

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

TRIUMPH SPORTS USA, INC.
11327 W. Lincoln Ave.,
West Allis, WI 53227

Plaintiff,

No. _____

JURY TRIAL DEMANDED

v.

EASTPOINT SPORTS LIMITED, LLC
628 Route 10, Suite 5,
Whippany, NJ 07981
Defendant.

COMPLAINT AND DEMAND FOR JURY TRIAL

TRIUMPH SPORTS USA, INC. ("Triumph") by and through its undersigned attorneys Hansen Reynolds Dickinson Crueger LLC, hereby files this complaint for patent infringement against EASTPOINT SPORTS Limited, LLC ("EastPoint") and alleges as follows:

THE PARTIES

1. Triumph is a duly organized and operating Wisconsin service corporation whose principal place of business is located at 11327 W. Lincoln Ave., West Allis, WI 53227. Triumph provides consumers with products such as game tables, dartboards, darts, game accessories, rustic game room furniture and outdoor games.

2. Upon information and belief, EastPoint is a duly organized and operating New Jersey Limited Liability Company whose principal place of business is located at 628 Route 10, Suite 5, Whippany, NJ 07981. EastPoint designs and delivers home recreational products. EastPoint advertises its products for sale nationally, and has

advertised, marketed and sold products infringing Triumph's intellectual property rights, including within the State of Wisconsin and this district.

JURISDICTION AND VENUE

3. This is an action for patent infringement under the patent laws of the United States, 35 U.S.C. §§ 271, *et seq.*

4. This Court has jurisdiction over the subject matter of this patent infringement action pursuant to 28 U.S.C. §§ 1331 and 1338(a).

5. This Court has personal jurisdiction over EastPoint because EastPoint has committed acts of patent infringement within the State of Wisconsin giving rise to this action. EastPoint's electronic commerce sales and in-store sales have established at least minimum contacts with the forum such that the exercise of jurisdiction over it would not offend traditional notions of fair play and substantial justice.

6. Venue is proper in this judicial district pursuant to 28 U.S.C. §§ 1391(a), 1391(b), 1391(c) and 1400(b) for at least the reasons that EastPoint has committed acts within this judicial district giving rise to this action and does business in this district, including sales, offers for sale, and providing service and/or support to its customers in this district.

COUNT I

(EastPoint Game Table Model No. 37001 Patent Infringement of United States Patent No. 7,785,208)

7. Paragraphs 1 through 6 are incorporated by reference as if fully set forth herein.

8. United States Patent No. 7,785,208 is titled "Rotary Game Table." United States Patent No. 7,785,208 was duly and legally issued on August 31, 2010. A true and

correct copy of United States Patent No. 7,785,208 is attached as Exhibit A.

9. Triumph is the lawful assignee of the entire right, title and interest in and to U.S. Patent No. 7,785,208 and possesses all rights of recovery under the patent including the right to recover damages for past infringement.

10. Upon information and belief, EastPoint has been and is now making, using, selling, and offering for sale within the United States, or importing into the United States, Game Table Model No. 1-1-37001 ("No. 37001"). No. 37001 is a 6 foot Swivel, 4 in 1 game table that infringes directly and/or indirectly one or more claims of U.S. Patent No. 7,785,208.

11. Triumph has no adequate remedy at law against EastPoint's acts of infringement and will suffer irreparable harm unless EastPoint is preliminarily and permanently enjoined from its infringement of U.S. Patent No. 7,785,208.

12. EastPoint's infringement has been willful, deliberate, and with knowledge of Triumph's rights under U.S. Patent No. 7,785,208.

13. EastPoint, by way of its infringing activity, has caused and continues to cause Triumph to suffer damages in an amount to be determined at trial.

COUNT II

(EastPoint Game Table Model No. 37002 Patent Infringement of United States Patent No. 7,785,208)

14. Paragraphs 1 through 6 are incorporated by reference as if fully set forth herein.

15. United States Patent No. 7,785,208 is titled "Rotary Game Table." United States Patent No. 7,785,208 was duly and legally issued on August 31, 2010. A true and correct copy of United States Patent No. 7,785,208 is attached as Exhibit A.

16. Triumph is the lawful assignee of the entire right, title and interest in and to U.S. Patent No. 7,785,208 and possesses all rights of recovery under the patent including the right to recover damages for past infringement.

17. Upon information and belief, EastPoint has been and is now making, using, selling, and offering for sale within the United States, or importing into the United States, Game Table Model No. 1-1-37002 (“No. 37002”). No. 37002 is a 6 foot Swivel, “5 Great Games in 1” rotary game table that infringes directly and/or indirectly one or more claims of U.S. Patent No. 7,785,208.

18. Triumph has no adequate remedy at law against EastPoint’s acts of infringement and will suffer irreparable harm unless EastPoint is preliminarily and permanently enjoined from its infringement of U.S. Patent No. 7,785,208.

19. EastPoint’s infringement has been willful, deliberate, and with knowledge of Triumph’s rights under U.S. Patent No. 7,785,208.

20. EastPoint, by way of its infringing activity, has caused and continues to cause Triumph to suffer damages in an amount to be determined at trial.

COUNT III

(EastPoint Game Table Model No. 37003 Patent Infringement of United States Patent No. 7,785,208)

21. Paragraphs 1 through 6 are incorporated by reference as if fully set forth herein.

22. United States Patent No. 7,785,208 is titled “Rotary Game Table.” United States Patent No. 7,785,208 was duly and legally issued on August 31, 2010. A true and correct copy of United States Patent No. 7,785,208 is attached as Exhibit A.

23. Triumph is the lawful assignee of the entire right, title and interest in and

to U.S. Patent No. 7,785,208 and possesses all rights of recovery under the patent including the right to recover damages for past infringement.

24. Upon information and belief, EastPoint has been and is now making, using, selling, and offering for sale within the United States, or importing into the United States, Game Table Model No. 1-1-37003 (“No. 37003”). No. 37003 is a 7 foot Swivel, 3 in 1 rotary game that infringes directly and/or indirectly one or more claims of U.S. Patent No. 7,785,208.

25. Triumph has no adequate remedy at law against EastPoint’s acts of infringement and will suffer irreparable harm unless EastPoint is preliminarily and permanently enjoined from its infringement of U.S. Patent No. 7,785,208.

26. EastPoint’s infringement has been willful, deliberate, and with knowledge of Triumph’s rights under U.S. Patent No. 7,785,208.

27. EastPoint, by way of its infringing activity, has caused and continues to cause Triumph to suffer damages in an amount to be determined at trial.

COUNT IV

(EastPoint Game Table Model 37001 Patent Infringement of United States Patent No. 7,762,902)

28. Paragraphs 1 through 6 are incorporated by reference as if fully set forth herein.

29. United States Patent No. 7,762,902 is titled “Rotary Game Table.” United States Patent No. 7,762,902 was duly and legally issued on July 27, 2010. A true and correct copy of the U.S. Patent No. 7,762,902 is attached as Exhibit B.

30. Triumph is the lawful assignee of the entire right, title and interest in and to U.S. Patent No. 7,762,902 and possesses all rights of recovery under the patent

including the right to recover damages for past infringement.

31. Upon information and belief, EastPoint has been and is now making, using, selling, and offering for sale within the United States, or importing into the United States, Game Table Model No. 37001. No. 37001 is a 6 foot Swivel, 4 in 1 game table that infringes directly and/or indirectly one or more claims of U.S. Patent No. 7,762,902.

32. Triumph has no adequate remedy at law against EastPoint's acts of infringement and will suffer irreparable harm unless EastPoint is preliminarily and permanently enjoined from its infringement of U.S. Patent No. 7,762,902.

33. EastPoint's infringement has been willful, deliberate, and with knowledge of Triumph's rights under U.S. Patent No. 7,762,902.

34. EastPoint, by way of its infringing activity, has caused and continues to cause Triumph to suffer damages in an amount to be determined at trial.

COUNT V

(EastPoint Game Table Model 37002 Patent Infringement of United States Patent No. 7,762,902)

35. Paragraphs 1 through 6 are incorporated by reference as if fully set forth herein.

36. United States Patent No. 7,762,902 is titled "Rotary Game Table." United States Patent No. 7,762,902 was duly and legally issued on July 27, 2010. A true and correct copy of the U.S. Patent No. 7,762,902 is attached as Exhibit B.

37. Triumph is the lawful assignee of the entire right, title and interest in and to U.S. Patent No. 7,762,902 and possesses all rights of recovery under the patent including the right to recover damages for past infringement.

38. Upon information and belief, EastPoint has been and is now making, using, selling, and offering for sale within the United States, or importing into the United States, Game Table Model No. 37002. No. 37002 is a 6 foot Swivel, 5 in 1 game table that infringes directly and/or indirectly one or more claims of U.S. Patent No. 7,762,902.

39. Triumph has no adequate remedy at law against EastPoint's acts of infringement and will suffer irreparable harm unless EastPoint is preliminarily and permanently enjoined from its infringement of U.S. Patent No. 7,762,902.

40. EastPoint's infringement has been willful, deliberate, and with knowledge of Triumph's rights under U.S. Patent No. 7,762,902.

41. EastPoint, by way of its infringing activity, has caused and continues to cause Triumph to suffer damages in an amount to be determined at trial.

COUNT VI

(EastPoint Game Table Model No. 37003 Patent Infringement of United States Patent No. 7,762,902)

42. Paragraphs 1 through 6 are incorporated by reference as if fully set forth herein.

43. United States Patent No. 7,762,902 is titled "Rotary Game Table." United States Patent No. 7,762,902 was duly and legally issued on July 27, 2010. A true and correct copy of the U.S. Patent No. 7,762,902 is attached as Exhibit B.

44. Triumph is the lawful assignee of the entire right, title and interest in and to U.S. Patent No. 7,762,902 and possesses all rights of recovery under the patent including the right to recover damages for past infringement.

45. Upon information and belief, EastPoint has been and is now making,

using, selling, and offering for sale within the United States, or importing into the United States, Game Table Model No. 37003. No. 37003 is a 7 foot Swivel, 3 in 1 rotary game table that infringes directly and/or indirectly one or more claims of U.S. Patent No. 7,762,902.

46. Triumph has no adequate remedy at law against EastPoint's acts of infringement and will suffer irreparable harm unless EastPoint is preliminarily and permanently enjoined from its infringement of U.S. Patent No. 7,762,902.

47. EastPoint's infringement has been willful, deliberate, and with knowledge of Triumph's rights under U.S. Patent No. 7,762,902.

48. EastPoint, by way of its infringing activity, has caused and continues to cause Triumph to suffer damages in an amount to be determined at trial.

PRAYER FOR RELIEF

Wherefore, Triumph prays for judgment against EastPoint, granting Triumph the following relief:

A. That this Court adjudge and decree that U.S. Patent Nos. 7,785,208 and 7,762,902 are valid and enforceable against EastPoint and that EastPoint has infringed and continues to infringe the patents;

B. That this Court grant injunctions enjoining the aforesaid acts of infringement by EastPoint, its officers, agents, servants, employees, subsidiaries and attorneys, and those acting in concert with it, including related individuals and entities, customers, representatives, OEMs, dealers, and distributors;

C. That this Court enter an award to Triumph of such damages as it shall prove at trial against EastPoint that are adequate to compensate Triumph for said infringement as permitted under the Patent Act;

D. That this Court order an award to Triumph of up to three times the amount of compensatory damages because of EastPoint's willful infringement and any enhanced damages as provided by 35 U.S.C. § 284;

E. That this Court render a finding that this case is "exceptional" and award Triumph its costs and reasonable attorneys' fees, as provided by 35 U.S.C. § 285.

F. That this Court award Triumph pre-judgment and post-judgment interests on damages; and

G. That this Court grant to Triumph such other, further, and different relief as may be just and proper.

JURY TRIAL DEMAND

Triumph respectfully demands a trial by jury of any and all issues triable of right before a jury pursuant to Fed. R. Civ. P. 38.

Dated January 15, 2013

Hansen Reynolds Dickinson Crueger LLC

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