

1 TREVOR Q. CODDINGTON, PH.D. (CSB NO. 243042)
2 trevorcoddington@sandiegoiplaw.com
3 CODY R. LEJEUNE (CSB NO. 249042)
4 codylejeune@sandiegoiplaw.com
5 DONNY K. SAMPORNA (CSB NO. 316456)
6 donnysamporna@sandiegoiplaw.com
7 SAN DIEGO IP LAW GROUP LLP
8 12526 High Bluff Drive, Suite 300
9 San Diego, CA 92130
10 Telephone: (858) 792-3446
11 Facsimile: (858) 408-4422

12 Attorneys for Plaintiff,
13 EVOLUTION CONCEPTS, INC.

14 UNITED STATES DISTRICT COURT
15 SOUTHERN DISTRICT OF CALIFORNIA

16 EVOLUTION CONCEPTS, INC., a
17 California corporation,

18 Plaintiff,

19 vs.

20 DARIN PRINCE, an individual,
21 NORTH COUNTY FIREARMS, a
22 California corporation, and DOES 1-
23 10, inclusive,

24 Defendants.

CASE NO. '18CV0041 GPC WVG

COMPLAINT FOR:

**1) PATENT INFRINGEMENT;
2) COMMON LAW UNFAIR
COMPETITION; AND
3) CALIFORNIA UNFAIR
COMPETITION**

DEMAND FOR JURY TRIAL

1 Plaintiff Evolusion Concepts, Inc., d.b.a., AR Maglock (hereinafter, “AR
2 Maglock” or “Plaintiff”) hereby complains of Defendants Darin Prince (hereinafter,
3 “Prince”) and North County Shooting Center, Inc., d.b.a., North County Firearms
4 (hereinafter, “NC Firearms”) (collectively, “Defendants”) and alleges as follows:

5 **NATURE OF THE ACTION**

6 1. This is an action for patent infringement under the patent laws of the
7 United States, 35 U.S.C. § 271, *et seq.* and related state and common law causes of
8 action.

9 **THE PARTIES**

10 2. Evolution Concepts, Inc. is a California corporation with its principal
11 place of business located at 1658 Law Street, San Diego, CA 92109.

12 3. AR Maglock is informed and believes and based thereon alleges that
13 Prince is a California resident and owner and operator of www.bulletbutton.com
14 (“Bullet Button”) with its principal place of business located at 5256 Mission Road
15 #703/710, Bonsall, CA 92003.

16 4. AR Maglock is informed and believes and based thereon alleges that
17 NC Firearms is a California Corporation with its principal place of business
18 located at 120 N. Pacific St. Suite #C1, San Marcos, CA 92069. NC Firearms is
19 owned by Stanley Tuma and Prince. According to NC Firearm’s latest Statement
20 of Incorporation filed on March 16, 2016, NC Firearm’s President is Stanley Tuma
21 and has Directors of Cheryl Prince, Darin Tuma, Stanley Tuma, and Diane Prince-
22 Tuma. Each Director and the President share the listed address of 960 Canterbury
23 Place, Suite 110, Escondido, CA 92025.

24 5. AR Maglock is ignorant of the true names and capacities of the parties
25 sued herein as DOES 1 through 10, inclusive, whether individual, corporate or
26 otherwise, and therefore sues these defendants by such fictitious names. AR
27 Maglock will seek leave to amend the complaint to assert their true names and
28 capacities when they have been ascertained. AR Maglock is informed and believes

1 and based thereon alleges that all defendants sued herein as DOES 1 through 10
2 are in some manner responsible for the acts and omissions alleged herein.

3 **JURISDICTION AND VENUE**

4 6. This Court has original and exclusive subject matter jurisdiction over
5 this action under 28 U.S.C. §§ 1331 and 1338(a) because AR Maglock's claims for
6 patent infringement arise under 35 U.S.C. § 271. This Court has supplemental
7 jurisdiction over AR Maglock's state and common law claims under 28 U.S.C. §
8 1367(a) because the state and common law claims are so related to the federal
9 claims that they form part of the same case or controversy and derive from a
10 common nucleus of operative facts.

11 7. This Court has personal jurisdiction over the Defendants because they
12 reside, have their principal place of business, or are incorporated in this District and
13 have a continuous, systematic and substantial presence in this District, because they
14 regularly conduct business and/or solicit business within this District, because they
15 have committed and continue to commit patent infringement in this District,
16 including, without limitation, by selling and offering for sale infringing products to
17 consumers in this District and by purposefully directing activities at residents of
18 this District, and by placing infringing products into the stream of commerce with
19 the knowledge that such products would be sold in California and this District,
20 which acts form a substantial part of the events giving rise to AR Maglock's claims.

21 8. Venue is proper in this District under 28 U.S.C. §§ 1391 and 1400(b)
22 because the Defendants reside, have their principal place of business, or are
23 incorporated in this District and have a continuous, systematic and substantial
24 presence in this District, because they regularly conduct business and/or solicit
25 business within this District, because they have committed and continue to commit
26 patent infringement in this District, including, without limitation, by selling and
27 offering for sale infringing products to consumers and/or retailers in this District
28 and by purposefully directing activities at residents of this District, and by placing

1 infringing products into the stream of commerce with the knowledge that such
2 products would be sold in California and this District, which acts form a substantial
3 part of the events giving rise to AR Maglock's claims. In addition, venue is proper
4 because Prince and AR Maglock's principal place of business is in this District and
5 AR Maglock suffered harm in this District. All pertinent witnesses are also located
6 in this District.

7 **GENERAL ALLEGATIONS**

8 9. AR Maglock designs and sells, among other innovative products, the
9 patented AR Maglock device. The AR Maglock device allows firearm enthusiasts
10 to use and enjoy Armalite Rifle-style rifles without the rifle falling within
11 California's definition of an "assault weapon." Armalite Rifle-style rifles are
12 commonly referred to as Modern Sporting Rifles ("MSRs"). MSRs include the
13 ubiquitous AR-15- and AR-10-type rifles. Some estimates predict there are
14 approximately 10 million MSRs owned by Californians and as many as 50 million
15 owned nation-wide. Courtney Harris ("Harris"), President of AR Maglock, co-
16 invented the AR Maglock device in 2013. The AR Maglock device prevents the
17 MSR on which it is installed from becoming an "assault weapon" under California
18 law by forcing the user to disassemble the rifle's action prior to removing the
19 magazine. Otherwise, under California Penal Code section 12280, possession of an
20 MSR that falls within California's definition of "assault weapon" is a felony.

21 10. In 2016, California voters passed legislation changing California's
22 definition of an "assault weapon." Under current California law, an "assault
23 weapon" is defined as a semiautomatic, centerfire rifle that does not have a fixed
24 magazine, and has any one of the following: a pistol grip that protrudes
25 conspicuously beneath the action of the weapon, a thumbhole stock, a folding or
26 telescoping stock, a grenade launcher or flare launcher, a flash suppressor, or a
27 forward pistol grip. Cal. Penal Code § 30515(a). As pertinent here, California
28 recently expanded the Penal Code to specifically define how a magazine is to be

1 fixed to the firearm such that it does not qualify as an “assault weapon.” Under
2 California’s new law, a “fixed magazine” is an ammunition feeding device
3 contained in, or permanently attached to, a firearm in such a manner that the device
4 cannot be removed without disassembly of the firearm action. Cal. Penal Code §
5 30515(b). Conceptually, the AR Maglock device legally fixes a magazine to a rifle,
6 thereby keeping the rifle out of the purview of “assault weapons.”

7 11. AR Maglock manufactures and sells its patented AR Maglock device
8 directly to consumers through its website, <https://www.armaglock2.com>, to various
9 distributors, various retail outlets, and to original equipment manufacturers. Over
10 the past three years, AR Maglock has generated significant revenue from marketing
11 and selling its patented AR Maglock device, and is able to meet all demand in the
12 United States for sales usurped by Defendants’ infringing products. Because
13 California’s recent change to its “assault weapon” law, AR Maglock initially
14 targeted consumers in California. However, since other states such as Connecticut,
15 Hawaii, Maryland, Massachusetts, New Jersey, and New York have passed, or are
16 in the process of passing, laws similar to California’s “assault weapon” law, AR
17 Maglock also targets and sells to consumers in those states. In addition, AR
18 Maglock sells its products to citizens and residents in other states so that the MSRs
19 can be converted and taken to states having laws similar to those of California.
20 Given the legislative climate in other states, the demand for the AR Maglock will
21 dramatically increase.

22 12. On June 24, 2014, the United States Patent & Trademark Office
23 (“PTO”) duly and lawfully issued United States Patent No. 8,756,845, entitled
24 “Method and Device for Converting Firearm with Detachable Magazine to a
25 Firearm with Fixed Magazine” (“the ‘845 patent”). A copy of the ‘845 patent is
26 attached hereto as Exhibit A. The ‘845 patent issued from United States Patent
27 Application No. 13/803,966 (hereinafter, the “Maglock patent application”), which
28 was filed on March 14, 2013. The Maglock patent application was published on

October 17, 2013, as United States Patent Application Publication No. 2013/0269232 (the “Maglock published patent application”), a copy of which is attached hereto as Exhibit B. AR Maglock owns all rights to the ‘845 patent via an Assignment, which was recorded at the PTO on December 11, 2017, at Reel 044357, Frame 0383. A Notice of Recordation is attached hereto as Exhibit C.

13. Prince is and has been making, using, selling, offering for sale, and importing a number of magazine release products that infringe the ‘845 patent, including, without limitation to, Prince’s “AR-15 Patriot Mag Release,” “AR-15 Patriot Mag Release Kit w/ Extended Takedown Pin,” “AR-10 Patriot Mag Release,” “AR-10 Patriot Mag Release Kit w/ Extended Takedown Pin,” “Colt 901 LE Patriot Mag Release,” “Colt 901 LE Patriot Mag Release Kit,” “Daniel Defense DD5 Patriot Mag Release,” “Kel-Tec Sub 2000 Gen 2 Patriot Mag Release,” “Sig Sauer 556 Patriot Mag Release,” “Sig Sauer MPX & MCX / Lancer Patriot Mag Release,” “Sig Sauer MPX & MCX / Lancer Patriot Mag Release Kit,” “Smith & Wesson M&P Patriot Mag Release,” “Tactical Chipmunk AR-15 Snap Lock CA AR-15 Compliance Device,” “UTAS XTR-12 Patriot Mag Release,” and “UTAS XTR-12 Patriot Mag Release Kit” (collectively, the “Accused Products”). The Accused Products may be purchased directly from Prince online through his respective website (<http://www.bulletbutton.com>) and third-party websites, and from various retailers in this District.

14. NC Firearms states that it is “the proud home of the BULLET BUTTON.”¹ Prince holds himself out as one of the principal owners of NC Firearms.²

15. On July 22, 2015, or shortly thereafter, Defendants received actual

¹ This statement is displayed on NC Firearm’s website underneath a picture containing a link to www.bulletbutton.com. Available at <http://www.northcountyfirearms.com>.

² See video titled, “North County Shooting Center | Groundbreaking Ceremony,” available at <https://www.youtube.com/watch?v=4DF3fveCXrY>, published on June 7, 2017. (Prince states, “my name is Darin Prince, my business partner, Stan Tuma, we are the two principal owners of this project, both of the gun shop and the range”).

1 notice of the Maglock published patent application.

2 16. On July 6, 2016, via electronic and First Class United States Mail, AR
3 Maglock informed Prince of the Maglock patent, AR Maglock's patent rights, and
4 Prince's infringement liability. A copy of the letter is attached as Exhibit D.

5 17. On or about September 20, 2016, AR Maglock opened negotiations
6 with Prince to license the AR Maglock patent to Prince. AR Maglock conducted the
7 negotiations in good-faith, desiring an expeditious resolution to Prince's continued
8 infringement. Initially, Prince appeared to conduct the negotiations in good faith.
9 However, the negotiations fell apart when Prince refused to provide any actual sales
10 figures pertaining to the Accused Products.

11 18. On or about October 16, 2017, Harris received a message from a
12 customer via AR Maglock's Facebook page. In the message, the customer stated,
13 "North County Firearms in (San Marcos) San Diego says your 'AR-15 Fixed
14 Magazine Lock & Release Kit' is illegal because once it's installed it can be taken
15 apart (The bolt) with a pair of Leather-man needle nose pliers and then return it
16 back to a standard mag release button in under 3 minutes. Is North County Firearms
17 trying to out sell you with there [*sic*] epoxy filled bolt head system? So is it true?"
18 A screenshot of the message is attached hereto as Exhibit E.

19 **FIRST CLAIM FOR RELIEF**

20 **(Infringement of U.S. Patent No. 9,383,630 by All Defendants)**

21 **(35 U.S.C. §§ 154 and 271)**

22 19. AR Maglock repeats, realleges, and incorporates by reference the
23 preceding allegations above as though set forth fully herein.

24 20. This claim is for patent infringement arising under the Patent Laws of
25 the United States, Title 35.

26 21. Since June of 2014, AR Maglock has and continues to mark the AR
27 Maglock device to include "U.S. Patent 8,756,845 B2" or the like on its packaging
28 and on its website. Since its inception, "patent pending" has appeared on AR

1 Maglock's website and packaging up until around the issue date of the '845 patent
2 when the website was revised to note "US Patent #: 8,756,845" in connection with
3 the AR Maglock device. *See, e.g.*, <https://www.armaglock2.com>.

4 22. The Defendants, by and through their agents, officers, directors,
5 resellers, retailers, employees and servants, have been and are currently infringing
6 the '845 patent by making, using, offering to sell, selling, exporting, and/or
7 importing into the United States the Accused Products, which embody one or more
8 claims set forth in the '845 patent.

9 23. For example, the accused AR-15 Patriot Mag Release product meets
10 all the limitations set forth in claim 8 of the '845 patent. A chart identifying
11 specifically where each limitation of claim 8 is found in the AR-15 Patriot Mag
12 Release is attached hereto as Exhibit F. This infringement chart is based on AR
13 Maglock's current understanding of the AR-15 Patriot Mag Release, which only
14 considers publicly available information. The chart does not set forth all of AR
15 Maglock's infringement theories – the AR-15 Patriot Mag Release embodies other
16 claims set forth in the '845 patent. The AR-15 Patriot Mag Release is a
17 representative of all the Accused Products, each having all the limitations recited in
18 claim 8. The chart analyzes the AR-15 Patriot Mag Release as an exemplary
19 iteration of the Accused Products. A chart of the Accused Products currently sold
20 by the Defendants through their website that infringe the '845 patent is attached
21 hereto as Exhibit G.

22 24. In addition, Defendants, their distributors, and their customers who
23 purchase an Accused Product infringe claim 15 of the '845 patent by performing
24 the claimed method. Defendants provide installation instructions, available in print
25 and as a video³, for the Accused Products. A chart identifying specifically where
26 each limitation of claim 15 is found in Prince's publications and products is

27 ³ On his website, Prince provides two videos wherein Prince shows and describes the installation and functionality of
28 the AR-15 Patriot Mag Release. *See* <http://www.bulletbutton.com/category-s/101.htm>. *See also*
<https://www.youtube.com/watch?v=9I9EU284PII>; <https://www.youtube.com/watch?v=-fdV96d91LI>.

1 attached hereto as Exhibit H. A copy of Prince's installation instructions is attached
2 hereto as Exhibit I. The chart does not set forth all of AR Maglock's infringement
3 theories – the AR-15 Patriot Mag Release embodies other claims set forth in the
4 '845 patent.

5 25. AR Maglock is informed and believes that NC Firearms sells complete
6 firearms having one or more of the accused products. By installing the accused
7 product on the firearm, NC Firearms infringe each limitation of claim 15.

8 26. By way of their installation instructions, Defendants induce their
9 customers to infringe the '845 patent.

10 27. Furthermore, the accused AR-15 Patriot Mag Release, when installed
11 on an AR-15-type rifle, its intended use, meets all the limitations set forth in claim
12 1 of the '845 patent. A chart identifying specifically where each limitation of claim
13 1 is found in Prince's AR-15 Patriot Mag Release as installed on an AR-15-type
14 rifle is attached hereto as Exhibit J. The chart does not set forth all of AR
15 Maglock's infringement theories – the AR-15 Patriot Mag Release embodies other
16 claims set forth in the '845 patent.

17 28. Defendants and their customers directly infringe claim 1 of the '845
18 patent after installing an Accused Product on a respective firearm. Each Accused
19 Product has no substantial, non-infringing use and constitutes a material part of the
20 firearm defined in claim 1 of the '845 patent. Defendants were and are aware of that
21 the combination of an Accused Product with a respective firearm infringes claim 1
22 of the '845 patent.

23 29. AR Maglock reserves the right to amend or supplement its
24 infringement theories upon more information becoming available through formal
25 discovery and/or this Court completing its claim construction proceedings. Pursuant
26 to CivLR 3.1, AR Maglock will serve a Disclosure of Asserted Claims and
27 Infringement Contentions (that may alter and/or supplement the infringement charts
28 submitted herewith).

1 30. One or more of the Accused Products embody one or more claims set
2 forth in the Maglock published patent application. The invention claimed in the
3 ‘845 patent is identical to the invention claimed in the Maglock published patent
4 application. For example, claims 1, 8, and 15 of the ‘845 patent are identical to
5 those in the Maglock published patent application. Pursuant to 35 U.S.C. § 154(d)
6 and by reason of the Defendants’ pre-issuance infringing acts, AR Maglock is
7 entitled to at least a reasonable royalty for Prince’s infringing activities occurring
8 between October 17, 2013, and the issue date of the ‘845 patent, *i.e.*, June 24, 2014.

9 31. The Defendants’ acts of infringement were undertaken without
10 permission or license from AR Maglock. After receiving actual notice of the
11 Maglock patent and/or the Maglock published patent application, the Defendants
12 continued their commercialization of the Accused Products despite an objectively
13 high likelihood that his actions constituted infringement of a valid patent (or soon-
14 to-be-issued patent) and/or AR Maglock’s provisional patent rights under the
15 Maglock’s published patent application. Accordingly, the Defendants’ acts
16 constitute willful infringement in violation of 35 U.S.C. § 271.

17 32. AR Maglock is informed and believes and based thereon alleges that
18 the Defendants’ infringement of the ‘845 patent will continue unless enjoined by
19 this Court.

20 33. Sales of the Accused Products drive sales of other products of the
21 Defendants including, but not limited to Prince’s AR Rapid Release, Prince50 AR-
22 15 / AR-10 Bullet Button Wonder Wrench, Extended AR-10 Rear Takedown Pin
23 w/ Paracord, Extended AR-15 Rear Takedown Pin, Extended AR-15 Rear
24 Takedown Pin w/ Paracord, Standard AR-15 Magazine Release, FN PS90 Muzzle
25 Extension, FN SCAR Stock Stopper, IWI Tavor Extended Flash Hider, Kel-Tec
26 RFB Muzzle Break, Left-Handed Ambi Magazine Release, and Patriot Mag
27 Release Disc (collectively, the “Collateral Products”). The Collateral Products are
28 sold and marketed together with the Accused Products. Many, if not all, of the

1 Collateral Products form a single assembly, functional unit, or operate in
2 conjunction with one or more of the Accused Products. The Collateral Products
3 also have a marketing and financial dependence on the Accused Products. AR
4 Maglock is entitled to its lost profits or a reasonably royalty on the Defendants'
5 sales of the Collateral Products.

6 34. The Collateral Products also include MSRs on which the Defendants
7 install one or more of the Accused Devices, allowing the MSR to be sold in
8 California. Without the Accused Devices, the MSRs sold at NC Firearms could not
9 be legally sold in California. Therefore, MSRs sold by NC Firearms having one the
10 of the Accused Devices, have marketing and financial dependence on the Accused
11 Products. AR Maglock is entitled to its lost profits or a reasonable royalty on NC
12 Firearms' sale of Collateral Products.

13 35. But for the Defendants' infringement, AR Maglock would have sold
14 its AR Maglock device and other unpatented products (*e.g.*, Patriot-Pin and AR
15 Tether) to all of the Defendants' customers, and AR Maglock is entitled to its lost
16 profits.

17 36. By reason of the foregoing infringing acts, AR Maglock has been
18 damaged, continues to be damaged, and is entitled to no less than a reasonable
19 royalty in accordance with 35 U.S.C. § 284 in an amount to be determined at trial.
20 In addition, pursuant to 35 U.S.C. § 284, AR Maglock is entitled to enhanced and
21 treble damages against Prince together with interest at the maximum legal rate and
22 costs as fixed by the Court.

23 37. In addition, AR Maglock is entitled to reasonable attorneys' fees
24 incurred in this action under 35 U.S.C. § 285.

25 38. Because of the aforesaid infringing acts, AR Maglock has suffered and
26 continues to suffer great and irreparable injury for which there is no adequate
27 remedy at law.

28 ///

SECOND CLAIM FOR RELIEF

(Common Law Unfair Competition Against NC Firearms)

39. AR Maglock realleges and incorporates by reference the foregoing allegations as though set forth fully herein.

40. This claim is for unfair competition under California common law.

41. The acts of the Defendants alleged herein, including falsely telling customers that the AR Maglock is illegal under current California law, thereby directing would-be customers away from the AR Maglock device and toward the Accused Products for the purpose of increasing sales and profits, constitute unlawful, unfair, and fraudulent business practices in violation of California common law.

42. The AR Maglock device conforms to current California law. According to the California Department of Justice's most recent proposed regulations, a "'fixed magazine' means an ammunition feeding device contained in, or permanently attached to, a firearm in such a manner that the device cannot be removed without disassembly of the firearm action." *See* Office of Administrative Law File No. Z-2017-1114-01, Initial Statement of Reasons, pg. 2-3, a copy of which is attached hereto as Exhibit K. Further, "[d]isassembly of the firearm action' means the fire control assembly is detached from the action in such a way that the action has been interrupted and will not function. For example, disassembling the action on a two part receiver, like that on an AR-15 style firearm, would require the rear take down pin to be removed, the upper receiver lifted upwards and away from the lower receiver using the front pivot pin as the fulcrum, before the magazine may be removed." The AR Maglock's innovative design meets these requirements by forcing the user to disassemble their MSR's action before the magazine can be released.

43. As a direct and proximate result of the aforesaid deceptive business practices, AR Maglock has and will continue to suffer great harm and damage. AR

1 Maglock has incurred and will continue to incur irreparable harm unless the
 2 Defendants are enjoined from further commission of unfair and unlawful business
 3 acts and practices.

4 44. As a result of the Defendants' misconduct, AR Maglock has been
 5 damaged in an amount subject to proof at trial. At a minimum, however, AR
 6 Maglock is entitled to injunctive relief and an accounting of the Defendants' profits.
 7 Further, in light of the deliberately malicious misstatements of law and
 8 unauthorized practice of law, AR Maglock is also entitled to punitive and
 9 exemplary damages.

10 **THIRD CLAIM FOR RELIEF**

11 **(Statutory Unfair Competition Against NC Firearms)**

12 **(Cal. Bus. & Prof. Code § 17200 *et seq.*)**

13 45. AR Maglock realleges and incorporates by reference the foregoing
 14 allegations as though set forth fully herein.

15 46. This claim is for statutory unfair competition in violation of California
 16 Business & Professions Code § 17200 *et seq.*

17 47. The acts of the Defendants alleged herein, including falsely telling
 18 customers that the AR Maglock is "illegal" in light of the California's new "assault
 19 weapon" law, thereby directing AR Maglock's would-be customers to the Accused
 20 Products for the purposes of increasing sales and profits, constitute unlawful,
 21 unfair, and fraudulent business practices in violation of California Business &
 22 Professions Code § 17200 *et seq.*

23 48. As a direct and proximate result of the aforesaid deceptive business
 24 practices, AR Maglock has and will continue to suffer great harm and damage. AR
 25 Maglock has incurred and will continue to incur irreparable harm unless the
 26 Defendants are enjoined from further commission of unfair and unlawful business
 27 acts and practices.

28 49. AR Maglock is informed and believes and based thereon alleges that

1 by virtue of the Defendants' acts of unfair competition in violation of California
 2 Bus. & Prof. Code § 17200 *et seq.*, the Defendants have derived and continues to
 3 derive gains, profits and advantages in an amount subject to proof at trial, but in
 4 excess of the jurisdictional requirement of the Court.

5 50. Due to the Defendants' acts constituting unfair competition, AR
 6 Maglock has suffered and continues to suffer great and irreparably injury for which
 7 there is no adequate remedy at law. AR Maglock is entitled to injunctive relief,
 8 restitution, and disgorgement of the Defendants' ill-gotten gains, including the
 9 Defendants' profits, and to recover AR Maglock's damages, costs, and reasonable
 10 attorneys' fees.

11 **PRAYER FOR RELIEF**

12 WHEREFORE, AR Maglock prays for judgment against the Defendants as
 13 follows:

14 (a) an Order adjudging the Defendants to have infringed the '845 patent
 15 under 35 U.S.C. § 271;

16 (b) an Order adjudging the Defendants to have willfully infringed the '845
 17 patent under 35 U.S.C. § 271;

18 (c) an Order adjudging the Defendants to have committed unfair
 19 competition;

20 (d) an Order adjudging the Defendants to have committed unfair
 21 competition in violation of Cal. Bus. & Prof. Code § 17200 *et seq.*;

22 (e) a preliminary injunction enjoining the Defendants, their officers,
 23 directors, agents, servants, resellers, retailers, employees and attorneys, and those
 24 persons acting in concert or participation with them, from making, using, selling,
 25 offering for sale, and importing the Accused Products until a trial on the merits has
 26 been completed;

27 (f) a permanent injunction under 35 U.S.C. § 283 enjoining the
 28 Defendants, their officers, directors, agents, servants, resellers, retailers, employees

1 and attorneys, and those persons acting in concert or participation with them, from
2 infringing the '845 patent in violation of 35 U.S.C. § 271;

3 (g) a permanent injunction enjoining the Defendants, their officers,
4 directors, agents, servants, resellers, retailers, employees and attorneys, and those
5 persons acting in concert or participation with them, from making, using, selling,
6 offering for sale, and importing the Accused Products;

7 (h) a permanent injunction enjoining the Defendants, their officers,
8 directors, agents, servants, resellers, retailers, employees and attorneys, and those
9 persons acting in concert or participation with them, from making false statements
10 about the legality of Plaintiff's AR Maglock device;

11 (i) an accounting of all gains, profits, and advantages the Defendants
12 derived by their infringement of the '845 patent, and for damages adequate to
13 compensate AR Maglock for such infringement of the '845 patent;

14 (j) an award to AR Maglock of its lost profits or a reasonably royalty for
15 the Defendants' sales of the Accused Products and Collateral Products;

16 (k) an award to AR Maglock of its actual damages due to the Defendants'
17 unfair competition;

18 (l) an order for a trebling of damages and/or enhanced damages due to the
19 Defendants' willful infringement under 35 U.S.C. § 284;

20 (m) compensatory, punitive, and exemplary damages against the
21 Defendants;

22 (n) an Order adjudicating that this is an exceptional case;

23 (o) an award to AR Maglock of all attorneys' fees and costs incurred by
24 AR Maglock in connection with this action under 35 U.S.C. § 285;

25 (p) an award of pre-judgment and post-judgment interest and costs of this
26 action against the Defendants; and

27 (q) For such other and further relief as the Court deems just and proper.
28

1 Dated: January 5, 2018

SAN DIEGO IP LAW GROUP LLP

2
3 By: /s/ Donny Samporna
4 DONNY SAMPORNA
5 CODY LEJEUNE
6 TREVOR Q. CODDINGTON, PH.D.

7 Attorneys for Plaintiff,
8 EVOLUSION CONCEPTS, INC.
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

DEMAND FOR JURY TRIAL

Pursuant to Rule 38 of the Federal Rules of Civil Procedure, AR Maglock hereby demands a trial by jury of all issues so triable.

Dated: January 5, 2018 SAN DIEGO IP LAW GROUP LLP

By: /s/ Donny Samporna
TREVOR Q. CODDINGTON, PH.D.
CODY R. LEJEUNE
DONNY K. SAMPORNA

Attorneys for Plaintiff,
EVOLUSION CONCEPTS, INC.