



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

5. This Court may exercise personal jurisdiction over Wal-Mart based upon its contacts with this forum, including, at least, regularly and intentionally doing business here.

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

**GENERAL ALLEGATIONS – THE NIKE DESIGN PATENTS**

7. 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.

8. NIKE has taken steps to protect its innovative designs, including its footwear-related designs. In particular, NIKE owns various United States design patents relating to its footwear designs. Relevant to this dispute, 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 (hereafter, the “NIKE Design Patents”) since the date each patent duly and legally issued to NIKE. A copy of each NIKE Design Patent is attached to this Complaint as indicated in Table 1.

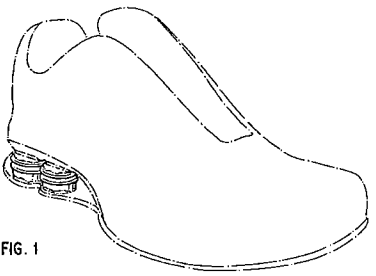

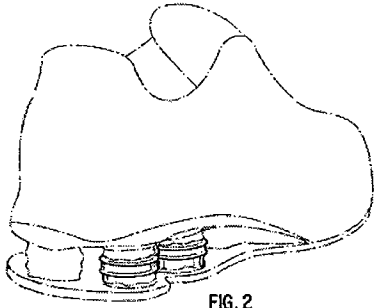

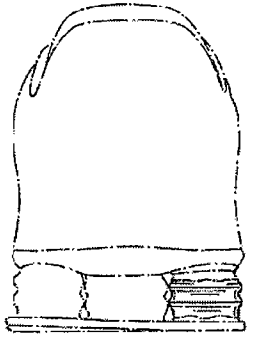
<b>Table 1: NIKE Design Patents</b>		
<b>United States Design Patent Number</b>	<b>Issue Date of Patent</b>	<b>Complaint Exhibit</b>
D498,914 ('914 patent)	November 30, 2004	A
D499,248 ('248 patent)	December 7, 2004	B

**GENERAL ALLEGATIONS – DEFENDANT’S INFRINGING ACTIVITIES**

9. On information and belief, without NIKE’s authorization, Wal-Mart has offered for sale and sold in the United States shoes having designs that are covered by the NIKE Design Patents (hereafter, the “Infringing Shoes”). Upon information and belief, Wal-Mart knowingly

and intentionally sold and continues to sell the Infringing Shoes as simulations of NIKE shoes.

10. Charts 1 and 2 below demonstrate Wal-Mart's infringement by comparing images of the Infringing Shoes sold by Wal-Mart with figures from the NIKE Design Patents.

<b>Chart 1: Images Depicting Infringement of NIKE Design Patent D498,914 by the Wal-Mart Shoe</b>	
<b>D498,914</b>	<b>Wal-Mart Shoe</b>
 <p>FIG. 1</p>	
 <p>FIG. 2</p>	
 <p>FIG. 3</p>	