

**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.

ESCALADE SPORTS,
817 Maxwell Ave.,
Evansville, IN 47711
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 ESCALADE SPORTS ("Escalade") 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, Escalade (DBA Indian Industries, Inc.) is a duly organized and operating Indiana Corporation whose principal place of business is located at 817 Maxwell Ave., Evansville, IN 47711. Escalade produces sporting goods products. Escalade 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 Escalade because Escalade has committed acts of patent infringement within the State of Wisconsin giving rise to this action. Escalade's electronic commerce 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 Escalade 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

(Harvard Game Table Model G05204 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, Escalade has been and is now making, using, selling, and offering for sale within the United States, or importing into the United States, Harvard Game Table Model No. G05204 (“No. G05204”). No. G05204 is a 7 foot Game Choice 2 in 1 Flip Top-rotary 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 Escalade’s acts of infringement and will suffer irreparable harm unless Escalade is preliminarily and permanently enjoined from its infringement of U.S. Patent No. 7,785,208.

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

13. Escalade, 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

(Harvard Game Table Model No. G05613 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, Escalade has been and is now making, using, selling, and offering for sale within the United States, or importing into the United States, Harvard Game Table Model No. G05613 ("No. G05613"). No. G05613 is a 6 foot Double-Fun 2 in 1 Flip Top-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 Escalade's acts of infringement and will suffer irreparable harm unless Escalade is preliminarily and permanently enjoined from its infringement of U.S. Patent No. 7,785,208.

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

20. Escalade, 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

(Harvard Game Table Model G05204 Patent Infringement of United States Patent No. 7,762,902)

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

22. 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 August 31, 2010. A true and correct copy of the U.S. Patent No. 7,762,902 is attached as Exhibit B.

23. 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.

24. Upon information and belief, Escalade has been and is now making, using, selling, and offering for sale within the United States, or importing into the United States, Harvard Game Table Model No. G05204 (“No. G05204”). No. G05204 is a 7 foot Game Choice 2 in 1 Flip Top-rotary game table that infringes directly and/or indirectly one or more claims of U.S. Patent No. 7,762,902.

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

26. Escalade’s infringement has been willful, deliberate, and with knowledge of Triumph’s rights under U.S. Patent No. 7,762,902.

27. Escalade, 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

(Harvard Game Table Model No. G05613 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 August 31, 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, Escalade has been and is now making, using, selling, and offering for sale within the United States, or importing into the United States, Harvard Game Table Model No. G05613 (“No. G05613”). No. G05613 is a 6 foot Double-Fun 2 in 1 Flip Top-rotary 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 Escalade’s acts of infringement and will suffer irreparable harm unless Escalade is preliminarily and permanently enjoined from its infringement of U.S. Patent No. 7,762,902.

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

34. Escalade, 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 Escalade, 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 Escalade and that Escalade has infringed and continues to infringe the patents;

B. That this Court grant injunctions enjoining the aforesaid acts of infringement by Escalade, 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 Escalade 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 Escalade'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 to 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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