

DECEMBER 18, 2007

MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

NIKE, INC.

Plaintiff,

v.

KING SPORTS, INC.,
D/B/A TURBO POWER GOLF,
HUNG YING CHANG,
KROOKEDSTIX, INC., AND
GIGAGOLF, INC.

Defendants.

Civil Action No. **07 C 7108**

**JUDGE CASTILLO
MAGISTRATE JUDGE NOLAN**

Jury Trial Demanded

COMPLAINT

The plaintiff, NIKE, Inc. (“NIKE”), for its complaint against defendants, King Sports, Inc., d/b/a Turbo Power Golf, Hung Ying Chang (“Chang”), KrookedStix, Inc. (“KrookedStix”), and GigaGolf, Inc. (“GigaGolf”) alleges as follows:

THE PARTIES

1. The plaintiff, NIKE, is a corporation organized and existing under the laws of the State of Oregon and has a principal place of business at One Bowerman Drive, Beaverton, Oregon, 97005.

2. On information and belief, the defendant, King Sports, Inc., is a corporation organized and existing under the laws of the State of Georgia and has a principal place of business at 1115, Cobb Pkwy S., Marietta, Georgia, 30060. On information and belief, King Sports, Inc. is doing business as at least Turbo Power Golf through the highly interactive,

commercial websites www.turbopowerusa.net and turbopowerusa.stores.yahoo.net. Defendant King Sports, Inc. and Turbo Power Golf are referred to collectively hereafter as “King Sports.”

3. On information and belief, Chang, is an individual residing at 1809 Hunters Glen, Marietta, Georgia, 30062. On information and belief, Chang is the CEO, CFO, and Secretary of King Sports.

4. On information and belief, the defendant, KrookedStix, is a corporation organized and existing under the laws of the State of Illinois and has a principal place of business at 2130 N. Bonnie Brook Lane, Waukegan, Illinois, 60087.

5. On information and belief, the defendant, GigaGolf, is a corporation organized and existing under the laws of the State of Florida and has a principal place of business at 231 Douglas Ave, Oldsmar, Florida, 34677. King Sports, Chang, KrookedStix, and GigaGolf are referred to collectively hereafter as “Defendants.”

JURISDICTION AND VENUE

6. This action arises under the patent laws of the United States, 35 U.S.C. § 1 *et seq.*

7. This Court has subject matter jurisdiction over this dispute pursuant to 28 U.S.C. §§ 1331 and 1338(a).

8. This Court may exercise personal jurisdiction over each of the Defendants based upon their contacts with this forum, including, at least, regularly and intentionally doing business here and having offered to sell and sold products covered by NIKE’s patents within this forum. For example, on information and belief, each of the Defendants maintains highly interactive commercial websites through which infringing golf club products have been offered for sale and sold in Illinois. For example, GigaGolf’s website at www.gigagolf.com promotes GigaGolf clubs using interactive graphics, maintains customer account information, accepts credit cards

for payment, tracks orders, and confirms users’ purchasing information. In addition, defendant KrookedStix resides in Illinois and has resold King Sports’ infringing products here.

9. Venue is proper in this judicial district pursuant to 28 U.S.C. §§ 1391(b) and 1400(b).

GENERAL ALLEGATIONS – THE NIKE DESIGN PATENTS

10. For many years, NIKE has engaged in the development, manufacture and sale of a wide array of athletic and fashion footwear, apparel, and sports equipment. Today, among other things, NIKE develops, manufactures, and sells golf equipment, including golf clubs.

11. Over the years, NIKE has taken steps to protect its innovative golf club designs. For example, NIKE owns various United States design patents covering its golf club designs. In particular, NIKE is and has been the owner of all right, title, and interest to each of the United States design patents identified in Table 1 below (hereafter, the “NIKE Design Patents”) since the date each NIKE Design Patent duly and legally issued to NIKE. A copy of each NIKE Design Patent is attached to this Complaint as indicated in Table 1.

United States Design Patent Number	Issue Date of Patent	Complaint Exhibit
D550,318 (‘318 patent)	September 4, 2007	A
D544,559 (‘559 patent)	June 12, 2007	B
D544,558 (‘558 patent)	June 12, 2007	C
D543,600 (‘600 patent)	May 29, 2007	D
D524,399 (‘399 patent)	July 4, 2006	E
D524,398 (‘398 patent)	July 4, 2006	F
D524,397 (‘397 patent)	July 4, 2006	G
D524,395 (‘395 patent)	July 4, 2006	H
D515,163 (‘163 patent)	February 14, 2006	I
D514,640 (‘640 patent)	February 7, 2006	J

Table 1: NIKE Design Patents		
United States Design Patent Number	Issue Date of Patent	Complaint Exhibit
D492,974 ('974 patent)	July 13, 2004	K
D492,973 ('973 patent)	July 13, 2004	L
D492,972 ('972 patent)	July 13, 2004	M
D492,971 ('971 patent)	July 13, 2004	N
D487,492 ('492 patent)	March 9, 2004	O

GENERAL ALLEGATIONS – DEFENDANTS’ INFRINGING ACTIVITIES

12. On information and belief, King Sports is in the business of manufacturing, or having manufactured, offering to sell, selling, and importing golf clubs, including golf club heads that simulate the designs of major manufacturers’ golf clubs, such as NIKE’s golf clubs. On information and belief, Chang founded King Sports and personally coordinates and controls King Sports’ infringing activities. On information and belief, it is Chang’s intent to sell imitation, or “clone,” NIKE golf clubs that look the same as NIKE’s patented designs.

13. Without NIKE’s authorization, King Sports made, used, offered to sell, sold, and/or imported into the United States numerous golf clubs, including golf club heads, having designs that are covered by the NIKE Design Patents (the “Infringing Clubs”). King Sports offers to sell and sells its products through, among other things, its highly interactive, commercial websites at www.kingsports.org, www.turbopowerusa.net, and turbopowerusa.stores.yahoo.net under various brand names, including “Turbo Power” and “SV.” King Sports’ websites expressly compare King Sports’ “clone” golf clubs to the NIKE products they emulate. (See, e.g., turbopowerusa.stores.yahoo.net/titaniumwoods.html). Upon information and belief, King Sports knowingly and intentionally sold and continues to sell the Infringing Clubs as simulations of NIKE golf clubs.

14. Charts 1-8 below demonstrate King Sports' infringements by comparing images of the Infringing Clubs sold by King Sports with sample figures from the NIKE Design Patents.




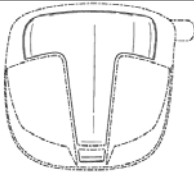

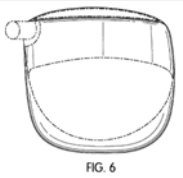

Chart 1: Sample Images Depicting Infringement of NIKE Design Patents D550,318, D544,559, D544,558, and D543,600 by the Turbo Power XQ MUTO 460 Driver				
King Sports' Turbo Power XQ MUTO 460	D550,318	D544,559	D544,558	D543,600
				
				




Chart 2: Sample Images Depicting Infringement of NIKE Design Patents D550,318 and D544,558 by the Turbo Power XQ MUTO Fairway Wood		
King Sports' Turbo Power XQ MUTO Fairway Wood	D550,318	D544,558
		


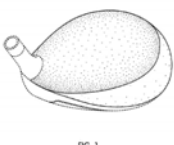



Chart 3: Sample Images Depicting Infringement of NIKE Design Patents D524,399, D524, 397, and D524, 395 by the Turbo Power XQ V92			
King Sports' Turbo Power XQ V92	D524,399	D524,397	D524,395
			
			



Chart 4: Sample Images Depicting Infringement of NIKE Design Patent D550,318 by the SV2 Plus	
King Sports' SV2 Plus	D550,318
	 FIG. 1


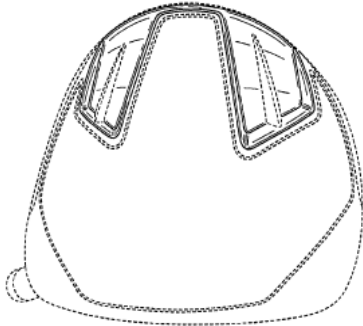
Chart 5: Sample Images Depicting Infringement of NIKE Design Patent D524,395 by the SV2 460 Driver	
King Sports' SV2 460	D524,395
	 FIG. 2


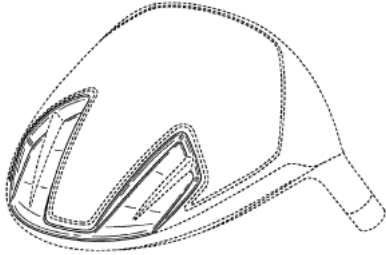
Chart 6: Sample Images Depicting Infringement of NIKE Design Patent D524,395 by the SV2 Fairway Wood	
King Sports' SV2 Fairway Wood	D524,395
	 FIG. 1


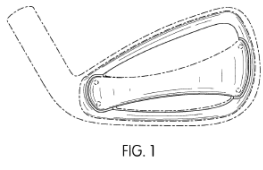
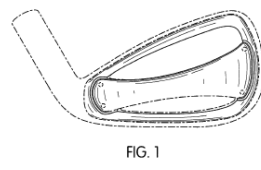
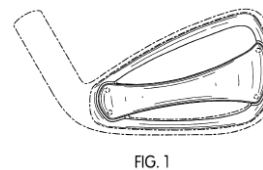
Chart 7: Sample Images Depicting Infringement of NIKE Design Patents D515,163, D514,640, and D487,492 by the Turbo Power Irons			
King Sports' Turbo Power Irons	D515,163	D514,640	D487,492
			


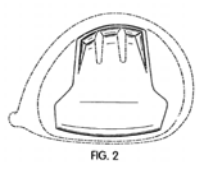
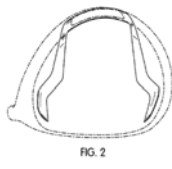
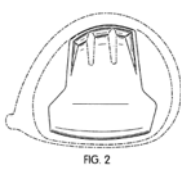
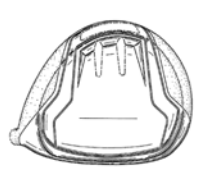

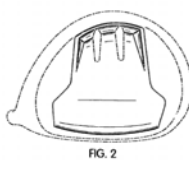
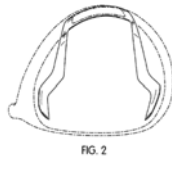
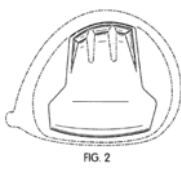
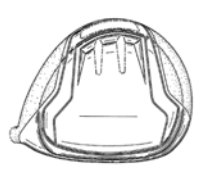
Chart 8: Sample Images Depicting Infringement of NIKE Design Patents D492,974, D492,973, D492,972, and D492,971 by the Turbo Power V Tour Driver				
King Sports' Turbo Power V Tour Driver	D492,974	D492,973	D492,972	D492,971
				

Chart 9: Sample Images Depicting Infringement of NIKE Design Patents D492,974, D492,973, D492,972, and D492,971 by the Turbo Power V Tour Fairway Wood				
King Sports' Turbo Power V Tour Fairway Wood	D492,974	D492,973	D492,972	D492,971
				

15. On its www.turbopowerusa.net website, King Sports also offers an affiliate program through which retailers can collaborate with King Sports to sell house branded versions of King Sports' golf clubs. For example, King Sports offers wholesale discounts as well as “drop shipment” directly to customers so that their affiliates do not need to stock any inventory of Infringing Clubs. Also, “[f]or a minimum quantity and a small tooling charge, [King Sports] can design any of [their] golf heads with [the affiliate’s] company name and logo.” (See www.turbopowerusa.net/affiliateprogram.htm). Similarly, on its www.kingsports.org website,

King Sports allows affiliates to sign in, or new affiliates to create accounts in order to “start generating revenue” from referred sales. (See www.kingsports.org/affsignIn.aspx?ReturnPage=affiliateaccount.aspx).

16. On information and belief, KrookedStix is a King Sports affiliated retailer that promotes, offers to sell, and sells Infringing Clubs purchased from King Sports. For example, Chart 10 below shows images of clubs offered for sale by KrookedStix that correspond with the King Sports’ Infringing Clubs shown in Charts 3, 5, 6, and 7 above.

Chart 10: Images From KrookedStix.net Website Showing Infringing Clubs	
 <p>Turbo Power XQ V92 (Chart 3 <i>supra</i>)</p>	 <p>SV2 460 Driver (Chart 5 <i>supra</i>)</p>
 <p>SV2 Fairway Woods (Chart 6 <i>supra</i>)</p>	 <p>Turbo Power VOS2 Irons (Chart 7 <i>supra</i>)</p>

17. On information and belief, KrookedStix sells and offers to sell various Infringing Clubs through its highly interactive commercial website at www.krookedstix.net. On information and belief, it is KrookedStix’s intent to sell imitation NIKE golf clubs, or “clone”

golf clubs, that look the same as NIKE’s patented designs. In addition, KrookedStix’s website states that it “offers an extensive line of custom fit clone golf clubs emulating such brands as ... Nike...” (See www.krookedstix.net/shop_affiliate.htm). Upon information and belief, KrookedStix knowingly and intentionally sold and continues to sell the Infringing Clubs as simulations of NIKE golf clubs.

18. On information and belief, GigaGolf is another King Sports affiliated retailer that promotes, offers to sell, and sells Infringing Clubs purchased from King Sports. On information and belief, GigaGolf sells and offers to sell various Infringing Clubs under the brand name “Ozzy” through its highly interactive, commercial website at www.gigagolf.com. As shown in Chart 11 below, GigaGolf’s “Ozzy” clubs bear the same infringing designs as the King Sports’ Infringing Clubs shown in Charts 1, 2, 3, and 7 above.

Chart 11: GigaGolf’s Infringing Clubs (shown on left) and King Sports’ Infringing Clubs (shown on right)	
GigaGolf	King Sports
 <p>Ozzy MOTO 460 Ti</p>	 <p>Turbo Power XQ MUTO 460 (Chart 1 <i>supra</i>)</p>
 <p>Ozzy MOTO Fairway Wood</p>	 <p>Turbo Power XQ MUTO Fairway Wood (Chart 2 <i>supra</i>)</p>

Chart 11: GigaGolf's Infringing Clubs (shown on left) and King Sports' Infringing Clubs (shown on right)	
GigaGolf	King Sports
 <p>Ozzy 460 Ti</p>	 <p>Turbo Power XQ V92 (Chart 3 <i>supra</i>)</p>
 <p>Ozzy O.S. Irons</p>	 <p>Turbo Power Irons (Chart 7 <i>supra</i>)</p>

19. On information and belief, King Sports', Chang's, KrookedStix's, and GigaGolf's infringement of the NIKE Design Patents has been and continues to be intentional and willful.

COUNT 1: PATENT INFRINGEMENT

20. NIKE re-alleges each and every allegation set forth in paragraphs 1 through 19 above, inclusive, and incorporates them by reference herein.

21. King Sports, Chang, KrookedStix, and GigaGolf have made, used, offered to sell, sold, and/or imported into the United States, and still are making, using, offering to sell, selling, and/or importing into the United States, golf clubs having designs that infringe the NIKE Design Patents without NIKE's authorization.

22. On information and belief, Defendants' infringements have been intentional and willful, making this an exceptional case.

23. NIKE has been and will continue to be irreparably harmed by Defendants' infringements of the NIKE Design Patents.

JURY DEMAND

NIKE demands a trial by jury.

RELIEF SOUGHT

WHEREFORE, NIKE respectfully prays for:

A. Judgment that Defendants willfully infringed the NIKE Design Patents in violation of 35 U.S.C. § 271(a);

B. An injunction against further infringements of the NIKE Design Patents by Defendants, their agents, servants, employees, officers, and all others controlled by them;

C. An award of damages adequate to compensate NIKE for the patent infringements that have occurred pursuant to 35 U.S.C. § 284, which shall be trebled as a result of Defendants' willful patent infringement, or an award of Defendants' profits from their infringements pursuant to 35 U.S.C. § 289, whichever is greater, together with prejudgment interest and costs;

D. An assessment of costs, including reasonable attorney fees, pursuant to 35 U.S.C. § 285, with prejudgment interest; and

E. Such other and further relief as this Court deems just and proper.

Respectfully submitted,

Dated: December 18, 2007

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