

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

STEYR ARMS, INC.,	:	
	:	
Plaintiff,	:	Case No.
v.	:	
	:	
SIG SAUER, INC.,	:	Jury Trial Demanded
	:	
Defendant.	:	

COMPLAINT

Plaintiff, STEYR ARMS, INC., by way of its Complaint against defendant, SIG SAUER INC., alleges and says:

THE PARTIES

1. Plaintiff, STEYR ARMS, INC. (“STEYR”), is a Alabama corporation having a principal place of business at 2530 Morgan Road, Bessemer, Alabama 35022.
2. Upon information and belief, defendant, SIG SAUER, INC. (“SIG SAUER”), is a Delaware corporation having a principal place of business at 72 Pease Boulevard, Newington, New Hampshire 03801.

JURISDICTION AND VENUE

3. This is an action for patent infringement arising under the Patent Laws of the United States, Title 35, United States Code.
4. Jurisdiction over the subject matter of this action is vested in the United States District Court pursuant to 28 U.S.C. §§ 1331 and 1338(a).

5. This Court has personal jurisdiction over SIG SAUER because SIG SAUER regularly operates and conducts business in Alabama, is causing injury in Alabama, is engaged in substantial and not isolated activity within Alabama and/or because a substantial part of the claims arose in this district.

6. Venue is conferred in this judicial district pursuant to 28 U.S.C. § 1391 (b) and (c) and 28 U.S.C. § 1400(b) because SIG SAUER is subject to personal jurisdiction in this judicial district and because SIG SAUER regularly conducts business in this district.

PATENT INFRINGEMENT

7. STEYR is the owner by assignment of all right, title, and interest in and to United States Letters Patent No. 6,260,301 (hereinafter referred to as “the `301 Patent”) entitled, “Pistol, Whose Housing Is Composed Of Plastic.” A copy of the `301 Patent is attached hereto as Exhibit A.

8. The `301 Patent was duly and legally issued on July 17, 2001. The `301 Patent remains in full force and effect.

9. The `301 Patent is directed generally to a pistol having a plastic housing and a multifunction metal part removably inserted into the housing. The multifunction metal part includes the guides for the barrel slide and elements of the trigger mechanism are mounted thereon. (See Exhibit A, Abstract, Summary of Invention).

10. The only claim of the `301 Patent, Claim 1 is reproduced below:

1. A pistol comprising a housing; a barrel slide movably mounted on the housing for movement in a firing direction with respect to a barrel; and a trigger mechanism located, at least in part, within the housing, the improvement which comprises a multifunction metal part removably insertable within said housing, said multifunction metal part being provided with guides for the barrel slide and means for supporting the trigger mechanism, said multifunction metal

part and housing are each provided with a transverse hole which receives a shaft for connecting the housing and the multifunction metal part together, the housing has a rear wall which is provided with a recess for receiving a projection on the multifunction metal part the multifunction metal part includes control means for locking said barrel in the barrel slide.

11. SIG SAUER has infringed and is continuing to infringe claim 1 of the '301 Patent by manufacturing, importing, distributing, marketing, offering for sale, and selling pistols having a plastic housing and multifunction metal part removably mounted therein (hereinafter "the Accused Products"). The Accused Products include, but are not limited to, the SIG SAUER P250 and P320 pistols. Select pages from the P250 Owners Manual are attached hereto as Exhibit B, pp. 1, 13, 36, 46, 48, 62 and 63. Select pages from the P320 Owners Manual are attached hereto as Exhibit C, pp. 1, 13, 50, 52, 62 and 63.

12. As shown in Exhibit B, the P250 pistol includes a plastic housing identified as the grip module and a multifunction metal part identified as the frame (Exhibit B, pp. 36, 62 and 63). The frame is removably insertable into the grip module (Exhibit B, pp. 46 and 48). The frame and grip module each include a transverse hole which receives a takedown lever for connecting the grip module and frame together (Exhibit B, pp. 13, 46 and 48). The frame includes a projection in the form of a locking tab which is received in a recess or mating slot inside the rear of the grip module (Exhibit B, p. 48). The trigger mechanism is located at least in part within the grip module and is supported on the frame (Exhibit B, pp. 46 and 48). The frame also includes guides for the barrel slide. Lastly, the frame includes control means in the form of a slide catch lever pin for locking the barrel in the barrel slide (Exhibit B, pp. 62 and 63).

13. As shown in Exhibit C, the P320 pistol includes a plastic housing identified as the grip module and a multifunction metal part identified as the fire control assembly or frame

assembly (Exhibit C, pp. 50, 52 and 63). The frame assembly/fire control assembly is removably insertable into the grip module (Exhibit C, pp. 50 and 52). The frame assembly and grip module each include a transverse hold which receives a takedown lever for connecting the grip module and frame assembly together (Exhibit C, pp. 50, 52 and 63). The frame assembly includes a projection in the form of a locking tab which is received in a recess or mating slot inside the rear of the grip module (Exhibit C, p. 52). The trigger mechanism is located at least in part within the grip module and is supported on the frame assembly (Exhibit C, pp. 50, 52 and 63). The frame assembly also includes guides for the barrel slide. Lastly, the frame assembly includes control means in the form of a pin for locking the barrel in the barrel slide (Exhibit C, pp. 62 and 63).

14. The activities of SIG SAUER constitute direct infringement of the `301 Patent.

15. SIG SAUER's infringement of the `301 Patent has been without license from STEYR and in violation of STEYR's patent rights, and it is believed that SIG SAUER will continue to infringe STEYR's patent rights unless enjoined by this Court.

16. SIG SAUER's acts of infringement have been willful and deliberate, with full knowledge of STEYR's patent rights.

17. As a result of SIG SAUER's willful infringement of the `301 Patent, STEYR has been damaged and will continue to be damaged in an amount to be determined at trial. STEYR has suffered and will continue to suffer irreparable injury unless the infringing activities of SIG SAUER are enjoined.

18. By virtue of SIG SAUER's willful and deliberate infringement, this is an "exceptional case" within the meaning of 35 U.S.C. § 285.

WHEREFORE, STEYR prays for the following relief:

- A. Judgment for STEYR on its cause of action for patent infringement.
- B. Entering a preliminary and permanent injunction against SIG SAUER, its officers, directors, agents, employees, and all those in active concert or participation with them who receive actual notice of the judgment by personal service or otherwise, enjoining them from making, using, importing, offering for sale, and selling pistols which infringe the `301 Patent, including but not limited to, the P250 and P320 pistols and from otherwise infringing, contributing to infringement, and actively inducing infringement of the `301 Patent.
- C. An award of compensatory and punitive damages to STEYR by reason of the wrongs committed by SIG SAUER, including an award of increased damages pursuant to 35 U.S.C. § 284 for SIG SAUER's willful and deliberate patent infringement.
- E. That this is an exceptional case and awarding STEYR its costs, expenses and attorneys' fees pursuant to 35 U.S.C. § 285.
- F. An assessment of interest on the damages so computed.
- G. Such other and further relief as this Court deems just and proper.

PLAINTIFF DEMANDS A TRIAL BY JURY.

STEYR ARMS, INC.,
By its Attorneys,

Dated: May 3, 2017

/s/ Cole R. Gresham
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