

Shooting, Hunting, and Outdoor Industries IP Update

This is the January 2012 installment of Sutherland's "Shooting, Hunting, and Outdoor Industries IP Update." These updates are intended to inform our readers about intellectual property (IP) developments in the shooting, hunting, and outdoor industries. If the information provided herein is of interest, or if additional information is desired, please contact us.

Crosman Fights for the MARAUDER Trademark

Crosman Corporation (Crosman), a maker of airguns and related equipment, filed a trademark infringement complaint against Brookshire Tool and Manufacturing Company (Brookshire) dba ProMag Industries and Archangel Manufacturing over use of the MARAUDER trademark. Crosman had registered the MARAUDER® trademark with the U.S. Patent and Trademark Office in 2009. This year, Brookshire allegedly began selling rifle conversion kits for Ruger 10/22 rifles under the trademark, and then posted online videos on YouTube using the trademark. The present case number is 12-cv-6001, filed on January 3, 2012.

Copyright Battle Over a Camouflage Pattern

Digital Concealment Systems (DCS) filed a declaratory judgment action in the U.S. District Court for the Middle District of Georgia over a cease and desist letter sent by rival Hyperstealth Biotechnology Corp. (HBC). Allegedly, DCS's newly released A-TACS FG camo pattern infringes on HBC's copyrights in its Ghostex Delta, SpecAM, SOPAT, Eurospec, Ghostex Alpha and CAMOPAT patterns. The present case number is 4:11-cv-195-CDL, filed on December 16, 2011.

Eyewear Manufacturers Defend Patents

Two eyewear manufacturers, Oakley Inc. (Oakley) and Eye Safety Systems, Inc. (ESS) filed design patent infringement complaints on the same day against Revision Military Ltd. Oakley alleged infringement of U.S. Design Patent Number D554,689, while ESS alleged infringement of U.S. Design Patent Number D510,378. The Oakley case number is 8:11-cv-01939-JST-MLG, filed in the U.S. District Court for the Central District of California, and the ESS case number is 1:11-cv-00636-REB, filed in the U.S. District Court for Idaho, both of which were filed on December 15, 2011.

Ashbury International Group Sues Competitor for Patent Infringement

Ashbury International Group, Inc. filed a complaint against Cadex Defence, Inc., and Drake Associates, Inc., for patent infringement of U.S. Patent Number 7,802,392. The patent-at-issue allegedly covers a modular bolt action rifle chassis system and assembly. The present case number is 3:2011-cv-00079, filed on December 16, 2011, in the U.S. District Court for the Western District of Virginia.

Surefire Asserts Reissued Patents Against Outdoor Goods Distributor

Surefire, Inc. filed a complaint asserting two reissue patents against Cabela's Inc. The patents-at-issue are U.S. Patent Nos. RE40,125 and RE40,027, allegedly covering a flashlight and a rotary switch in a flashlight. The present case number is 8:11-cv-01888-CJC-RNB, filed on December 7, 2011, in the U.S. District Court for the Central District of California.

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MagLite Asserts Design Patent

Mag Instrument, Inc., the maker of MagLite® flashlight products, filed a complaint for design patent infringement against the National Rifle Association and Does 1-10 in the U.S. District Court for the Central District of California. The patent-at-issue is U.S. Design Patent Number D530,439, allegedly covering the ornamental shape of a flashlight. The present case number is 5:11-cv-01918-VAP-DTB, filed on December 5, 2011.

Smith & Wesson Settles ITC and District Court Patent Disputes

In November, Smith & Wesson's parent company, Thompson/Center Arms Company, Inc. (TCA), settled its differences with Traditions Sporting Goods, Inc. (Traditions), and Ardesa S.A. d/b/a Ardesa Firearms ("Ardesa") stemming from a Section 337 action for patent infringement filed with the U.S. International Trade Commission (ITC), and a U.S. district court complaint filed in the U.S. District Court for Massachusetts. Six patents including U.S. Patent Nos. 7,908,781; 7,814,694; 7,140,138; 6,604,311; 5,782,030; and 5,639,981 were asserted in both cases. A license agreement for TCA's muzzleloader rifle technology was signed by the parties, and all infringement claims against the parties were dismissed from the action. The ITC case number is 337-TA-2804-001, filed on May 10, 2011, and the district court case number is 3:11-cv-30131, filed on May 11, 2011.

Karbon Arms Fires Back at Taser International Distributor

Karbon Arms, LLC, a maker of electronic immobilization products, filed a complaint in the U.S. District Court for the Northern District of Ohio against Vance Outdoors, Inc., a distributor for Taser International, alleging violation of Section 43(a) of the Lanham Act, 35 U.S.C. § 1125(a), tortious interference with prospective contractual relations, and libel. In our prior [SHO Legal Alert](#), we reported that Taser International sued Karbon Arms, LLC, in the U.S. District Court for Delaware for infringing two patents covering electrical current immobilization devices. The present case number is 1:11-cv-02239-DCN, filed on October 19, 2011.



If you have questions about any of these developments, please feel free to contact any of the attorneys listed below or the Sutherland attorney with whom you regularly work.

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