

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

SLIDE FIRE SOLUTIONS, LP,)	
)	CASE NO.
<i>Plaintiff,</i>)	
)	
v.)	HON.
)	
2ND AM ARMS LLC,)	
)	JURY DEMANDED
<i>Defendant.</i>)	
<hr/>		

COMPLAINT

Plaintiff Slide Fire Solutions, LP (“Slide Fire”) states as follows for its complaint against 2nd Am Arms LLC:

Nature of the Action

1. This is an action for patent infringement and violations of the Lanham Act. 2nd Am Arms has made, used, offered for sale and/or sold gun stocks that infringe multiple Slide Fire patents. Moreover, on its website advertising its product, 2nd Am Arms has prominently posted a screenshot and link to the video “How To Install & Operate the SLIDE FIRE.” SLIDE FIRE is plaintiff’s registered trademark. Defendant’s use of Slide Fire’s mark to advertise its own products is likely to cause confusion, cause mistake and/or deceive the public as to the origin, sponsorship, or approval of defendant’s goods.

Parties, Jurisdiction and Venue

2. Plaintiff Slide Fire is a Texas limited partnership in the business of marketing and selling firearms and accessories to firearms including sliding rifle stocks, sometimes referred to as bump fire stocks. Slide Fire has a principal place of business at 760 FM 2408, Moran, Texas, 76464.

3. Defendant 2nd Am Arms is a Florida limited liability company in the business of marketing and selling certain firearm parts and accessories, including bump fire stocks. On information and belief, defendant has a principal place of business at 5443 115th Avenue, Clearwater, Florida 33760.

4. This Court has subject matter jurisdiction based upon 28 U.S.C. §§ 1331 and 1338(a).

5. This Court has personal jurisdiction over 2nd Am Arms for at least the following reasons:

- a. using the crowd funding website www.rockethub.com, defendant solicits Texas investors for its business;
- b. defendant has contracted with Texas residents to sell to those persons defendant's infringing product in return for capital investment;
- c. as described more fully below, defendant has committed torts within Texas, including patent infringement and violations of the Lanham Act;
- d. on information and belief, defendant has i) contracted with, ii) received investment monies from, iii) offered to sell and iv) directly sold its infringing products to at least the following Texas residents: Dennis Day (Sweetwater, TX) on or about September 14 and 15, 2013; Will Berggren (Odessa, TX) on or about September 29, 2013; and Chris Stocks (Beach City, TX) on or about October 9, 2013.

6. Defendant's contacts with Texas are sufficiently numerous and substantial such that subjecting 2nd Am Arms to this Court's general and/or specific jurisdiction does not offend traditional notions of fair play and substantial justice.

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

Factual Allegations

8. Slide Fire incorporates by reference paragraphs 1–7.
9. Slide Fire makes and sells patented sliding rifle gunstocks designed for certain semi-automatic rifles.
10. On or about September 13, 2013, 2nd Am Arms solicited “preorders” for a new bumpfire stock it called “Minuteman 900” on its website at [www.facebook.com /pages/2ND-AM-ARMS/323847401048474](http://www.facebook.com/pages/2ND-AM-ARMS/323847401048474) substantially as shown below and as attached hereto as Exhibit 1:



11. Defendant’s September 13, 2013 Facebook posting embedded a hyperlink to the crowd-source funding website www.rockethub.com. The Rockethub site solicited “investments” ranging from \$50 to \$10,000. In return for such payment, “investors” would get the accused bumpfire stocks, as described below and attached hereto as Exhibit 2.
12. Defendant stated on the Rockethub site that in exchange for \$80, the “investor” would receive:

\$80: Minuteman-900 Bumpfire Stock – Polymer Manufactured from injection molded glass reinforced polymer for exceptional durability and minimum weight. The 2ND AM ARMS Minuteman-900 Bumpfire Stock is comparable to a “Slidefire” stock in that it simulates automatic fire without firing more than one round per trigger pull. It is completely legal and no license or registration is required. Allows for firing up to 900 rounds per minute. Kits will include all parts necessary for assembly and operation.

13. Defendant stated on the Rockethub site that in exchange for \$300, the “investor” would receive an aluminum bump fire stock:

\$300: Minuteman-900 Bumpfire Stock Aluminum. Precision machined from 7075-T6 aircraft grade aluminum for maximum durability. The 2ND AM ARMS Minuteman-900 Bumpfire Stock is comparable to a “DefendAR-15” stock in that it simulates automatic fire without firing more than one round per trigger pull. It is completely legal and no license or registration is required. Allows for firing up to 900 rounds per minute. Kits will include all parts necessary for assembly and operation.

14. Defendant stated on the Rockethub site that in exchange for \$10,000, the “investor” would receive a bulk shipment of polymer bump fire stocks:

\$10,000: 230 Minuteman-900 Bumpfire Stocks manufactured from injection molded glass reinforced polymer for exceptional durability and minimum weight. The 2ND AM ARMS Minuteman-900 Bumpfire Stock is comparable to a “Slidefire” stock in that it simulates automatic fire without firing more than one round per trigger pull. It is completely legal and no license or registration is required. Allows for firing up to 900 rounds per minute. Kits will include all parts necessary for assembly and operation.

\$10,000 for 230 stocks equates to about \$43.50 per stock.

15. On information and belief, elsewhere on the Rockethub site, 2nd Am Arms stated “Until now there were only a few manufacturers offering this product and retailing at an extortionate price. We like to think that we can offer what a lot of people would love to have, but at a price that they can also afford.”

16. 2nd Am Arms directly compared the functionality of its Minuteman 900 product with Slide Fire’s products, and promoted defendant’s significantly lower price.

17. 2nd Am Arms posted similar offers to sell its bumpfire stock on its Facebook website on September 18, 19, 21, 22, 23, 24, 25, 27, 30, and October 11. The offers for sale included language such as “Now taking preorders” and “Get it now while you still can.”

18. According to the Rockethub website, as of October 17, 2013, 106 persons had contributed funds totaling at least \$23,880 to purchase Minuteman 900 bumpfire stocks from defendant.

19. On or about October 21, 2013, 2nd Am Arms caused to be posted on the Rockethub website photographs of concept drawings of its bumpfire stock, stamped with the name Geometrix Engineering, Inc. Defendant stated on its October 21 posting that design and development of its bumpfire stock was actually “significantly further ahead” than depicted in the photographs.

Count I: Infringement of United States Patent No. 8,127,658

20. Slide Fire incorporates by reference paragraphs 1-19.

21. United States Patent No. 8,127,658 (the ‘658 Patent”), entitled “Method of Shooting A Semi-Automatic Firearm,” was duly and legally issued by the United States Patent and Trademark Office (“USPTO”), naming Jeremiah Cottle as the sole inventor, on March 6, 2012, after full and fair examination. A true and accurate copy of the ‘658 Patent is attached hereto as Exhibit 3.

22. As shown on the face of the ‘658 Patent, Slide Fire owns all of the rights and interest in, and is the assignee of, the ‘658 Patent.

23. 2nd Am Arms is inducing infringement and/or committing contributory infringement of at least claims 1 and 13 of the ‘658 Patent by others, including, but not limited to, actual and prospective customers, by making, using, importing, selling, and/or offering for sale in the United States, including the Northern District of Texas, products, such as its

“Minuteman 900” stock and grip. 2nd Am Arms has done so despite actual knowledge of the ‘658 Patent. The Minuteman 900 stock and grip constitutes a material part of the claimed inventions of the ‘658 Patent, which 2nd Am Arms knows is especially made or especially adapted for use in an infringement of the ‘658 Patent and is not a staple article or commodity of commerce suitable for substantial noninfringing use.

24. On information and belief, 2nd Am Arms is directly infringing at least claims 1 and 13 of the ‘658 Patent by using products, such as its “Minuteman 900” stock and grip, without authority in the United States.

25. 2nd Am Arms’s infringement is exceptional within the meaning of 35 U.S.C. § 285, justifying treble damages pursuant to 35 U.S.C. § 284.

26. On information and belief, 2nd Am Arms will continue to infringe the ‘658 Patent, causing immediate and irreparable harm, unless this Court enjoins and restrains 2nd Am Arms’s activities.

27. On information and belief, the infringement by 2nd Am Arms has and will deprive Slide Fire of sales, profits, and other related revenue that Slide Fire would have made or would enjoy in the future, has injured Slide Fire in other respects, and will cause Slide Fire irreparable harm unless 2nd Am Arms is enjoined from infringing the ‘658 Patent.

Count II: Infringement of United States Patent No. 8,176,835

28. Slide Fire incorporates by reference paragraphs 1–27.

29. United States Patent No. 8,176,835 (the ‘835 Patent”), entitled “Sliding Stock for Firearm,” was duly and legally issued by the United States Patent and Trademark Office (“USPTO”), naming Jeremiah Cottle as the sole inventor, on May 15, 2012, after full and fair examination. A true and accurate copy of the ‘835 Patent is attached hereto as Exhibit 4.

30. As shown on the face of the '835 Patent, Slide Fire owns all of the rights and interest in, and is the assignee of, the '835 Patent.

31. 2nd Am Arms is directly infringing at least claim 1 of the '835 Patent by making, using, importing, selling, or offering for sale in the United States, including the Northern District of Texas, products such as its "Minuteman 900" stock and grip without authority.

32. 2nd Am Arms is actively inducing infringement and or committing contributory infringement of at least claim 12 of the '835 Patent by others, including, but not limited to, actual and prospective customers by making, using, importing, selling, and/or offering for sale in the United States, including the Northern District of Texas, products, such as its "Minuteman 900" stock and grip. 2nd Am Arms has done so despite actual knowledge of the '835 Patent. The Minuteman 900 stock and grip constitutes a material part of the claimed inventions of the '835 Patent, which 2nd Am Arms knows is especially made or especially adapted for use in an infringement of the '835 Patent and is not a staple article or commodity of commerce suitable for substantial noninfringing use.

33. 2nd Am Arms's infringement is exceptional within the meaning of 35 U.S.C. § 285, justifying treble damages pursuant to 35 U.S.C. § 284.

34. On information and belief, 2nd Am Arms will continue to infringe the '835 Patent, causing immediate and irreparable harm, unless this Court enjoins and restrains 2nd Am Arms's activities.

35. On information and belief, the infringement by 2nd Am Arms has and will deprive Slide Fire of sales, profits, and other related revenue that Slide Fire would have made or would enjoy in the future, has injured Slide Fire in other respects, and will cause Slide Fire irreparable harm unless 2nd Am Arms is enjoined from infringing the '835 Patent.

Count III: Infringement of United States Patent No. 8,356,542

36. Slide Fire incorporates by reference paragraphs 1–35.

37. United States Patent No. 8,356,542 (the ‘542 Patent’) entitled “Slide-On Slide Stock for Firearm” was duly and legally issued by the United States Patent and Trademark Office (“USPTO”), naming Jeremiah Cottle and David Compton as joint inventors, on January 22, 2013, after full and fair examination. A true and accurate copy of the ‘542 Patent is attached hereto as Exhibit 5.

38. As shown on the face of the ‘542 Patent, Slide Fire owns all of the rights and interest in, and is the assignee of, the ‘542 Patent.

39. 2nd Am Arms is at least directly infringing the ‘542 Patent by making, using, importing, selling, or offering for sale in the United States, including the Northern District of Texas, products such as its “Minuteman 900” stock and grip.

40. 2nd Am Arms’s infringement is exceptional within the meaning of 35 U.S.C. § 285, justifying treble damages pursuant to 35 U.S.C. § 284.

41. On information and belief, 2nd Am Arms will continue to infringe the ‘542 Patent, causing immediate and irreparable harm, unless this Court enjoins and restrains 2nd Am Arms’s activities.

42. On information and belief, the infringement by 2nd Am Arms has and will deprive Slide Fire of sales, profits, and other related revenue that Slide Fire would have made or would enjoy in the future, has injured Slide Fire in other respects, and will cause Slide Fire irreparable harm unless 2nd Am Arms is enjoined from infringing the ‘542 Patent.

Count IV: Infringement of United States Patent No. 8,371,208

43. Slide Fire incorporates by reference paragraphs 1–42.

44. United States Patent No. 8,371,208 (the ‘208 Patent’) entitled “Method for Shooting a Semi-Automatic Firearm” was duly and legally issued by the United States Patent and Trademark Office (“USPTO”), naming Jeremiah Cottle as the sole inventor, on February 12, 2013, after full and fair examination. A true and accurate copy of the ‘208 Patent is attached hereto as Exhibit 6.

45. Slide Fire owns all of the rights and interest in, and is the assignee of, the ‘208 Patent.

46. 2nd Am Arms is actively inducing infringement and or committing contributory infringement of at least claims 1, 11, and 19 of the ‘208 Patent by others, including, but not limited to, actual and prospective customers by making, using, importing, selling, and/or offering for sale in the United States, including the Northern District of Texas, products, such as its “Minuteman 900” stock and grip. 2nd Am Arms has done so despite actual knowledge of the ‘208 Patent. The Minuteman 900 stock and grip constitutes a material part of the claimed inventions of the ‘208 Patent, which 2nd Am Arms knows is especially made or especially adapted for use in an infringement of the ‘208 Patent and is not a staple article or commodity of commerce suitable for substantial noninfringing use. On information and belief, 2nd Am Arms is directly infringing at least claims 1, 11, and 19 of the ‘208 Patent by using the “Minuteman 900” stock and grip.

47. 2nd Am Arms’s infringement is exceptional within the meaning of 35 U.S.C. § 285, justifying treble damages pursuant to 35 U.S.C. § 284.

48. On information and belief, 2nd Am Arms will continue to infringe the ‘208 Patent, causing immediate and irreparable harm, unless this Court enjoins and restrains 2nd Am Arms’s activities.

49. On information and belief, the infringement by 2nd Am Arms has and will deprive Slide Fire of sales, profits, and other related revenue that Slide Fire would have made or would enjoy in the future, has injured Slide Fire in other respects, and will cause Slide Fire irreparable harm unless 2nd Am Arms is enjoined from infringing the '542 Patent.

Count V: Infringement of United States Patent No. 8,448,562

50. Slide Fire incorporates by reference paragraphs 1–49.

51. United States Patent No. 8,448,562 (the '562 Patent") entitled "Interface for Reciprocating Firearm Stock" was duly and legally issued by the United States Patent and Trademark Office ("USPTO"), naming Jeremiah Cottle as sole inventor, on May 28, 2013, after full and fair examination. A true and accurate copy of the '562 Patent is attached hereto as Exhibit 7.

52. Slide Fire owns all of the rights and interest in, and is the assignee of, the '562 Patent.

53. 2nd Am Arms is directly infringing at least claims 1, 8 and 22 of the '562 Patent, by making, using, importing, selling, or offering for sale in the United States, including the Northern District of Texas, products such as its "Minuteman 900" stock and grip.

54. 2nd Am Arms's infringement is exceptional within the meaning of 35 U.S.C. § 285, justifying treble damages pursuant to 35 U.S.C. § 284.

55. On information and belief, 2nd Am Arms will continue to infringe the '562 Patent, causing immediate and irreparable harm, unless this Court enjoins and restrains 2nd Am Arms's activities.

56. On information and belief, the infringement by 2nd Am Arms has and will deprive Slide Fire of sales, profits, and other related revenue that Slide Fire would have made or

would enjoy in the future, has injured Slide Fire in other respects, and will cause Slide Fire irreparable harm unless 2nd Am Arms is enjoined from infringing the '562 Patent.

Count VI: Infringement of United States Patent No. 8,474,169

57. Slide Fire incorporates by reference paragraphs 1–56.

58. United States Patent No. 8,474,169 (the '169 Patent") entitled "Handle for a Semi-Automatic Firearm" was duly and legally issued by the United States Patent and Trademark Office ("USPTO"), naming Jeremiah Cottle and David Compton as joint inventors, on July 2, 2013, after full and fair examination. A true and accurate copy of the '169 Patent is attached hereto as Exhibit 8.

59. Slide Fire owns all of the rights and interest in, and is the assignee of, the '169 Patent.

60. 2nd Am Arms is directly infringing at least claims 1, 11, and 17 of the '169 Patent, by making, using, importing, selling, or offering for sale in the United States, including the Northern District of Texas, products such as its "Minuteman 900" stock and grip.

61. 2nd Am Arms's infringement is exceptional within the meaning of 35 U.S.C. § 285, justifying treble damages pursuant to 35 U.S.C. § 284.

62. On information and belief, 2nd Am Arms will continue to infringe the '169 Patent, causing immediate and irreparable harm, unless this Court enjoins and restrains 2nd Am Arms's activities.

63. On information and belief, the infringement by 2nd Am Arms has and will deprive Slide Fire of sales, profits, and other related revenue that Slide Fire would have made or would enjoy in the future, has injured Slide Fire in other respects, and will cause Slide Fire irreparable harm unless 2nd Am Arms is enjoined from infringing the '169 Patent.

Count VII: Violation of Lanham Act Section 32, 15 U.S.C. § 1114

64. Slide Fire incorporates by reference paragraphs 1–63.

65. Slide Fire owns numerous trademark registrations, including SLIDE FIRE. A true and accurate copy of U.S. trademark registration certificate no. 4,289,886, issued February 12, 2013, is attached as Exhibit 9.

66. Beginning at least September 30, 2013, and continuing through the present, 2nd Am Arms has continually posted on its commercial website (maintained at FaceBook.com) a YouTube video entitled “How to Install and Operate the Slide Fire,” substantially as shown in Exhibit 1.

67. On the same September 30, 2013 posting, Defendant included in the video’s caption Slide Fire’s domain address: <http://www.slidefire.com>.

68. Defendant’s reproduction of Slide Fire’s mark on its website constitutes interstate commerce.

69. Slide Fire has never authorized 2nd Am Arms to use any trademark.

70. On information and belief, many visitors to 2nd Am Arms’ website have viewed the video posting and purchased Minuteman 900 gunstocks as a result of the video showcasing Slide Fire’s patented product.

71. 2nd Am Arms reproduced and exploited Slide Fire’s registered mark on Defendant’s Facebook website in order to sell, offer for sale, and advertise its Minuteman 900 gunstock.

72. Defendant’s use of Slide Fire’s registered mark is likely to cause confusion, mistake, or deception among consumers in the gunstock market with respect to the origin of the gunstocks or affiliation between 2nd Am Arms and Slide Fire.

73. 2nd Am Arms knew, or should have known, that its use of the SLIDE FIRE mark would cause confusion, mistake, or deceive consumers in the gunstock market.

74. Slide Fire has been damaged by 2nd Am Arms's false and misleading descriptions and trademark misuse. 2nd Am Arms is liable to Slide Fire for damages under 15 U.S.C § 1114, also known as section 32 of the Lanham Act.

75. Defendant used Slide Fire's valuable trademark unfairly and without good faith to associate its products with Slide Fire's products in the minds of consumers, and not merely as a descriptive term to describe its own products' features.

Count VIII: Violation of Lanham Act Section 43, 15 U.S.C. § 1125

76. Slide Fire incorporates by reference paragraphs 1–75.

77. Defendant's use of Slide Fire's registered mark and video demonstration of the capabilities of Slide Fire's high-quality, patented product in connection with Defendant's offering to sell the Minuteman 900 is likely to cause confusion, mistake, or deception among consumers in the gunstock market with respect to the origin of the gunstock or misleadingly suggest an affiliation between 2nd Am Arms and Slide Fire.

78. Defendant's use of Slide Fire's registered mark and video demonstration of the capabilities of Slide Fire's high-quality, patented product in connection with Defendant's offering to sell the Minuteman 900 is likely to cause confusion, mistake, or deception among consumers in the gunstock market with respect to the origin of the gunstocks or affiliation between 2nd Am Arms and Slide Fire.

79. 2nd Am Arms knew, or should have known, that its use of the SLIDE FIRE mark, particularly in connection with the video, would cause confusion, mistake, or deceive consumers in the gunstock market.

80. Slide Fire has been damaged by 2nd Am Arms's false and misleading descriptions and trademark misuse. 2nd Am Arms is liable to Slide Fire for damages under 15 U.S.C § 1125, also known as section 43 of the Lanham Act.

81. Defendant used Slide Fire's valuable trademark unfairly and without good faith to associate its products with Slide Fire's products in the minds of consumers, and not merely as a descriptive term to describe its own products' features.

PRAYER FOR RELIEF

Slide Fire prays that this Court enter judgment in favor of Slide Fire and against 2nd Am Arms on all claims asserted by Slide Fire:

- A. Entering preliminary and permanent injunctions against 2nd Am Arms as provided by, for example, 35 U.S.C. § 283, enjoining it, its directors, officers, agents, employees, successors, subsidiaries, assigns, and all persons in active concert, privity, or participation with 2nd Am Arms from making, using, selling, or offering for sale in the United States, or importing into the United States, any and all products and/or services embodying the patented inventions claimed in the '658, '835, '542, '208, '562 and '169 Patents;
- B. Entering preliminary and permanent injunctions against 2nd Am Arms as provided by, for example, 15 U.S.C. § 1116, enjoining it, its directors, officers, agents, employees, successors, subsidiaries, assigns, and all persons in active concert, privity, participation with 2nd Am Arms from using the SLIDE FIRE mark in connection with any offer, advertisement, or description of Defendant's goods;

- C. Ordering 2nd Am Arms to provide an accounting of all sales activity relating to the “Minuteman 900,” together with an itemized list of all persons to whom it has sold the gunstocks, including their addresses and other contact information;
- D. Ordering 2nd Am Arms to notify immediately every person and entity to whom it has promised, sold or otherwise contracted to provide the “Minuteman 900” that Slide Fire holds the patents on the technology and that it cannot legally sell the Minuteman 900;
- E. Awarding such damages to Slide Fire to which it is entitled, pursuant to 35 U.S.C. § 284 and 15 U.S.C. § 1117;
- F. Awarding Slide Fire enhanced damages pursuant to 35 U.S.C. § 284 and 15 U.S.C. 1117(a)(3);
- G. Awarding Slide Fire pre-judgment and post-judgment interest as allowed by law;
- H. Awarding Slide Fire its costs, expenses, and fees, including reasonable attorneys’ fees, pursuant to 35 U.S.C. § 285, 15 U.S.C. § 1117(a), and/or other applicable statutes;
- I. Holding that 2nd Am Arms acted willfully in causing damage to Slide Fire; and
- J. Awarding Slide Fire such other and further relief as the Court deems just, equitable, and proper.

Jury Demand

Slide Fire demands a jury.

Respectfully submitted,

PATTERSON & SHERIDAN, LLP

/s/ Jerry R. Selinger

Jerry R. Selinger

State Bar No. 18008250

Email: jselinger@pattersonsheridan.com

1700 Pacific Avenue, Suite 2650

Dallas, Texas 75201

Telephone: 214-272-0957

Facsimile: 214-296-0246

ATTORNEYS FOR PLAINTIFF

SLIDE FIRE SOLUTIONS, L.P.

OF COUNSEL:

Bradley L. Smith

Pro Hac Vice motion to be filed

Endurance Law Group PLC

180 W. Michigan Ave., Suite 501

Jackson, MI 49201

Telephone:(517) 879-0253

Email: bsmith@endurancelaw.com