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9 Attorneys for Plaintiff P&L Industries, Inc.

10 IN THE UNITED STATES DISTRICT COURT  
11 FOR THE DISTRICT OF ARIZONA

12 P&L Industries, Inc.,  
13 an Arizona corporation,

14 Plaintiff,

15 v.

16 Bass Pro Group, LLC, a Delaware  
limited liability company,

17 Defendant.

No.

**COMPLAINT FOR PATENT  
INFRINGEMENT**

(Jury Trial Requested)

18  
19 Plaintiff P&L Industries, Inc. (“P&L”) for its Complaint alleges against Bass Pro  
20 Group, LLC (“Bass Pro”):

21 1. P&L is a corporation organized under the laws of the State of Arizona and  
22 having a place of business at 101 Airpark Road, Cottonwood, Arizona, 86326.

23 2. On information and belief, Bass Pro is a Delaware limited liability  
24 company having its principal place of business at 2500 E. Kearney, Springfield, MO  
25 65898.

26 3. P&L is the assignee of United States Patent No. 6,421,947 (the “‘947  
27 Patent”) entitled “AXIS ALIGNMENT APPARATUS.”  
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1           4.     P&L has the right to sue for the relief sought herein, including, without  
2 limitation, injunctive relief and monetary damages.

3           5.     A true and correct copy of the '947 Patent is attached as Exhibit 1.

4           6.     A true and correct copy of a website page from the United States Patent and  
5 Trademark Office website showing the assignment of the '947 Patent to P&L is attached  
6 as Exhibit 2.

7           7.     P&L is in the business of, among other things, selling and offering to sell  
8 laser boresighters in Arizona and throughout the United States.

9           8.     P&L sells laser boresighters to Bass Pro.

10          9.     The laser boresighters P&L sells to Bass Pro fall within the scope of the  
11 '947 patent.

12          10.    Upon information and belief, Bass Pro has directly or indirectly imported  
13 into the United States, offered for sale, and sold laser boresighters under the brand name  
14 "Pursuit Universal Laser Boresighter."

15          11.    The Pursuit Universal Laser Boresighter (hereafter, "Pursuit boresighter")  
16 is manufactured in China.

17          12.    The Pursuit Universal Laser Boresighter falls within the scope of at least  
18 claims 1-8, 15, 16 and 18 of the '947 Patent.

19          13.    True and correct copies of photographs of the Pursuit Universal Laser  
20 Boresighter are attached as collective Exhibit 3.

21          14.    Bass Pro offers for sale and sells the Pursuit boresighter on its website and  
22 at its store locations.

23          15.    On information and belief, Bass Pro offers the Pursuit boresighter for sale  
24 in Arizona.

25          16.    Bass Pro has had actual knowledge of the '947 Patent and of P&L's  
26 ownership of the patent since at least July 15, 2015.

27          17.    Bass Pro is aware that P&L is located in Arizona.  
28

1 18. Bass Pro is engaged in activity directly infringing at least claims 1-8, 15, 16  
2 and 18 of the '947 Patent at least by selling and/or offering to sell boresighters as claimed  
3 in the '947 Patent.

4 **NATURE OF ACTION, JURISDICTION AND VENUE**

5 19. This is a patent infringement action arising under the patent laws of the  
6 United States, 35 U.S.C. §§ 101, *et. seq.*, including 35 U.S.C. §§ 271, 281, 283 and 284.

7 20. Bass Pro has engaged in activities that infringe the '947 Patent.

8 21. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331  
9 and 1338.

10 22. This Court has personal jurisdiction over Bass Pro, and venue is proper in  
11 this judicial District pursuant to 28 U.S.C. §§ 1391 and 1400, because at least some of the  
12 acts complained of herein occurred in this District. On information and belief, Bass Pro  
13 has introduced its Pursuit boresighters that infringe the '947 Patent into the stream of  
14 commerce with knowledge or the reasonable expectation that said boresighters would be  
15 sold or offered for sale in Arizona. Furthermore, prior to selling and offering for sale at  
16 least some of its Pursuit boresighters, Bass Pro was aware of the '947 Patent, that the  
17 '947 Patent is owned by P&L, and that P&L is located in Arizona.

18 23. Bass Pro has intentionally directed its infringing activities to P&L, which is  
19 located in this District.

20 **FACTUAL ALLEGATIONS COMMON TO ALL COUNTS**

21 **Background**

22 24. P&L produces in Arizona boresighters falling within the scope of the '947  
23 Patent.

24 25. P&L sells and offers to sell boresighters falling within the scope of the '947  
25 Patent in Arizona and throughout much of the United States.

26 26. P&L's boresighters fit into the bore at the end of a gun and project a laser  
27 beam, allowing optical sights on a firearm to be calibrated to the bore of the gun.

28 27. P&L sells boresighters to Bass Pro.

1           28. Bass Pro offers to sell and sells Pursuit boresighters.

2           29. On information and belief, the Pursuit boresighters sold by Bass Pro are  
3 manufactured in China and imported into the United States.

4           30. Upon information and belief, Bass Pro had actual knowledge of P&L's  
5 laser boresighters prior to Bass Pro offering to sell and selling its Pursuit boresighters in  
6 the United States.

7           31. Bass Pro had actual knowledge of the existence of the '947 Patent prior to  
8 offering sell and selling at least some of its Pursuit boresighters in the United States.

9           32. Bass Pro had actual knowledge of the '947 Patent at least as a result of  
10 communications sent by P&L to Bass Pro from about July of 2015 through February of  
11 2016.

12           33. True and correct copies of some of the communications referenced in the  
13 preceding paragraph are attached hereto as collective Exhibit 4.

14           34. Bass Pro's Pursuit boresighter includes an angled surface that is positioned  
15 in the bore of a gun barrel, and has an end that is positioned outside of the bore, and an  
16 opposite end that is positioned inside of the bore.

17           35. Bass Pro's Pursuit boresighter includes an angled surface that contacts the  
18 end of the gun muzzle when Bass Pro's Pursuit boresighter is positioned in a gun barrel.

19           36. Bass Pro's Pursuit boresighter includes an adapter that can be attached to an  
20 end of the boresighter.

21           37. The bore adapter of Bass Pro's Pursuit boresighter is positioned in the bore  
22 of a gun when the end of boresighter to which the adapter is attached is positioned in the  
23 bore of the gun.

24           38. The bore adapter of Bass Pro's Pursuit boresighter has a variable diameter.

25           39. Bass Pro's Pursuit boresighter includes a light source.

26           40. The light source of Bass Pro's Pursuit boresighter can emit a beam of laser  
27 light.

28

1           41.    When Bass Pro's Pursuit boresighter emits a beam of laser light, the beam  
2 is aligned with the longitudinal axis of the body of Bass Pro's boresighter.

3           42.    Bass Pro's Pursuit boresighter includes a bore adapter that includes  
4 deformable members.

5           43.    Bass Pro's Pursuit boresighter has a one-piece body.

6           44.    Bass Pro's Pursuit boresighter includes a body that has a first diameter at  
7 one end and a second diameter, which is less than the first diameter, at the opposite end.

8           45.    Bass Pro's Pursuit boresighter has a tapered section between its two ends.

9           46.    Bass Pro's Pursuit boresighter is sold with a plurality of bore adapters.

10          47.    The deforming members of the bore adapter of Bass Pro's Pursuit  
11 boresighter splay outwardly when the bore adapter is attached to Bass Pro's Pursuit  
12 boresighter.

13          48.    The bore adapter of Bass Pro's Pursuit boresighter includes a ring to  
14 receive a screw.

15          49.    The bore adapter of Bass Pro's Pursuit boresighter is attached to an end of  
16 Bass Pro's Pursuit boresighter by a screw.

17          50.    The deformable members of the bore adapter of Bass Pro's Pursuit  
18 boresighter are axially attached around the ring of the bore adapter.

19          51.    Bass Pro's Pursuit boresighter has a body that has a longitudinal axis.

20          52.    Bass Pro's Pursuit boresighter includes a power source connected to a light  
21 source.

22          53.    Bass Pro's Pursuit boresighter includes a switch to connect a power source  
23 to a light source.

24          54.    Bass Pro's Pursuit boresighter includes a cavity that houses the power  
25 source.

26          55.    The body of Bass Pro's Pursuit boresighter includes a conductive path  
27 through the light source.

28          56.    The light source for Bass Pro's Pursuit boresighter is a laser.

1 57. The tapered body section of Bass Pro’s boresighter engages the gun muzzle  
2 when the laser boresighter is inserted into the bore of a gun.

3 58. Bass Pro’s Pursuit boresighter includes a body section designed to extend at  
4 least partially into the bore of a gun barrel.

5 59. The body section of Bass Pro’s Pursuit boresighter that extends into the  
6 bore of a gun barrel includes a section designed to contact the bore.

7 **COUNT I**

8 **Patent Infringement**

9 60. P&L incorporates as fully restated herein each of the allegations and  
10 averments in the preceding paragraphs.

11 61. Bass Pro has offered to sell, sold, and continues to offer for sale and sell,  
12 within the United States boresighters that directly infringe the ‘947 Patent.

13 62. On information and belief, Bass Pro has, and continues, directly or  
14 indirectly, to import boresighters into the U.S. that infringe the ‘947 Patent.

15 63. At least some of Bass Pro’s actions were done with knowledge of the ‘947  
16 Patent

17 64. At least some of Bass Pro’s actions were done with knowledge that its  
18 boresighters infringed the ‘947 patent.

19 65. P&L has no adequate remedy at law against Bass Pro’s acts.

20 66. Unless Bass Pro is enjoined from its unlawful actions, P&L will continue to  
21 suffer irreparable harm.

22 **WHEREFORE**, P&L demands judgment:

23 1. Declaring that Bass Pro has infringed and is infringing the ‘947 Patent;

24 2. Enjoining and restraining Bass Pro and its representatives, agents, servants,  
25 successors, assigns, employees, and all those in privity or active concert and participation  
26 with Bass Pro, from directly infringing the ‘947 Patent, or inducing or contributing to the  
27 infringement of the ‘947 Patent;

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3. Requiring Bass Pro to compensate P&L for the damages caused by its actions together with interests and costs;

4. Holding that if Bass Pro’s infringement is found to be willful, P&L’s damages be trebled pursuant to 35 U.S.C.§ 284;

5. Holding that this case be found to be exceptional and awarding P&L its reasonable attorneys’ fees and expenses against Bass Pro pursuant to 35 U.S.C. § 285;

6. Assessing costs, other expenses and such other and further relief as the Court may deem just and proper; and

7. Any additional remedy that the Court deems just.

DATED this 1<sup>st</sup> day of March, 2016.

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**DEMAND FOR JURY TRIAL**

Pursuant to Fed. Rule Civ. Proc. 38(b), P&L Industries, Inc. hereby demands a jury trial on all issues raised by the Complaint herein and triable by right to a jury.

DATED this 1<sup>st</sup> day of March, 2016.

s/ David E. Rogers  
Attorneys for Plaintiff P&L Industries, Inc

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