

1 Douglas C. Erickson, No. 012130
Derickson@mmcec.com
2 Daniel D. Maynard, No. 009211
Dmaynard@mmcec.com
3 Michael D. Curran, No. 012677
Mcurran@mmcec.com

4 **MAYNARD CRONIN ERICKSON**
CURRAN & SPARKS, P.L.C.
5 1800 Great American Tower
3200 North Central Avenue
6 Phoenix, Arizona 85012
(602) 279-8500
7 Attorneys for Plaintiff

8 **UNITED STATES DISTRICT COURT**
9 **FOR THE DISTRICT OF ARIZONA**

10 VyaTek Sports, Inc., an Arizona corporation,
11 Plaintiff,

No. _____

12 v.

13 Ping, Inc., an Arizona corporation; Karsten
14 Manufacturing Corporation, an Arizona
15 corporation,
Defendants.

COMPLAINT

16 Plaintiff, VyaTek Sports, Inc. (“VyaTek”), for its complaint against Defendants, alleges
17 as follows:

18 **PARTIES, JURISDICTION, AND VENUE**

19 1. VyaTek is a corporation duly organized under the laws of the State of Arizona,
20 with its principal place of business in Tempe, Arizona.

21 2. Defendants, Ping, Inc. and Karsten Manufacturing Corporation (collectively
22 “Ping”), are Arizona corporations, doing business with a regular and established place of
23 business in Phoenix, Arizona.
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1 19. VyaTek has complied with the statutory requirement of placing or requiring a
2 notice of the patent on the applicable products it manufacturers, sells, or for which it has
3 granted a license, and has given Ping written notice of the infringement.

4 20. Ping has infringed the 067 Patent by making, manufacturing, distributing,
5 offering for sale, and/or selling a product or system, namely the Rapture driver, that falls
6 within the scope of the 067 Patent claims.

7 21. Upon information and belief, Ping has contributorily infringed the 067 Patent
8 by inducing others to use and practice a product or system, namely the Rapture Driver, that
9 falls within the scope of the 067 Patent claims.

10 22. As a direct and proximate result of Ping's infringement, VyaTek has suffered
11 damages.

12 23. Ping has continued to infringe and/or induce infringement of the 067 Patent even
13 after having an opportunity to learn, study, and analyze the claims of the patent.

14 24. Upon information and belief, Ping will continue to infringe unless enjoined by
15 the Court; Ping's infringement of the patent is willful; and VyaTek has no plain, speedy, or
16 adequate remedy at law.

17 WHEREFORE, Plaintiff prays for judgment against Defendants as follows:

18 A. That Ping and its officers, agents, servants, employees, attorneys,
19 successors and assigns, distributors, dealers, and those in active concert and participation with
20 them be permanently enjoined from infringing the 067 Patent and from inducing others to
21 infringe said patent;

22 B. That an accounting for damages be ordered;

23 C. That VyaTek be awarded compensatory damages in an amount to be
24 determined at trial;

25 D. That said damages be trebled, pursuant to 35 U.S.C. § 284;

26 E. That VyaTek be awarded attorneys' fees, pursuant to 35 U.S.C. § 285;

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- F. That VyaTek be awarded interest and costs; and
- G. For such other relief as the Court deems just and proper.

JURY DEMAND

A trial by jury is hereby demanded as to all issues triable to a jury by law.

DATED this 22nd day of May, 2008

**MAYNARD CRONIN ERICKSON
CURRAN & SPARKS, P.L.C.**

By: s/Douglas C. Erickson
 Douglas C. Erickson
 Daniel D. Maynard
 Michael D. Curran
 1800 Great American Tower
 3200 North Central Avenue
 Phoenix, Arizona 85012
 Attorneys for Plaintiff

ORIGINAL of the foregoing filed this 22nd day of May, 2008 via ECF with:

Clerk of the Court
 United States District Court
 401 W. Washington
 Phoenix, AZ 85003

By s/Stacey Tanner