



IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

SOFTSPIKES, LLC, and PRIDE)
MANUFACTURING, LLC,)
)
Plaintiffs,)
)
v.) C.A. No. _____
)
MACNEILL ENGINEERING COMPANY,) **JURY TRIAL DEMANDED**
INC.,)
)
Defendant.)

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiffs Softspikes, LLC (“Softspikes”) and Pride Manufacturing, LLC (“Pride”) (collectively “Plaintiffs”) for their Complaint against defendant MacNeill Engineering Company, Inc. (“MacNeill”) allege as follows:

NATURE OF THE ACTION

1. This is an action for infringement of United States Patent Nos. 6,052,923 (“the ‘923 patent”) and 6,167,641 (“the ‘641 patent”). This action is based on the Patent Laws of the United States, 35 U.S.C § 100 *et seq.*

THE PARTIES

2. Softspikes is a limited liability company organized under the laws of the State of Delaware, having its principal place of business at 155 Franklin Road, Suite 250, Brentwood, TN 37027.

3. Pride is a limited liability company organized under the laws of the State of Wisconsin, having its principal place of business at 155 Franklin Road, Suit 250, Brentwood, TN 37027.

4. On information and belief, defendant MacNeill is a Massachusetts corporation having its principal place of business at 289 Elm Street, Marlborough, MA 01752.

JURISDICTION AND VENUE

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

6. This Court has personal jurisdiction over MacNeill because, on information and belief, MacNeill has had continuous and systematic contacts within this judicial district. Moreover, MacNeill has infringed Softspikes' '923 and '641 Patents by selling or offering to sell infringing products in Delaware and/or shipping infringing products into Delaware.

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

BACKGROUND

8. On April 25, 2000, the '923 patent, entitled "Golf Cleat," was duly and legally issued to Softspikes, Inc., the predecessor in interest of Softspikes. A true and correct copy of the '923 patent is attached hereto as Exhibit A. Softspikes is the owner of the '923 patent.

9. On January 2, 2001, the '641 patent, entitled "Athletic Shoe Cleat," was duly and legally issued to Softspikes, Inc., the predecessor in interest of Softspikes. A true and correct copy of the '641 patent is attached hereto as Exhibit B. Softspikes is the owner of the '641 patent.

10. Softspikes has granted an exclusive license under the '923 and '641 patents to Pride, including exclusive rights to use and practice the '923 and '641 patents, and the right to sublicense others under the '923 and '641 patents.

FIRST CLAIM FOR RELIEF

INFRINGEMENT OF THE '923 PATENT

11. Plaintiffs incorporate by reference paragraphs 1 through 10.

12. On information and belief, MacNeill has been and is infringing the '923 patent by making, using, offering for sale, or selling infringing golf shoe cleats.

13. On information and belief, MacNeill also has been and is contributorily infringing and/or actively inducing others to infringe the '923 patent.

14. On information and belief, MacNeill was aware of the existence of the '923 patent and its infringement of the '923 patent has been intentional, deliberate, and willful. This is an exceptional case.

15. On information and belief, MacNeill will continue to infringe, contributorily infringe, and/or actively induce others to infringe the '923 patent unless and until it is enjoined by this Court.

16. MacNeill's infringing activities will irreparably harm Plaintiffs unless enjoined by this Court. Plaintiffs do not have an adequate remedy at law.

SECOND CLAIM FOR RELIEF

INFRINGEMENT OF THE '641 PATENT

17. Plaintiffs incorporate by reference paragraphs 1 through 10.

18. On information and belief, MacNeill has been and is infringing the '641 patent by making, using, offering for sale, or selling infringing golf shoe cleats.

19. On information and belief, MacNeill also has been and is contributorily infringing and/or actively inducing others to infringe the '641 patent.

20. On information and belief, MacNeill was aware of the existence of the '641 patent and its infringement of the '641 patent has been intentional, deliberate, and willful. This is an exceptional case.

21. On information and belief, MacNeill will continue to infringe, contributorily infringe, and/or actively induce others to infringe the '641 patent unless and until it is enjoined by this Court.

22. MacNeill's infringing activities will irreparably harm Plaintiffs unless enjoined by this Court. Plaintiffs do not have an adequate remedy at law.

PRAYER FOR RELIEF

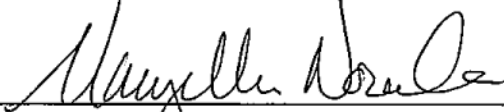
WHEREFORE, Plaintiffs respectfully request the following relief:

- A. A judgment that MacNeill has infringed the '923 and '641 patents;
- B. A permanent injunction, enjoining MacNeill, its officers, agents, servants, employees, and attorneys and other persons who are in active concert or participation with it from infringing the '923 and '641 patents;
- C. An order awarding damages in an amount sufficient to compensate Plaintiffs for MacNeill's infringement of the '923 and '641 patents, but not less than a reasonable royalty;
- D. An order awarding prejudgment interest to Plaintiffs pursuant to 35 U.S.C. §284;
- E. An order awarding increased damages, pursuant to 35 U.S.C. §284.
- F. A declaration that this case is exceptional pursuant to 35 U.S.C. § 285 and an award of attorneys' fees and costs; and
- G. Such other and further relief as this Court deems just and proper.

DEMAND FOR JURY TRIAL

Plaintiffs hereby demand a jury trial on all issues triable of right by a jury.

MORRIS, NICHOLS, ARSHT & TUNNELL LLP



Jack B. Blumenfeld (#1014)
Maryellen Noreika (#3208)
Paul Saindon (#5110)
1201 North Market Street
P.O. Box 1347
Wilmington, DE 19899-1347
(302) 658-9200
jblumenfeld@mnat.com
mnoreika@mnat.com
psaindon@mnat.com

*Attorneys for Softspikes, LLC and
Pride Manufacturing, LLC.*

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