

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

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SAMSON MANUFACTURING  
CORPORATION and SCOTT W. SAMSON,

Plaintiffs,

v.

AUSTIN PRECISION PRODUCTS, INC.,  
d/b/a LARUE TACTICAL, COMMAND ARMS  
ACCESSORIES, LLC, and TDI ARMS LTD.,

Defendants.

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Civil Action No. \_\_\_\_\_

**JURY TRIAL DEMANDED**

**COMPLAINT FOR PATENT INFRINGEMENT**

Plaintiffs Samson Manufacturing Corporation and Scott W. Samson file this Complaint and demand for jury trial seeking relief for patent infringement by the Defendants. Plaintiffs state and allege the following:

**THE PARTIES**

1. Plaintiff Samson Manufacturing Corporation (“Samson Mfg.”) is a corporation organized and existing under the laws of the Commonwealth of Massachusetts, at 110 Christian Lane, Whately, Massachusetts 01373.

2. Plaintiff Scott W. Samson (“Mr. Samson”) is an individual who resides in Spofford, New Hampshire. Mr. Samson is the sole stockholder of Samson Mfg.

3. On information and belief, Defendant Austin Precision Products, Inc. d/b/a LaRue Tactical (“LaRue”) is a corporation organized and existing under the laws of the State of Texas, with its principal place of business at 850 County Road 177, Leander, Texas 78641.

4. On information and belief, Defendant Command Arms Accessories, LLC (“Command Arms”) is a corporation organized and existing under the laws of the Commonwealth of Pennsylvania, with its principal place of business at 76 Vincent Circle, Warminster, Pennsylvania 18974-1530.

5. On information and belief, Defendant TDI Arms, Ltd. (“TDI Arms”) is a corporation organized and existing under the laws of Israel, with its principal place of business at 43 Yakov Olamy Street, Mishmar, Hashiva 50297 Israel.

### **JURISDICTION AND VENUE**

6. This is an action for patent infringement arising under the patent laws of the United States, 35 U.S.C. §§ 100, *et seq.* This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a).

7. This Court has personal jurisdiction over each of the Defendants because each Defendant regularly conducts business in the Commonwealth of Massachusetts and therefore has substantial and continuous contacts within this judicial district; because each Defendant has purposefully availed itself to the privileges of conducting business in this judicial district; and/or because each Defendant has committed acts of patent infringement in this judicial district. Upon information and belief, each Defendant has purposefully shipped its products into this district through established distribution channels and has placed its products into the stream of commerce with the expectation that they will be purchased by consumers in this district.

8. Venue is proper in this District pursuant to 28 U.S.C. §§ 1391(b) and (c) and 1400(b).

**COUNT I**  
(Patent Infringement)

9. Plaintiffs restate and reallege the preceding paragraphs of this Complaint, as if fully set forth herein.

10. On May 6, 2008, United States Patent No. 7,367,152 (“the ‘152 Patent”) entitled “Pivoting Mount for A Firearm Accessory” was duly and legally issued by the United States Patent and Trademark Office to Mr. Samson. Samson Mfg. is the exclusive licensee of the ‘152 Patent. A true and correct copy of the ‘152 Patent is attached as Exhibit A.

11. LaRue has been and is infringing, actively inducing others to infringe, and/or contributing to the infringement of the ‘152 Patent by making, using, selling, and/or offering to sell pivot mounts embodying the patented invention, including, but not limited to, its LaRue Tactical QD Pivot Mount LT649-30, and its EOTech 3X Magnifier Mount LT670-EO.

12. Command Arms has been and is infringing, actively inducing others to infringe, and/or contributing to the infringement of the ‘152 Patent by making, using, selling, offering to sell and/or importing pivot mounts embodying the patented invention, including, but not limited to, its 5-position Flash Light/Laser Mount.

13. TDI Arms has been and is infringing, actively inducing others to infringe, and/or contributing to the infringement of the ‘152 Patent by making, using, selling, offering to sell and/or importing pivot mounts embodying the patented invention, including, but not limited to, its UFH – 5 Position Laser/Flashlight Mount.

14. Upon information and belief, Defendants will continue to infringe the ‘152 Patent unless and until they are enjoined by this Court.

15. Defendants have received constructive notice of the ‘152 Patent in that Samson Mfg. marked its relevant products with the required statutory notice per 35 U.S.C. § 287(a).

16. Plaintiffs are informed and believe, and so allege, that Defendants' infringement is willful and intentional as Defendants had notice of the '152 Patent. Accordingly, this case is an exceptional case under 35 U.S.C. § 285.

17. By letter dated May 11, 2007, sent by Plaintiffs' counsel to LaRue, LaRue received actual notice of the published patent application, Published Patent Application No. 2006/0162227, which issued as the '152 Patent. Inventions claimed in the '152 Patent are substantially identical to inventions claimed in the published patent application. Pursuant to 35 U.S.C. § 154(d), Plaintiffs are entitled to recover provisional rights, including a reasonable royalty, from LaRue from the date of LaRue's actual notice of the published patent application.

18. Defendants have caused and will continue to cause Plaintiffs irreparable injury and damage by infringing the '152 Patent. Plaintiffs will suffer further irreparable injury, for which they have no adequate remedy at law, unless and until Defendants are enjoined from infringing the '152 Patent.

#### **PRAYERS FOR RELIEF**

WHEREFORE, Plaintiffs respectfully request that this Court enter judgment against Defendants as follows:

(1) For a judicial determination and declaration that the '152 Patent is valid and enforceable;

(2) For a judicial determination that the '152 Patent is infringed by Defendants' products identified in this Complaint, and such other products of Defendants as may infringe;

(3) For a judicial determination that Defendants' infringement of the '152 Patent was willful;

(4) For an order preliminarily and permanently enjoining Defendants and their officers, directors, shareholders, agents, employees, attorneys, and all persons in active concert or participation with any of them, from infringing the '152 Patent;

(5) For damages according to proof, trebled;

(6) For an award against LaRue of provisional rights, including a reasonable royalty, from the date of LaRue's actual notice of the published patent application which issued as the '152 Patent, pursuant to 35 U.S.C. § 154(d);

(7) For an Order that Defendants account for and pay over to Plaintiffs all profits obtained by Defendants as a result of their infringement, and as a result of their manufacture, use, importation, exportation or sale of the invention disclosed or claimed in the '152 Patent;

(8) For an assessment of pre-judgment and post-judgment interest and costs under 35 U.S.C. § 284;

(9) For an order requiring Defendants to surrender for destruction, or other disposition, at the election of Plaintiffs, of the manufacturing tooling, materials, prints, specifications, drawings, molds, extrusions, dies, products, castings, prototypes, models, engineering records, computer programs, all components in all stages, assemblies in all stages, and inventory wherever stored of the products which infringe the '152 Patent;

(10) For an order declaring this to be an exceptional case under 35 U.S.C. § 285 and award Plaintiffs their attorneys' fees, expenses, and costs incurred in this action; and

(11) Award Samson Mfg. such other and further relief as this Court deems just and proper.

**JURY TRIAL DEMAND**

Plaintiffs demand a jury trial on all issues so triable.

**SAMSON MANUFACTURING CORPORATION  
and SCOTT SAMSON,**

By their attorneys,

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