IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. _____

MSPBO, LLC	)	
	)	
Plaintiff,	)	
	)	
v.	)	
	)	**JURY TRIAL DEMANDED**
ADIDAS NORTH AMERICA, INC.,	)	
ADIDAS AMERICA, INC.,	)	
	)	
Defendants.	)	

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff, MSPBO, LLC ("MSPBO"), makes the following claims for relief against Defendants, Adidas North America, Inc. and Adidas America, Inc. ("collectively, Adidas"), as follows:

NATURE OF LAWSUIT

1. This is a claim for patent infringement arising under the patent laws of the United States, Title 35 of the United States Code § 1 *et seq*. This Court has exclusive jurisdiction over the subject matter of the Complaint under 28 U.S.C. §§ 1331 and 1338(a).

THE PARTIES AND THE PATENTS

2. MSPBO is a Colorado limited liability company with its principal place of business in Centennial, Colorado.

3. MSPBO is in the business of commercializing patent rights directed to the

measurement, determination and display of travel and fitness information, including U.S. Patent No. 6,744,375, entitled "Device and Method for Determining and Displaying Travel or Fitness Quantities of a User of a Sports Equipment" ("the '375 patent"), which issued on June 1, 2004.

4. The named inventor on the '375 patent is Daniel Groos. Dr. Groos has commercialized the technology in the '375 patent in commercial products through his company, Microsport, which is located in Munich, Germany.

5. Dr. Groos entered into an agreement with MSPBO under which MSPBO acquired all right, title and interest in, including the right to sue for infringement of, the '375 patent.

6. Adidas North America, Inc. is an Oregon corporation with its principal place of business at 5055 North Greely Avenue, Portland, Oregon 97217. Adidas America, Inc. is a wholly owned subsidiary of Adidas North America, Inc., with its place of business at 5055 North Greely Avenue, Portland, Oregon 97217. Adidas America, Inc. is registered to do business in the State of Colorado.

7. Adidas has conducted business in this judicial district; has purposefully availed itself of the privilege of conducting business with residents of this judicial district, including end users of the products accused of infringement; has established at least minimal contacts with the State of Colorado such that it should reasonably and fairly anticipate being brought into court in Colorado; and has purposefully reached out to residents of Colorado through its marketing, provision and sale of products, including the products accused of infringement.

8. Adidas has committed acts of infringement in this judicial district, and regularly transacts business in this judicial district, including marketing, providing and selling the products accused of infringement. Direct infringers of the '375 patent also reside in and practice the claimed inventions in this judicial district.

9. This Court has personal jurisdiction over Adidas by virtue of its tortious acts of patent infringement which have been committed in the State of Colorado and in this judicial district, and by virtue of Adidas's transaction of business in the State of Colorado.

VENUE

10. Venue is proper in this judicial district under 28 U.S.C. §§ 1391(c) and 1400(b).

ADIDAS'S ACTS OF PATENT INFRINGEMENT

11. Adidas has made, used, offered for sale, distributed, provided, sold and imported products that are covered by one or more claims of the '375 patent, without authorization from MSPBO. These products include at least the "miCoach Pacer Bundle," the "miCoach Stride Sensor," the "miCoach Connect," the "miCoach Speed Cell," the "miCoach Running" app and the "miCoach Multi-Sport" app.

12. The miCoach Pacer Bundle determines a user's pace, distance and stride rate.

13. The miCoach Stride Sensor obtains data representing a user's pace, distance and stride rate and wirelessly transmits this data to the miCoach Pacer.

14. The miCoach Pacer processes data representing a user's pace, distance

and stride rate received from the miCoach Stride Sensor.

15. The miCoach Stride Sensor, the miCoach Pacer, the miCoach Connect and the miCoach Speed Cell use the ANT+ RF protocol.

16. The miCoach Stride Sensor is compatible with watches, wrist displays and other devices that use the ANT+ RF protocol.

17. The miCoach Speed Cell is compatible with watches, wrist displays and other devices that use the ANT+ RF protocol.

18. A transmitter in the miCoach Stride Sensor transmits data to a receiver within defined transmitting intervals such that the transmitter is switched off between intervals when it is not transmitting.

19. A transmitter in the miCoach Speed Cell transmits data to a receiver within defined transmitting intervals such that the transmitter is switched off between intervals when it is not transmitting.

20. The miCoach Connect receives and processes data representing a user's speed and distance traveled.

21. A receiver in the miCoach Connect is synchronized with a transmitter such that the receiver is switched on only when the transmitter is expected to transmit data to the receiver and switched off when a transmission is not expected from the transmitter.

22. The miCoach Running app receives and processes data representing a user's speed and distance traveled.

23. The miCoach Multi-Sport app receives and processes data representing a user's speed and distance traveled.

24. Third parties have used the miCoach Pacer Bundle in the United States.

25. Third parties have used the miCoach Stride Sensor in the United States.

26. Third parties have used the miCoach Connect in the United States.

27. Third parties have used the miCoach Speed Cell in the United States.

28. Third parties have used the miCoach Running app in the United States.

29. Third parties have used the miCoach Multi-Sport app in the United States.

30. Adidas has infringed at least claims 1 and 9 of the ‘375 patent under 35 U.S.C. § 271(a) by using the miCoach Pacer Bundle, the miCoach Stride Sensor, the miCoach Connect, the miCoach Speed Cell, the miCoach Running app and the miCoach Multi-Sport app in the United States.

31. Adidas has infringed at least claim 10 of the ‘375 patent under 35 U.S.C. § 271(a) by making, using, offering for sale, distributing, providing and selling the miCoach Pacer Bundle, the miCoach Stride Sensor, the miCoach Connect, the miCoach Speed Cell, the miCoach Running app and the miCoach Multi-Sport app, in the United States.

32. Adidas has actively induced infringement of at least claims 1, 9 and 10 of the ‘375 patent under 35 U.S.C. § 271(b) by providing, and encouraging and aiding others to use, the miCoach Pacer Bundle, the miCoach Stride Sensor, the miCoach Connect, the miCoach Speed Cell, the miCoach Running app and the miCoach Multi-Sport app, in the United States. Such direct infringers include purchasers of these products.

33. Adidas had knowledge of its infringement of the ‘375 patent before this

suit was filed, and has acted with the specific intent to induce infringement.

34. Adidas has infringed at least claims 1, 9 and 10 of the '375 patent under 35 U.S.C. § 271(c) by making, offering for sale, selling and importing the miCoach Pacer Bundle, the miCoach Stride Sensor, the miCoach Connect, the miCoach Speed Cell, the miCoach Running app and the miCoach Multi-Sport app, in the United States. These products are not staple articles or commodities of commerce suitable for substantial non-infringing use. Furthermore, Adidas engaged in the recited activities knowing that the products were especially made or adapted for use in an infringing manner.

35. MSPBO has complied with the marking and notice requirements of 35 U.S.C. § 287.

36. Adidas's infringement has injured, and continues to injure, MSPBO.

37. Adidas's infringement has been willful and deliberate. Adidas has acted with at least reckless disregard for MSPBO's patent rights.

38. MSPBO is entitled to recover damages adequate to compensate it for such infringement in an amount no less than a reasonable royalty, under 35 U.S.C. § 284.

PRAYER FOR RELIEF

WHEREFORE, MSPBO asks this Court to enter judgment against Adidas and its subsidiaries, affiliates, agents, servants, employees and all persons in active concert or participation with them, granting the following relief:

A. An award of damages adequate to compensate MSPBO for the

infringement that has occurred, together with prejudgment interest from the date infringement of the '375 patent began;

B. An award to MSPBO of all remedies available under 35 U.S.C. § 284;

C. An award to MSPBO of all remedies available under 35 U.S.C. § 285; and

D. Such other and further relief as this Court or a jury may deem proper and just.

JURY DEMAND

MSPBO demands a trial by jury on all issues so triable.

Date: August 26, 2013

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