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Attorneys for Plaintiff

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA**

Edge-Works Manufacturing Company,

Plaintiff,

v.

Concealed Carrier, LLC d/b/a Tacticon
Armament,

Defendant.

CASE NO. 1:22-at-609

COMPLAINT

PATENT INFRINGEMENT (35 U.S.C. § 271)

DEMAND FOR JURY TRIAL

Plaintiff Edge-Works Manufacturing Company (“Edge-Works”) files this Complaint (“Complaint”) for Patent Infringement against Concealed Carrier, LLC d/b/a Tacticon Armament (“Tacticon”), and hereby alleges as follows:

THE PARTIES

1. Edge-Works is a North Carolina corporation with its principal place of business at 272 West Stag Park Service Road, Burgaw, North Carolina 28425.

1 2. Tacticon is a California limited liability company with its principal place of
2 business at 4029 Branigan Lake Way, Rancho Cordova, California 95742.

3 **JURISDICTION AND VENUE**

4 3. This action arises under the Patent Act, 35 USC § 101 *et seq.* This Court has
5 subject matter jurisdiction over this controversy pursuant to 28 USC § 1331 and § 1338.

6 4. Venue is proper in this Court pursuant to 28 USC § 1391(b),(c) and § 1400(b)
7 because Tacticon resides in this District, has committed acts of infringement in this District, and
8 has a regular and established place of business in this District.

9 5. Tacticon has established sufficient minimum contacts in this District such that the
10 Court has personal jurisdiction over Tacticon. Tacticon resides in this District, regularly and
11 continuously does business in this District, and has infringed or induced infringement—and
12 continues to do so—in this District.

13 **EDGE-WORKS' INNOVATIONS AND ASSERTED PATENTS**

14 6. Edge-Works is engaged in the design, manufacture and sale of tactical gear. Edge-
15 Works is the designer, manufacturer and retailer of several lines of holsters and firearm magazine
16 carriers that have enjoyed substantial success and are protected by various intellectual property
17 rights owned by Edge-Works. Edge-Works invests significant resources in protecting the
18 intellectual property embodied by its products.

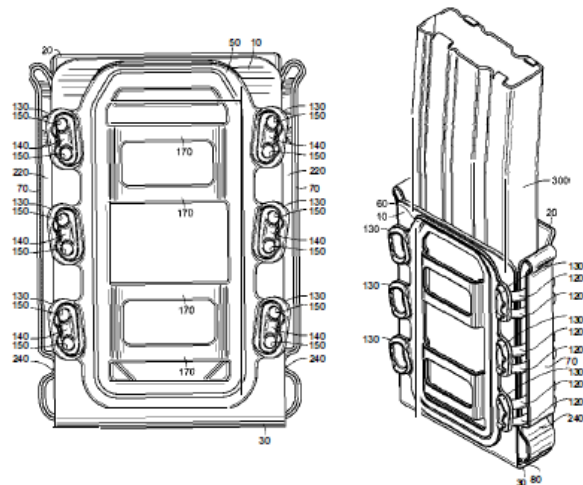
19 7. On June 4, 2019, U.S. Patent No. 10,306,973 (the “‘973 Patent”), titled Expandable
20 Carry Pouch With Variable Compression, was issued to Edge-Works and claimed the benefit of
21 U.S. Provisional Application No. 62/240,337 filed October 12, 2015. A true and correct copy of
22 the ‘973 Patent is attached to this Complaint as Exhibit 1.

23 8. On December 3, 2019, U.S. Patent No. 10,492,595 (the “‘595 Patent”), titled
24 Releasable Retaining Clip Apparatus and Method of Use, was issued to Edge-Works and claimed
25 the benefit of U.S. Provisional Application No. 62/320,038 filed April 8, 2016. A true and correct
26 copy of the ‘595 Patent is attached to this Complaint as Exhibit 2.

27 9. All rights, title, and interest in the ‘973 Patent and the ‘595 Patent have been
28 assigned to Edge-Works.

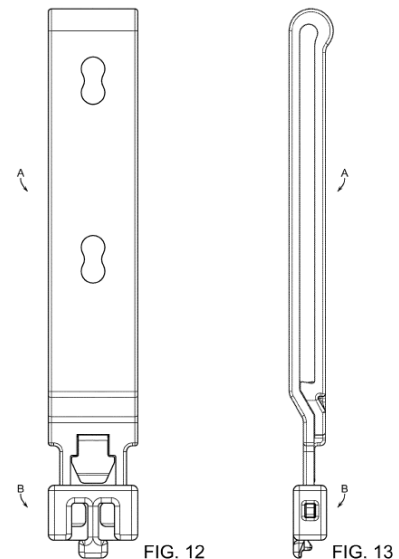
10. The claims of the '973 Patent are generally directed towards an expandable, variable compression pouch with an exoskeleton construction. As shown in the picture to the right, the hybrid construction combines a soft, flexible shell with semi-flexible molded outer components on the back, sides, bottom and front of the flexible shell. These molded components form an exoskeleton that provides structural reinforcement where needed without limiting the essential qualities of expansion or contraction or form fit that is essential to achieve the unique features and superior function of the pouch.

'973 Patent – FIGS. 1 and 21



11. The '595 Patent is directed towards a retaining clip for securing an article to a belt or similar restraint structure. As shown in the pictures to the right, the structure of the clip generally includes a single bend portion with opposing legs extending therefrom which are configured to receive a belt. The clip further includes a locking member that operates as a clasp on the distal ends of both legs when in a locked position, or is configured to release one leg in an open position to allow the clip to be released from the belt.

'595 Patent - Clips



12. Edge-Works launched its Softshell Scorpion product line as commercial embodiments of the '973 Patent. As part of this product line, Edge-Works sells a rifle magazine pouch, as well as a short version and tall version of its pistol magazine pouch.

13. In combination with the sale of its Softshell Scorpion pouches, Edge-Works offers for sale its "R-Series" molle clips and belt mounts for rifle magazine carriers and "P-Series" clips for pistol magazine carriers. Both are commercial embodiments of the invention disclosed in the

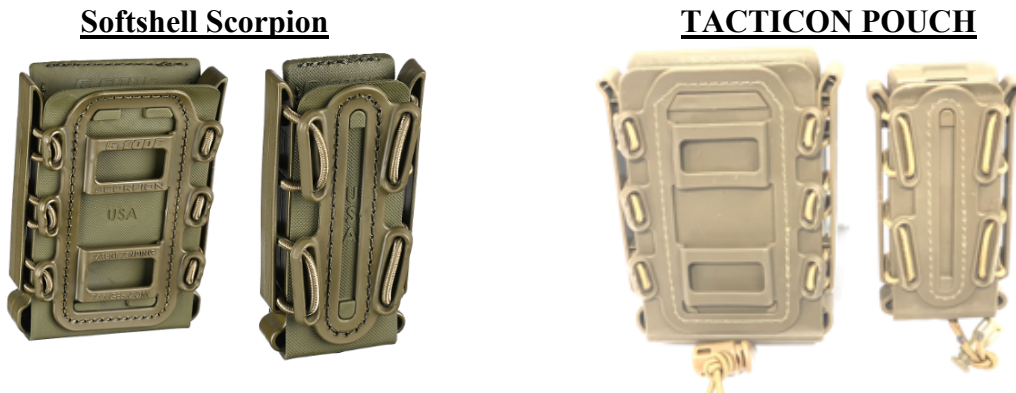
‘595 Patent. These clips are configured to quickly and securely attach to the Softshell Scorpion and are often purchased by consumers in combination with the purchase of a Softshell Scorpion pouch.

TACTICON’S INFRINGEMENT OF EDGE-WORKS’ PATENTS

14. Tacticon makes, uses, sells, and offers for sale tactical gear and accessories in competition with Edge-Works.

15. In an effort to trade off of Edge-Works’ ingenuity and innovations, Tacticon recently released and has been selling counterfeit versions of Edge-Works’ Patented Products in clear violation of Edge-Works’ patent rights.

16. Specifically, Tacticon offers for sale and has sold expandable pistol and rifle pouches under the name “R1MC/Single Rifle Magazine Carrier/ Universal Mag Pouch” and “P1MC/Single Pistol Magazine Carrier/Universal Handgun Mag Pouch (collectively, the “TACTICON POUCHES”). A comparison of the Softshell Scorpion pouches and Tacticon Pouches are shown below:



17. The TACTICON POUCHES are covered by one or more claims of the ‘973 Patent. Tacticon does not have a license to the ‘973 Patent.

19. Tacticon’s manufacture, use, sale and offer for sale of the TACTICON POUCHES constitutes infringement of at least one claim of the Edge-Works’ ‘973 Patent, either directly, indirectly, or under the doctrine of equivalents.

20. As an accessory to each sale of a TACTICON POUCH, Tacticon provides one or more MOLLE clips (“TACTICON CLIP”), which are shown below and are virtual copies of the “R-Series” or “P-Series” clips sold by Edge-Works and disclosed in the ‘595 Patent.

R-Series / P-Series Clips



TACTICON CLIPS



21. The TACTICON CLIPS are covered by one or more claims of the ‘595 Patent. Tacticon does not have a license to the ‘595 Patent.

23. Tacticon’s manufacture, use, sale and offer for sale of the TACTICON CLIPS constitutes infringement of at least one claim of the Edge-Works’ ‘595 Patent, either directly, indirectly, or under the doctrine of equivalents.

EDGE-WORKS’ NOTICE OF INFRINGEMENT TO TACTICON

24. Tacticon was aware, prior to this lawsuit, of Edge-Works’ patent rights under the ‘973 Patent and the ‘595 Patent (collectively, the “Edge-Works Patents”).

25. Upon information and belief, Tacticon was aware of the Edge-Works Patents, prior to the release of the TACTICON POUCHES and TACTICON CLIPS.

26. Beginning on February 22, 2022, after learning of Tacticon’s infringing products, Edge-Works attempted to serve written notice of the Edge-Works’ Patents and its claims for infringement against Tacticon by delivering a letter to the address listed on Tacticon’s website. The letter was returned as undelivered.

1 35. Tacticon has made, used, sold, and offered for sale products in the United States,
2 including the TACTICON CLIPS, which include all of the elements and limitations of one or
3 more of the claims of the ‘595 Patent.

4 36. Tacticon has directly infringed and currently infringes the ‘973 Patent under 35
5 USC 271(a), literally and/or under the doctrine of equivalents, including at least claims 1-8 and
6 11-18 of the ‘973 Patent by making, using, selling and offering for sale the TACTICON
7 POUCHES, without Edge- Works’ permission.

8 37. Tacticon has directly infringed and currently infringes the ‘595 Patent under 35
9 USC § 271(a), literally and/or under the doctrine of equivalents, including at least claims 1-7 of
10 the ‘595 Patent by making, using, selling and offering for sale the TACTICON CLIPS, without
11 Edge-Works’ permission.

12 38. As a result of Tacticon’s unlawful activities, Edge-Works has suffered and will
13 continue to suffer irreparable harm for which there is no adequate remedy at law. Edge-Works
14 competes directly with Tacticon in the tactical gear industry. Tacticon’s continued infringement
15 of the Edge-Works’ Patents causes harm to Edge-Works in the form of price erosion, loss of
16 goodwill, damage to reputation, loss of business opportunity, inadequacy of money damages, and
17 direct and indirect competition. Monetary damages are insufficient to compensate Edge-Works
18 for these harms. Accordingly, Edge-Works is entitled to temporary, preliminary and permanent
19 injunctive relief.

20 39. Tacticon’s infringement of the Edge-Works’ Patents have injured and continues to
21 injure Edge-Works in an amount to be proven at trial, but not less than a reasonable royalty.

22 40. Despite its knowledge of the Edge-Works’ Patents, Tacticon developed, sold and
23 continues to sell the accused products in complete and reckless disregard of Edge- Works’ patent
24 rights. As such, Tacticon has acted recklessly and continues to willfully, wantonly, and
25 deliberately engage in acts of infringement of the Edge-Works’ Patents, justifying Edge-Works
26 to an award of increased damages under 35 U.S.C. § 284, and attorneys’ fees and costs incurred
27 under 35 U.S.C. § 285.

PRAYER FOR RELIEF

A. An entry of judgment holding that Tacticon has infringed and is infringing the Edge-Works Patents;

B. A temporary, preliminary and permanent injunction against Tacticon, and its officers, employees, agents, servants, attorneys, and those in privity with them, from infringing the Edge-Works Patents, or inducing the infringement of the Edge-Works Patents, and for all further and proper relief pursuant to 35 U.S.C. § 283;

C. An award to Edge-Works of past damages, not less than a reasonable royalty, as it shall prove at trial against Tacticon that is adequate to fully compensate Edge-Works for infringement of the Edge-Works Patents by Tacticon.

D. A determination that Tacticon's infringement has been willful, wanton, and deliberate and that the damages against it be increased up to treble on this basis or for any other basis in accordance with law;

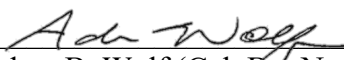
E. A finding that this case is "exceptional" and an award to Edge-Works of its costs and reasonable attorney fees, as provided by 37 U.S.C. § 285;

F. An accounting of all infringing sales and revenues, together with post judgment interest and prejudgment interest from the first date of infringement of each of the Edge-Works Patents; and

G. Such other and further relief as the Court may deem proper and just.

Dated: August 12, 2022

Respectfully submitted,


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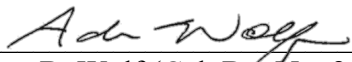
*Attorneys for Plaintiff Edge-Works Manufacturing
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DEMAND FOR JURY TRIAL

Plaintiff hereby demands a jury trial for all matters that may be tried to a jury.

Dated: August 12, 2022

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