Attorneys for Plaintiff Warrior Sports, Inc.

Plaintiff Warrior Sports, Inc. states its Complaint against Defendant Tribe7
Lacrosse, LLC 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, protective sports gloves.

2. Upon information and belief, Defendant Tribe7 Lacrosse, LLC (“Tribe7”) is a New York limited liability company, with a principal place of business at 305 East 11th Street,

Suite 4B, New York, New York 10003. Tribe7 also is a sports equipment manufacturer that manufactures and sells, among other things, protective sports gloves.

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 of the United States.

5. Upon information and belief, Tribe7 makes, sells, and offers for sale protective sports gloves 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. As a result, 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 protective sports gloves.

8. Warrior has taken steps over the years to protect its innovative sports equipment, including protective sports gloves. In particular, Warrior is and has been the sole owner by assignment of all right, title, and interest to each of the six United States Patents identified below (collectively referred to as the “Warrior Patents”):

- a. United States Patent 7,900,275 (“the ‘275 Patent”), titled “Protective Sports Glove With Floating Cuff Portion,” issued March 8, 2011. (**Exhibit 1.**)

- b. United States Patent 7,636,951 (“the ‘951 Patent”), titled “Protective Sports Glove With Floating Cuff Portion,” issued December 29, 2009. **(Exhibit 2.)**
- c. United States Patent 7,318,241 (“the ‘241 Patent”), titled “Padded Sports Glove Having Improved Flexibility and Breathability,” issued January 15, 2008. **(Exhibit 3.)**
- d. United States Patent 7,117,540 (“the ‘540 Patent”), titled “Padded Sports Glove Having Improved Flexibility and Breathability,” issued October 10, 2006. **(Exhibit 4.)**
- e. United States Patent 6,813,780 (“the ‘780 Patent”), titled “Padded Sports Glove Having Improved Flexibility and Breathability,” issued November 9, 2004. **(Exhibit 5.)**
- f. United States Patent 6,550,069 (“the ‘069 Patent”), titled “Padded Sports Glove Having Improved Flexibility and Breathability,” issued April 22, 2003. **(Exhibit 6.)**

9. Warrior is entitled to sue for past, present, and future infringement of each of the Warrior Patents.

10. Tribe7 is in the business of manufacturing or having manufactured, offering to sell, selling or importing into the United States various lacrosse products, including protective sports gloves, in competition with major manufacturers, including Warrior.

11. Tribe7 has, without authority or license from Warrior, made, used, offered to sell, sold or imported into the United States protective sports gloves that infringe the Warrior Patents. The infringing protective sports gloves include, but are not limited to, the Tribe7 Ghost7 (the “Tribe7 Ghost7 Gloves”).

COUNT I - Infringement of the '275 Patent by Tribe7

12. Warrior incorporates by reference all preceding paragraphs.

13. Tribe7 has been and still is making, using, offering to sell, selling or importing into the United States lacrosse heads, including, but not limited to, the Tribe7 Ghost7 Gloves, that infringe the '275 Patent in violation of 35 U.S.C. § 271(a).

14. Tribe7 has been and still is actively inducing others to infringe the '275 Patent in violation of 35 U.S.C. § 271(b).

15. Tribe7's infringement of the '275 Patent has been intentional and willful, making this an exceptional case.

16. Tribe7's continued infringement of the '275 Patent has damaged and will continue to damage Warrior.

17. By reason of Tribe7's infringement of the '275 Patent, Warrior has been irreparably harmed, and unless and until Tribe7 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 '951 Patent by Tribe7

18. Warrior incorporates by reference all preceding paragraphs.

19. Tribe7 has been and still is making, using, offering to sell, selling or importing into the United States protective sports gloves, including, but not limited to, the Tribe7 Ghost7 Gloves, at least one of which infringe the '951 Patent in violation of 35 U.S.C. § 271(a).

20. Tribe7 has been and still is actively inducing others to infringe the '951 Patent in violation of 35 U.S.C. § 271(b).

21. Tribe7's infringement of the '951 Patent has been intentional and willful, making this an exceptional case.

22. Tribe7's continued infringement of the '951 Patent has damaged and will continue to damage Warrior.

23. By reason of Tribe7's infringement of the '951 Patent, Warrior has been irreparably harmed, and unless and until Tribe7 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 '241 Patent by Tribe7

24. Warrior incorporates by reference all preceding paragraphs.

25. Tribe7 has been and still is making, using, offering to sell, selling or importing into the United States protective sports gloves, including, but not limited to, the Tribe7 Ghost7 Gloves, at least one of which infringes the '241 Patent in violation of 35 U.S.C. § 271(a).

26. Tribe7 has been and still is actively inducing others to infringe the '241 Patent in violation of 35 U.S.C. § 271(b).

27. Tribe7's infringement of the '241 Patent has been intentional and willful, making this an exceptional case.

28. Tribe7's continued infringement of the '241 Patent has damaged and will continue to damage Warrior.

29. By reason of Tribe7's infringement of the '241 Patent, Warrior has been irreparably harmed, and unless and until Tribe7 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 '540 Patent by Tribe7

30. Warrior incorporates by reference all preceding paragraphs.

31. Tribe7 has been and still is making, using, offering to sell, selling or importing into the United States protective sports gloves, including, but not limited to, the Tribe7 Ghost7 Gloves, at least one of which infringes the '540 Patent in violation of 35 U.S.C. § 271(a).

32. Tribe7 has been and still is actively inducing others to infringe the '540 Patent in violation of 35 U.S.C. § 271(b).

33. Tribe7's infringement of the '540 Patent has been intentional and willful, making this an exceptional case.

34. Tribe7's continued infringement of the '540 Patent has damaged and will continue to damage Warrior.

35. By reason of Tribe7's infringement of the '540 Patent, Warrior has been irreparably harmed, and unless and until Tribe7 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 '780 Patent by Tribe7

36. Warrior incorporates by reference all preceding paragraphs.

37. Tribe7 has been and still is making, using, offering to sell, selling or importing into the United States protective sports gloves, including, but not limited to, the Tribe7 Ghost7 Gloves, at least one of which infringes the '780 Patent in violation of 35 U.S.C. § 271(a).

38. Tribe7 has been and still is actively inducing others to infringe the '780 Patent in violation of 35 U.S.C. § 271(b).

39. Tribe7's infringement of the '780 Patent has been intentional and willful, making this an exceptional case.

40. Tribe7's continued infringement of the '780 Patent has damaged and will continue to damage Warrior.

41. By reason of Tribe7's infringement of the '780 Patent, Warrior has been irreparably harmed, and unless and until Tribe7 is enjoined by this Court, Warrior will continue to suffer irreparable damage and injury for which it has no adequate remedy at law.

COUNT VI - Infringement of the '069 Patent by Tribe7

42. Warrior incorporates by reference all preceding paragraphs.

43. Tribe7 has been and still is making, using, offering to sell, selling or importing into the United States protective sports gloves, including, but not limited to, the Tribe7 Ghost7 Gloves, which infringes the '069 Patent in violation of 35 U.S.C. § 271(a).

44. Tribe7 has been and still is actively inducing others to infringe the '069 Patent in violation of 35 U.S.C. § 271(b).

45. Tribe7's infringement of the '069 Patent has been intentional and willful, making this an exceptional case.

46. Tribe7's continued infringement of the '069 Patent has damaged and will continue to damage Warrior.

47. By reason of Tribe7's infringement of the '069 Patent, Warrior has been irreparably harmed, and unless and until Tribe7 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 Tribe7 has infringed and actively induced others to infringe the Warrior Patents;

B. A permanent injunction enjoining Tribe7, 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 Tribe7'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 Tribe7'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: February 16, 2012

/s/ Douglas A. Dozeman

Douglas A. Dozeman (P35781)

Janet Ramsey (P63285)

Homayune Ghaussi (P63028)

WARNER NORCROSS & JUDD LLP

900 Fifth Third Center

111 Lyon NW

Grand Rapids, MI 49503

Telephone: (616) 752-2000

Fax: (616) 222-2736

ddozeman@wnj.com

jramsey@wnj.com

hghaussi@wnj.com

Attorneys for Plaintiff Warrior Sports, Inc.

7069630