

Shooting, Hunting, and Outdoor Industries IP Update

This is the October 2011 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.

Patent Law Reform Enacted; Patent Owners' Rights Expected to Strengthen

On September 16, 2011, President Obama signed long-awaited legislation on patent reform, the America Invents Act (AIA), that passed both the House of Representatives and Senate by wide margins. Changes in patent law include changing the U.S. from a first-to-invent system to a first-to-file system (effective March 2013), initiating a new post-grant review procedure to challenge patent validity outside of the courts (effective September 2012), and curbing false marking litigation by limiting standing to file such litigation to the U.S. government (effective immediately). These and other changes are intended to strengthen patent rights for patent owners, and curb abusive and excessive patent litigation practices. Other changes to the U.S. patent laws and details about the AIA are reported in our recent [Legal Alert](#).

Adams Arms Goes to Battle Over AR-15 Gas Impingement Retrofit System

Adams Arms, Inc. sued Sig Sauer Inc. for infringement of U.S. Patent No. 7,971,518 (the 518 patent) in the U.S. District Court for the Middle District of Florida. The patent covers a retrofit system to convert AR-15 and M-16 rifles from a direct gas impingement system to a direct drive system. This lawsuit appears to continue a feud between the companies involving U.S. Patent No. 7,469,624, the parent to the 518 patent. The present case no. is 8:11-cv-01473-EAK-TBM, filed on July 5, 2011.

Streamlight Targets Another Rail Mountable Light Manufacturer for Patent Infringement

Streamlight, Inc. sued Laser Defense Manufacturing LLC for patent infringement of two utility and two design patents in the U.S. District Court for the Eastern District of Pennsylvania. The patents in suit are U.S. Patent Nos. 7,188,978; 7,614,760; D543,446; and D548,385, which relate to a clamping arrangement and the associated fastening bolt design for mounting a light to a firearm rail. This case is similar to previous patent litigation filed by Streamlight last February against Longhorn Tactical, LLC, in the same court on the same four patents, which we reported in our March 2011 edition of the [SHO Industries IP Update](#). The present litigation is case no. 2:11-cv-05996-AB, filed on September 21, 2011.

Lavagear Heats Up the Competition

Patent litigation filed by Lavagear Inc. against two manufacturers and three retailers involves U.S. Patent No. 6,598,235. The U.S. District Court for the Eastern District of New York received Lavagear's complaint alleging infringement of a patent covering a body fitting garment with a pocket to accommodate a heating device, such as an air activated warmer. Defendants in the suit are Heatmax, Inc.; Mediheat, Inc.; CVS Pharmacy, Inc.; Rite Aid Corp., and Walgreens Co. This is the first patent litigation filed by Lavagear on this patent. The case no. is 1:11-cv-03508-ERK-JO, filed on July 21, 2011.

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Chiappa Firearms Sued for Allegedly Infringing “Rhino Head” Trademark

Adult entertainment provider, Spearmint Rhino Companies Worldwide, Inc. (Spearmint), sued Chiappa Firearms Ltd. and a related entity, Chiappa Holdings LLC, for trademark infringement of U.S. Registration Nos. 3,205,552; 3,189,323; and 3,189,324. The complaint filed in the U.S. District Court, District of Central California alleges that the Chiappa Firearms’ logo mark on its firearms, featuring the outline of the head of a rhinoceros, is similar to Spearmint’s rhinoceros head logo mark used in the adult industry to market, among other goods and services, “panties, g-strings, brassieres and corsets for semi-nude and erotic dancers.” The case no. is 2:11-cv-05682-R-MAN, filed on July 11, 2011.

Czechpoint Defends Its Automatic Rifle Conversion System

Czechpoint, Inc. and Tomas Quis filed suit against Century Arms of Vermont, Inc. and two related entities, Century International Arms of Vermont, Inc. and Century International Arms Corp., alleging infringement of U.S. Patent No. 7,676,974. The patent covers a modified automatic rifle, such as a Czech Sa vz. 58, for semi-automatic use. The case was filed in the U.S. District Court for the Eastern District of Tennessee, and is case no. 3:11-cv-00298, filed on June 27, 2011.

Taser Asserts Its Patents

Taser International Inc. sued Karbon Arms LLC for infringing two patents covering electrical current immobilization devices. The patents at issue, U.S. Patent No. 7,800,855 and 7,602,597, were asserted in the U.S. District Court, District of Delaware. The case no. is 1:11-cv-00426-BMS, filed on May 16, 2011.

Larson Archery Takes Aim at Mathews

Larson Archery Co. sued arch-competitor, Mathews, Inc. for patent infringement of U.S. Patent No. 7,441,555 in the U.S. District Court, District of Utah. The patent in suit relates to a compound bow, particularly, the riggings or pulley assembly arrangement. This case is the second time Larson Archery Co. has sued for patent infringement on this patent. The prior case was filed in 2009 against rival Bowtech in the same court. The present litigation is case no. 1:11-cv-00126-PMW, filed on August 11, 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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