

JURISDICTION AND VENUE

3. This action arises under the patent laws of the United States, 35 U.S.C. § 1 *et seq.*, and particularly 35 U.S.C. §§ 271 and 281.

4. This Court has subject matter jurisdiction over this dispute pursuant to 28 U.S.C. §§ 1331, 1338(a).

5. This Court has personal jurisdiction over Black Dawn because Black Dawn has done and is still doing business in Illinois and in this judicial district. For example, Black Dawn has purchased products from Rock River in Illinois and this judicial district for purposes of reverse engineering and/or copying Rock River's patented technology, including Rock River's patented trigger guard described below. Black Dawn also operates an active retail website, www.blackdawnguns.com, through which Black Dawn actively sells and ships its products to Illinois and this judicial district. Black Dawn also distributes and sells its products through www.cheaperthandirt.com, a large, online retailer that distributes and sells products nationwide, including in Illinois and this judicial district.

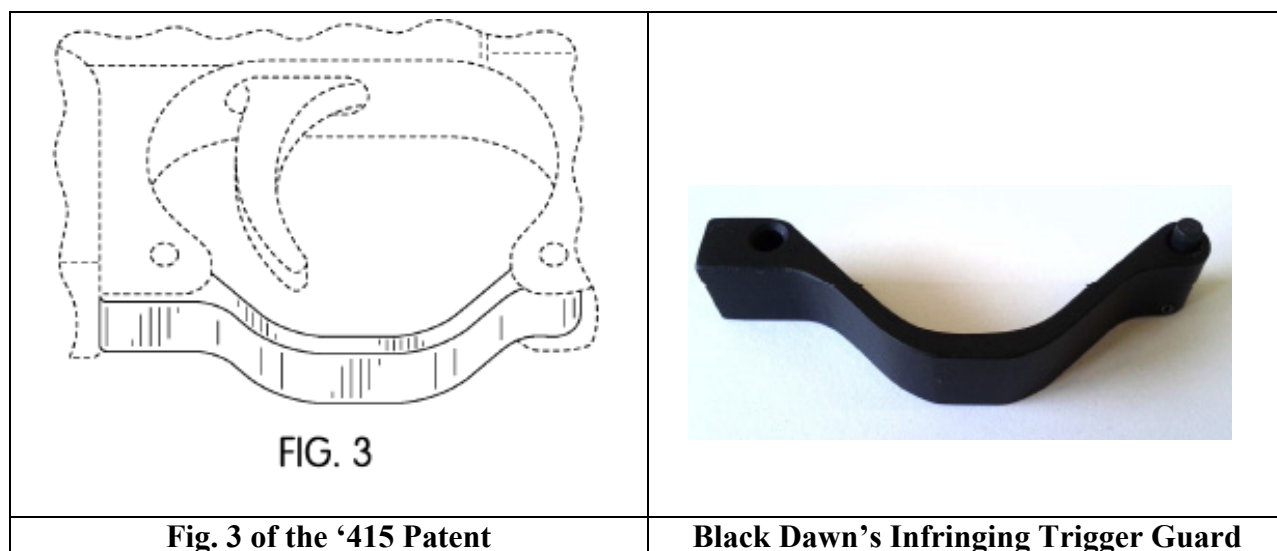
6. Venue is proper in this judicial district pursuant to 28 U.S.C. §§ 1391(b) and 1400(b).

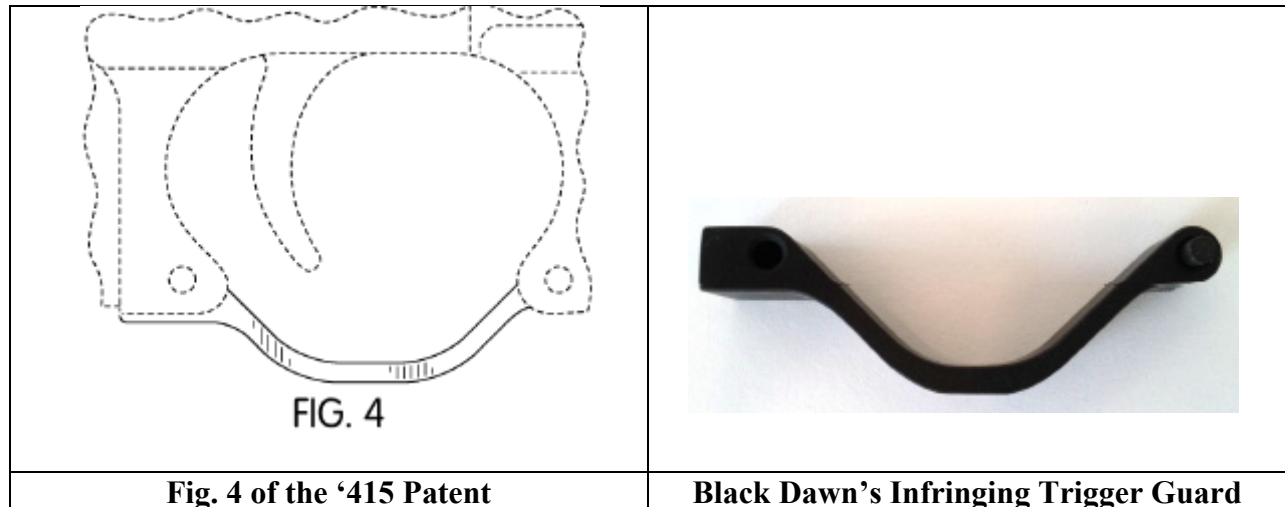
COUNT I: INFRINGEMENT OF U.S. PATENT D627,415

7. Rock River is the record owner of United States Patent No. D627,415 ("the '415 patent"), entitled "Trigger Guard," which legally and duly issued on November 16, 2010. A true and correct copy of the '415 patent is attached to this complaint as Exhibit A. Since as early as 2006, Rock River has been selling a commercial embodiment of its patented trigger guard titled "Winter Trigger Guard." Rock River patent marks its patented trigger guards.

8. Rock River has never licensed nor permitted Black Dawn to practice any of the legal rights granted under the '415 patent. Nevertheless, Black Dawn has been and still is infringing the '415 patent by making, using, selling and/or offering for sale trigger guards titled "Black Dawn Enhanced Trigger Guard" that are covered by the claim of the '415 patent without Rock River's authorization.

9. In 2009, Black Dawn purchased samples of Rock River's patented Winter Trigger Guard for the purpose of reverse engineering a copy of Rock River's patented trigger guard. Shortly thereafter, and unbeknownst to Rock River, Black Dawn began manufacturing, using, offering for sale, and/or selling an infringing trigger guard titled "Black Dawn Enhanced Trigger Guard." As shown in the side-by-side comparison below, the "Black Dawn Enhanced Trigger Guard" is visually virtually identical to Rock's River's patented trigger guard (shown in the Figures below in solid lines). An ordinary observer would therefore be deceived into believing the "Black Dawn Enhanced Trigger Guard" was actually the patented trigger guard owned and sold by Rock River.





10. Rock River recently discovered Black Dawn's infringement and provided actual, written notice of the '415 patent to Black Dawn on April 26, 2012. Through subsequent written correspondence, Black Dawn refused and continues to refuse to discontinue its infringement of the '415 patent. Black Dawn's infringement is with full knowledge of Rock River's '415 patent. As set forth above, Black Dawn's infringement is deliberate and willful.

11. By reason of Black Dawn's infringement of the '415 patent, Black Dawn has caused and continues to cause Rock River to suffer damage and irreparable harm. Black Dawn's infringement of the '415 patent will continue unless enjoined by this Court.

12. Rock River has no adequate remedy at law for Black Dawn's infringement of the '415 patent.

RELIEF SOUGHT

WHEREFORE, Rock River prays for judgment and relief including:

(A) A preliminary injunction and permanent injunction preventing Black Dawn, its officers, agents, servants, distributors, employees, successors and assigns, and all others acting for or on its behalf from infringing Rock River's '415 patent;

- (B) Judgment that Black Dawn has been and is infringing Rock River's '415 patent;
- (C) An award of damages incurred by Rock River as a result of Black Dawn's infringement of Rock River's '415 patent;
- (D) An award trebling the damages pursuant to 35 U.S.C. § 284 as a result of the willful infringement of Rock River's '415 patent;
- (E) An assessment of costs, including reasonable attorney fees pursuant to 35 U.S.C. § 285, and prejudgment interest against Black Dawn; and
- (F) Such other and further relief as this Court may deem just and proper.

JURY TRIAL DEMAND

Rock River hereby demands a jury trial on all issues so triable.

Respectfully submitted,

Dated: June 25, 2012

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