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8 **IN THE UNITED STATES DISTRICT COURT**
9 **DISTRICT OF ARIZONA**

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11 **PRECISION SHOOTING**)
EQUIPMENT, INC., a Delaware) **Case No. 12-CV-00218-TUC-DCB**
12 corporation,)
13 Plaintiff,)
14 vs.) **FIRST AMENDED COMPLAINT**
15) **FOR PATENT INFRINGEMENT,**
16 **ELITE OUTDOORS LLC**, a Delaware) **AND JURY DEMAND**
17 limited liability company, dba “ELITE)
18 **ARCHERY**”; and **MARTIN ARCHERY,**)
INC., a Washington corporation,)
19 Defendants.

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21
22 Plaintiff Precision Shooting Equipment, Inc. (“PSE”), for its First Amended
23 Complaint against Defendant Elite Outdoors LLC, dba “Elite Archery” (hereinafter,
24 “Elite”), states the following:

25
26 NATURE OF THE ACTION

27 1. This is an action for patent infringement arising under 35 U.S.C. §§ 271, et
28 seq.

1 2. This Court has exclusive jurisdiction over the subject matter of this civil
2 action under 28 U.S.C. § 1338(a).

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4 PARTIES, PERSONAL JURISDICTION, AND VENUE

5 3. Plaintiff PSE is a Delaware corporation having a principal place of
6 business at 2727 N. Fairview Road, Tucson, Arizona 85703.

7 4. Upon information and belief, Defendant Elite is a Delaware limited
8 liability company having a principal place of business at 235 Middle Road, Henrietta,
9 New York 14467.

10 5. Defendant Elite manufactures and sells archery bows through authorized
11 dealers located throughout the United States, including dealers located within the District
12 of Arizona.

13 6. Defendant Elite maintains an Internet-based website using the domain
14 name “www.elitearchery.com”.

15 7. Defendant Elite’s website promotes archery bows distributed and sold by
16 Defendant Elite.

17 8. Defendant Elite’s website also lists dealers around the United States who
18 sell Defendant Elite’s bows, including dealers located in the District of Arizona.

19 9. Defendant Elite’s website also allows customers to register their product
20 warranties, and to obtain product return authorizations.

21 10. Defendant Elite is subject to the personal jurisdiction of this Court, and
22 venue is proper in this judicial District.

23
24 PATENT IN SUIT

25 11. U.S. Patent No. 6,968,837 (hereinafter, “the ‘837 patent”) was issued on
26 November 29, 2005, is entitled “SIGHT MOUNTING SYSTEM”, and is assigned to
27 PSE; a true and correct copy of the ‘837 patent is attached hereto as Exhibit A.

28 12. PSE is the owner of the entire right, title and interest in and to the ‘837

1 patent.

2 13. PSE has marked the patent number of the '837 patent on PSE's archery
3 bows covered by the '837 patent, in accordance with Section 287(a) of the Patent Laws
4 (35 U.S.C. §287(a)), continuously since at least June of 2006.

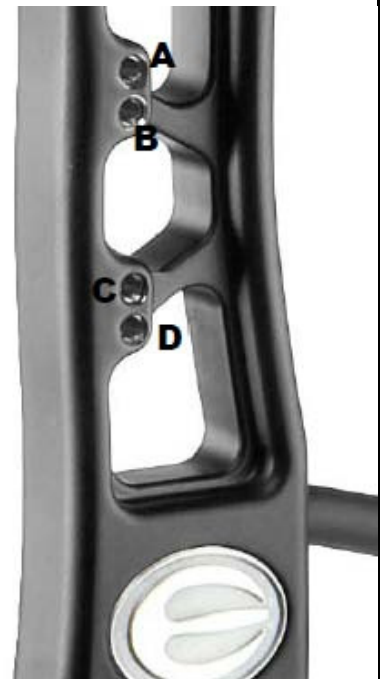
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6 INFRINGEMENT OF THE '837 PATENT BY DEFENDANT ELITE

7 14. Plaintiff PSE incorporates, repeats and re-alleges the allegations set forth
8 above in Paragraphs 1-13 as if fully set forth herein.

9 15. Upon information and belief, Defendant Elite makes, uses, offers to sell,
10 and/or sells archery bows using the product designations "Answer", "Pulse", "Pure", and
11 "Hunter" (collectively referred to as "the accused Elite bows").

12 16. Upon information and belief, the accused Elite bows each include a riser in
13 which four sight mounting holes are provided.

14 17. The figure to the right is an excerpt of a
15 photograph which appears in Defendant Elite's website for its
16 "Pure" model archery bow.



17 18. There are four sight mounting holes formed in
18 the riser shown in the figure to the right which are labeled A,
19 B, C and D.

20 19. Holes A and C can be used to mount a bow
21 sight.

22 20. Holes B and D can be used to mount a bow
23 sight.

24 21. Holes A and C are spaced apart from each other
25 by a predetermined distance.

26 22. Holes B and D are spaced apart from each other by the same
27 predetermined distance which separates holes A and C.

28 23. Holes A and B are offset from each other by less than the aforementioned

1 predetermined distance which separates holes A and C.

2 24. The relationship of the four sight mounting holes (A, B, C and D) is true
3 for each of the accused Elite bows.

4 25. Defendant Elite has made, used, sold, or offered to sell archery bows
5 which infringe the patent claim of the '837 patent; 35 U.S.C. § 271.

6 26. Plaintiff PSE has been damaged by Defendant Elite's acts of patent
7 infringement set forth above.

8 27. Upon information and belief, Defendant Elite will continue to infringe the
9 '837 patent unless and until enjoined from further infringement by this Court.

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11 REQUESTS FOR RELIEF

12 Plaintiff PSE requests the following relief:

13 1. A preliminary and permanent injunction prohibiting further acts of
14 infringement by Defendant Elite, and by those parties in active concert or participation
15 with Defendant Elite, during the remaining term of the '837 patent. 35 U.S.C. § 283.

16 2. An award of damages that will fully compensate PSE for each of
17 Defendant Elite's acts of patent infringement described herein. 35 U.S.C. § 284.

18 3. An award of prejudgment interest on infringement damages, accruing from
19 the date of each such act of infringement, as a result of Defendant Elite's acts of
20 infringement.

21 4. An award of PSE's costs incurred in connection with this action. 35
22 U.S.C. § 284.

23 5. Such other and further relief as the Court deems appropriate.

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25 Jury Demand

26 Plaintiff PSE requests a trial by jury in accord with Rule 38 of the Federal Rules
27 of Civil Procedure.

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DATED this 21st day of May, 2012.

/s/Marvin A. Glazer
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CERTIFICATE OF ELECTRONIC FILING/SERVICE

I HEREBY CERTIFY that on May 21, 2012, counsel for the Plaintiff electronically filed the foregoing FIRST AMENDED COMPLAINT FOR PATENT INFRINGEMENT, AND JURY DEMAND with the Clerk of the Court, along with attached Exhibit A, by using the Court's CM/ECF system.

s/Marvin A. Glazer/
Marvin A. Glazer (AZ Bar No. 005885)