

laterally-extending, rounded members with a centrally-disposed symmetric arc extending therebetween, inclined and tapered arms having, inclined ends with rounded corners and ribbed top and bottom sides, semi-circular cut-outs to accommodate for the center piece, with rounded lower portions extending inwardly toward each other (collectively “the Inclined-T Trade Dress”), an example of which is shown in Exhibit 4.

3. The industry has come to identify the Inclined T-Trade Dress with AXTS as a result of AXTS marketing, advertising, promoting, offering for sale and selling its Inclined T-Trade Dress in the United States for over five years before Stag copied the Inclined T-Trade Dress in its Ambi charging handle. The Inclined-T Trade Dress has come to be associated exclusively with the AXTS brand and its products and distinguishes its charging handles from those manufactured and sold by others. Through dedicated and consistent presentation of the Inclined-T Trade Dress, AXTS has developed a reputation and acquired substantial goodwill and secondary meaning in the Inclined-T Trade Dress.

4. This lawsuit also includes a breach of contract count based on the fact that in between 2016 and 2018, Stag purchased from AXTS and re-sold charging handles including the Inclined-T Trade Dress. As it relates to the present breach of contract count, Stag ordered charging handles from AXTS in 2018, agreeing to pay \$74,043, and despite promises to pay has still not paid the last \$7,794.00. These charging handles, one of which is depicted in Exhibit 5, incorporated the Inclined-T Trade Dress of AXTS. The purchase orders and the accompanying emails from Stag (including Purchase Order 156516 dated 3/13/2018 and Purchase Order 157060 dated 7/23/2018) are collectively appended as Exhibit 6. The marketing, sale, advertising, promotion, offering for sale and sale of such charging handles with the Inclined-T Trade Dress by Stag from 2016 to 2018 inured to the benefit of AXTS, thus further building the recognition

of the Inclined-T Trade Dress. The purchasing public recognized that such charging handles originated with AXTS because of the Inclined-T Trade Dress and use of the RADIANT[®] trademark of AXTS.

5. As a result of the foregoing, AXTS seeks, among other relief, an injunction preventing Stag from further infringing the AXTS Patents and the Inclined-T Trade Dress, together with damages, including AXTS lost profits and/or a disgorgement of Stag's profits from its infringing activity, as well as attorney fees and costs. AXTS also asks to be paid the \$7,794.00 that is still owing from the agreement to purchase AXTS charging handles incorporating the Inclined-T Trade Dress.

THE PARTIES

6. Plaintiff AXTS, Inc. is a corporation organized and existing under the laws of the State of Oregon, with its principal place of business in Redmond, Oregon. AXTS owns the AXTS Patents.

7. On information and belief, Defendant Stag Arms, LLC is a Delaware limited liability company having a principal place of business in New Britain, Connecticut.

8. On information and belief, Defendant WWCIP IV, LLC is a Delaware limited liability company that acquired Stag in 2016.

JURISDICTION AND VENUE

9. AXTS's cause of action for patent infringement arises under the patent laws of the United States, 35 U.S.C. § 101 *et seq.* This Court has original jurisdiction over this subject matter pursuant to 28 U.S.C. §§ 1331, 1332(a), and 1338(a). AXTS's cause of action for trade dress infringement and unfair competition arises under the Lanham Act, 15 U.S.C. §§ 1051 *et seq.* This Court has original jurisdiction over this subject matter pursuant to 28 U.S.C. §§ 1331, 1332(a) and (c), and 1338 (a) and (b). This Court has supplemental jurisdiction as to the breach

of contract claim because that claim is based on Defendants purchasing charging handles bearing the Inclined-T Trade Dress. By purchasing from AXTS and re-selling charging handles incorporating the Inclined-T Trade Dress rights, those trade dress rights were further strengthened. As such, the breach of contract cause of action is so related to the Lanham Act claim that it forms part of the same case or controversy.

10. This Court has personal jurisdiction over Stag because Stag is incorporated and has its principal place of business in New Britain, Connecticut, in this judicial district. This Court has personal jurisdiction over WWCIIP because WWCIIP represents on a related company's website that it acquired Stag in 2016.

11. Venue is proper in this judicial district under 28 U.S.C. § 1391(a), (b) and (c) because Stag is incorporated in Connecticut and has a principal place of business in this district. Moreover, a substantial part of the events giving rise to the claims herein occurred in this district because, on information and belief, Stag was selling the infringing charging handles from this district. As to WWCIIP, venue is proper under 28 U.S.C. § 1391 (c) because WWCIIP is subject to the Court's personal jurisdiction. Venue is proper as to the breach of contract action because a substantial part of the events giving rise to the cause of action occurred in this district; that is, on information and belief, Stag purchased charging handles incorporating the Inclined-T Trade Dress and resold such charging handles from its place of business in this district.

FACTUAL BACKGROUND

AXTS and its Proprietary Design

12. AXTS is a leading innovator in the design of so-called charging handles that are used in semi-automatic rifles. While semi-automatic firearms re-cock themselves automatically after firing, an operator must still manually re-cock the semi-automatic firearm at times. A charging handle is the part of the semi-automatic rifle that the operator uses to manually cock,

when necessary. AXTS invented charging handles that not only work better than the charging handles originally sold with semi-automatic firearms (such as an after-market “ambidextrous” charging handle that the operator can manually cock using either hand), but are also cosmetically attractive to prospective purchasers.

A. The AXTS Patents

13. AXTS has patented its innovations and designs. Three of its design patents are the AXTS Patents. Each of the AXTS Patents was fully examined by the United States Patent and Trademark Office (“PTO”) and was duly and legally issued after such examination. The AXTS Patents have been properly maintained by AXTS and have been enforced against infringers when appropriate. AXTS owns the right, title and interest in each of the AXTS Patents as reflected in the records of the PTO.

B. The Inclined-T Trade Dress

14. A charging handle having the Inclined-T Trade Dress is shown in Exhibit 4 and below.



15. The industry has come to identify the Inclined-T Trade Dress with AXTS as a result of AXTS marketing, advertising, promoting, offering for sale and selling its Inclined T-

Trade Dress in the United States. Stag's purchase and resale of charging handles bearing AXTS trademarks and Inclined-T Trade Dress further strengthened the AXTS protection in its trade dress. The Inclined-T Trade Dress has come to be associated exclusively with the AXTS brand and its products and distinguishes its charging handles from those manufactured and sold by others. Through dedicated and consistent presentation of the Inclined-T Trade Dress, AXTS has developed a reputation and acquired substantial goodwill in the Inclined-T Trade Dress. When AXTS has become aware of infringements of the Inclined-T Trade Dress, it has written cease and desist letters to enforce its rights.

16. As a result of the AXTS efforts, the Inclined-T Trade Dress has acquired secondary meaning and distinctiveness among shooting enthusiasts and members of the industry, and it continues to have secondary meaning and distinctiveness. AXTS charging handles bearing the Inclined-T Trade Dress are now widely known and recognized by their unique, ornamental and distinctive appearance, which identifies to shooting enthusiasts and industry members that their source of origin is AXTS.

17. Based on the foregoing, the Inclined-T Trade Dress has become and now is a designation of origin of AXTS.

C. Stag's Infringing Activities

18. Stag stopped purchasing charging handles with Inclined-T Trade Dress from AXTS in 2018 and sometime after that, on information and belief, located a supplier that would manufacture and supply knock offs of the charging handles with the Inclined-T Trade Dress. Stag began offering these knock offs under the name "Stag Ambi Charging Handle." Stag's promotion of the Stag Ambi charging handle included a flyer, appended as Exhibit 7 hereto and exhibited it on its website in the depiction shown below.



COUNT I –

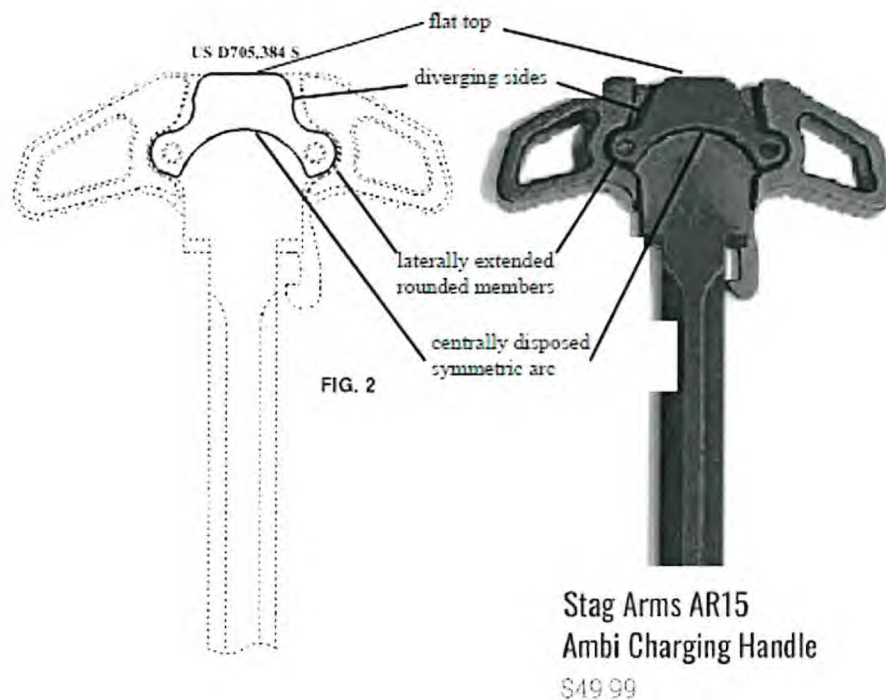
INFRINGEMENT OF UNITED STATES PATENT D705,384

19. AXTS restates and realleges each of the allegations, photographs and figures of paragraphs 1- 18 as if fully set forth herein.

20. Stag has infringed the '384 Patent within this judicial district by manufacturing or importing into, using, inducing others to use, selling and/or offering for sale Stag Ambi charging handles that embody the design claimed in the '384 Patent, in violation of 35 U.S.C. §§ 271 and 289.

21. Stag is not licensed or otherwise authorized by AXTS to make, use, import, sell, or offer to sell any charging handle whose design is covered by the '384 Patent, and its conduct is, in every instance, without AXTS's consent.

22. The design of Stag's infringing charging handle so closely resembles the design disclosed in the '384 Patent that an ordinary observer will perceive the overall appearance of the designs to be substantially the same. A comparison between Figure 2 of the '384 Patent and the Stag Ambi charging handle shows that both include a center piece having a flat top with sides that diverge to laterally-extending, rounded members with a centrally-disposed symmetric arc extending between.



23. Stag has refused the demand of AXTS that Stag agree not to infringe the '384 Patent in the future so, on information and belief, Stag will continue to manufacture, import, sell, use and induce others to use its Stag Ambi charging handles unless enjoined by this Court.

24. On information and belief, Stag's infringement of the '384 Patent has been

willful. Stag has for years been aware of the '384 Patent since it sold charging handles bearing the '384 patent number. The charging handle Stag purchased from AXTS is shown in Exhibit 5 and below.



If Stag had doubts about the validity or infringement of the '384 Patent, it should not have sold the Inclined-T charging handles it purchased from AXTS prominently bearing the '384 Patent number.

25. As a result of Stag's infringement of the '384 Patent, AXTS is entitled to recover from Stag the profits AXTS would have made but for the infringement of the '384 Patent. In any event AXTS is entitled to damages adequate to compensate for the infringement, but in no event less than a reasonable royalty as provided 35 U.S.C. § 284. As an alternative remedy for Stag's infringement of the '384 patent, AXTS is entitled to recover Stag's total profits from the sale of its infringing Stag Ambi charging handles under 35 U.S.C. § 289. These total profits are not limited to profits on the Stag Ambi charging handles themselves since, on information and belief, Stag used the sale of Stag Ambi charging handles as a loss leader to sell its other, far more profitable products.

26. Because of Stag's willful infringement of the '384 Patent, any damages assessed against Stag should be increased up to three times the amount found. As a result of the willful infringement, this is an exceptional case, and AXTS should, pursuant to 35 U.S.C. § 285, be awarded its reasonable attorney fees in having to pursue this infringement.

27. Due to Stag's infringement of the '384 Patent, AXTS has suffered, is suffering, and will continue to suffer irreparable injury and damage for which AXTS has no adequate remedy at law. AXTS is therefore entitled to a permanent injunction against Stag's further infringing conduct.

COUNT II –

INFRINGEMENT OF UNITED STATES PATENT D694,354

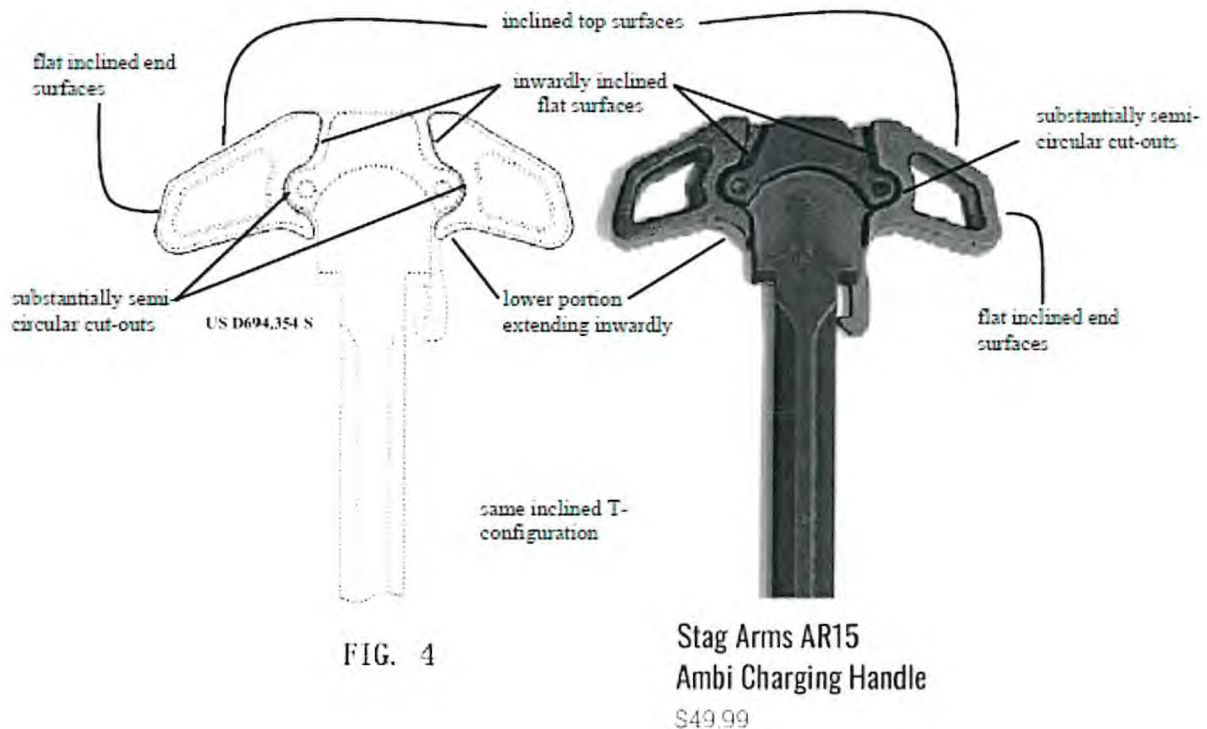
28. AXTS restates and realleges each of the allegations, photographs and figures of paragraphs 1- 27 as if fully set forth herein.

29. Stag has infringed the '354 Patent within this judicial district by manufacturing or importing into, using, inducing others to use, selling and/or offering for sale charging handles, including but not limited to the Stag Ambi charging handle that embodies the patented design claimed in the '354 Patent, in violation of 35 U.S.C. §§ 271 and 289.

30. Stag is not licensed or otherwise authorized by AXTS to make, use, import, sell, or offer to sell any charging handle whose design is covered by the '354 Patent, and its conduct is, in every instance, without AXTS's consent.

31. The design of Stag's infringing charging handle so closely resembles the design disclosed in the '354 Patent that an ordinary observer will perceive the overall appearance of the designs to be substantially the same. For example, a comparison between one of the Figure 4 of the '354 Patent and the Stag Ambi charging handle shows that both include inclined and tapered arms having inclined top surfaces that terminate in inclined end surfaces with rounded corners,

inclined bottom surfaces that terminate in lower, rounded portions that extend inwardly, semi-circular cut-outs that extend upwardly to inclined flat surfaces, with short, rounded but flat tops that extend outwardly to the inclined top surfaces.



32. Stag has refused the demand of AXTS that Stag agree not to infringe the '354 Patent in the future so, on information and belief, Stag will continue to manufacture, import, sell, use and induce others to use its Stag Ambi charging handles unless enjoined by this Court.

33. On information and belief, Stag's infringement of the '354 Patent has been willful. Stag was aware of the existence of the '354 patent and the fact that it read on AXTS charging handles since AXTS has been marking its covered charging handles with the '354 patent number. As shown in Exhibit 5 and above in connection with the '384 Patent, charging handles that Stag purchased from AXTS and resold were prominently marked with the '354 Patent. If Stag had doubts about the validity or infringement of the '354 Patent, it should not have offered to sell and sold the charging handles it purchased from AXTS prominently bearing

the '354 patent number.

34. As a result of Stag's infringement of the '354 Patent, AXTS is entitled to recover from Stag the profits AXTS would have made but for the infringement. In any event AXTS is entitled to damages adequate to compensate for the infringement, but in no event less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284. As an alternative remedy for Stag's infringement of the '354 Patent, AXTS is entitled to recover Stag's total profits from the sale of its infringing Stag Ambi charging handles under 35 U.S.C. § 289. These total profits are not limited to profits on the Stag Ambi charging handles themselves since, on information and belief, Stag used the sale of Stag Ambi charging handles as a loss leader to sell its far more profitable products.

35. Because of Stag's willful infringement of the '354 Patent, any damages assessed against Stag should be increased up to three times the amount found. As a result of the willful infringement, this is an exceptional case, and AXTS should be awarded its reasonable attorney fees in having to pursue this infringement.

36. Due to Stag's infringement of the '354 Patent, AXTS has suffered, is suffering, and will continue to suffer irreparable injury and damage for which AXTS has no adequate remedy at law. AXTS is therefore entitled to a permanent injunction against Stag's further infringing conduct.

COUNT III –

INFRINGEMENT OF UNITED STATES PATENT D738,452

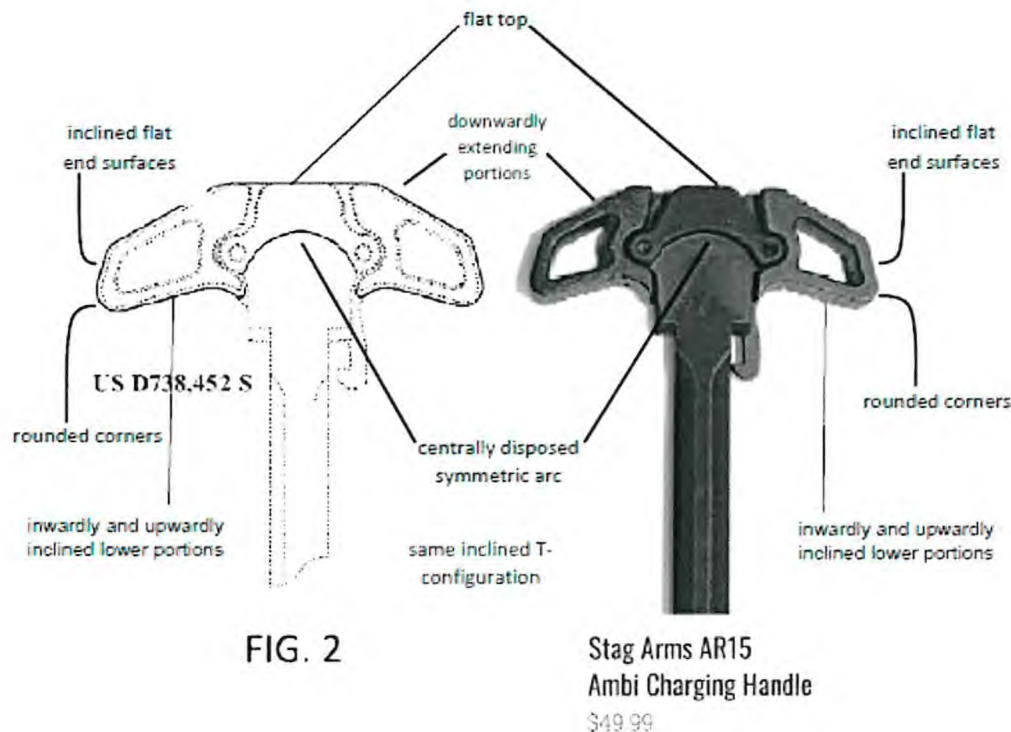
37. AXTS restates and realleges each of the allegations, photographs and figures of paragraphs 1-36, as if fully set forth herein.

38. Stag has infringed the '452 Patent within this judicial district by manufacturing or

importing into, using, inducing others to use, selling and/or offering for sale charging handles, including but not limited to the Stag Ambi charging handle that embodies the patented design shown in the '452 Patent, in violation of 35 U.S.C. §§ 271 and 289.

39. Stag is not licensed or otherwise authorized by AXTS to make, use, import, sell, or offer to sell any charging handle whose design is covered by the '452 Patent, and its conduct is, in every instance, without AXTS's consent.

40. The design of Stag's infringing charging handle so closely resembles the design disclosed in the '452 Patent that an ordinary observer will perceive the overall appearance of the designs to be substantially the same. For example, a comparison between Figure 2 of the '452 Patent and the Stag Ambi charging handle show that both include the same inclined and tapered T configuration, with a flat top and downwardly and outwardly extending portions, inclined end surfaces having rounded corners, and inwardly and upwardly inclined lower portions, and centrally disposed, symmetric arced portions extending between the two arms.



41. Stag has refused the demand of AXTS that Stag agree not to infringe the '452 Patent in the future so, on information and belief, Stag will continue to manufacture, import, sell, use and induce others to use its Stag Ambi charging handles unless enjoined by this Court.

42. As a result of Stag's infringement of the '452 Patent, AXTS is entitled to recover from Stag the profits AXTS would have made but for the infringement of the '452 Patent. In any event AXTS is entitled to damages adequate to compensate for the infringement, but in no event less than a reasonable royalty as provided in 35 U.S.C. § 284. As an alternative remedy for Stag's infringement of the '452 Patent, AXTS is entitled to recover Stag's total profits from the sale of its infringing Stag Ambi charging handles under 35 U.S.C. § 289. These total profits are not limited to profits on the Stag Ambi charging handles themselves since, on information and belief, Stag used the sale of Stag Ambi charging handles as a loss leader to sell its far more profitable products.

43. Due to Stag's infringement of the '452 Patent, AXTS has suffered, is suffering, and will continue to suffer irreparable injury and damage for which AXTS has no adequate remedy at law. AXTS is therefore entitled to a permanent injunction against Stag's further infringing conduct.

COUNT IV –

TRADE DRESS INFRINGEMENT, UNFAIR COMPETITION AND FALSE DESIGNATION OF ORIGIN, PURSUANT TO THE LANHAM ACT, 15 U.S.C. § 1125(A)

44. AXTS restates and realleges each of the allegations, photographs and figures of paragraphs 1-43 as if fully set forth herein.

45. Stag's use of the Inclined-T Trade Dress in connection with its products is likely to cause confusion, or to cause mistake, or to deceive as to the affiliation, connection, or

association of Stag or its products with AXTS or products sold under the AXTS RADIANT® brand, or as to the origin, sponsorship, or approval of Stag's products by AXTS, in violation of 15 U.S.C. § 1125(a).

46. To any ordinary observer, and to shooting enthusiasts, consumers and members of the industry, the "look" of the Stag charging handle incorporating the Inclined-T Trade Dress is confusingly similar to AXTS's Inclined-T Trade Dress and, in particular, the ornamental, distinctive appearance of the Inclined-T Trade Dress, which is unique in appearance, eye-catching and readily recognized among customers and members of the industry. In fact, as seen below, the trade dress of the Stag Ambi charging handle is virtually identical to the AXTS Inclined-T Trade Dress.

47. As shown below, both the AXTS and Stag Ambi charging handles include a center piece with flat top, diverging downwardly extending walls and laterally-extending, rounded members with a centrally-disposed symmetric arc extending therebetween, inclined and tapered arms having flat, inclined ends with rounded corners and ribbed top and bottom sides, semi-circular cut-outs to accommodate for the center piece, with rounded lower portions extending inwardly toward each other.



AXTS



Stag Ambi

48. Stag's past, present and future use, distribution, sale and/or offer for sale of charging handles using Inclined-T Trade Dress constitutes trade dress infringement, unfair competition and false designation of origin under 15 U.S.C. § 1125(a).

49. Stag is aware of AXTS's Inclined-T Trade Dress because Stag purchased charging handles using this trade dress from AXTS and resold such charging handles.

50. Due to Stag's trade dress infringement, unfair competition and false designation of origin, AXTS is entitled to recover damages from Stag in an amount to be determined at trial, including Stag's profits and three times the amount of actual damages sustained by AXTS, together with costs and reasonable attorneys' fees.

51. Furthermore, by these acts, Stag has irreparably injured AXTS and caused AXTS to suffer a loss of goodwill and reputation, and such injury will continue unless Stag's activities are enjoined by this Court.

52. By reason of the above actions, AXTS is entitled to a range of relief under the Lanham Act, 15 U.S.C. §§ 1116-1118.

COUNT V

BREACH OF CONTRACT

53. AXTS restates and realleges each of the allegations, photographs and figures of paragraphs 1-52 as if fully set forth herein.

54. In 2018, Stag purchased charging handles from AXTS that included the Inclined-T Trade Dress. Stag agreed in Purchase Order 156516 (dated 3/13/2018) and Purchase Order 157060 (dated 7/23/2018) to pay AXTS \$74,043. However, despite repeated demands by AXTS and promises by Stag, Stag has not paid the last \$7,794.00, thus breaching its agreement to pay AXTS for these two Purchase Orders.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff AXTS respectfully requests that the Court enter judgment in its favor against Defendant Stag Arms, LLC and WWCIP IV, LLC, granting the following relief:

- A. A judgment and declaration that Defendants and each of them have infringed the AXTS Patents;

- B. A judgment and declaration that Defendants and each of them have infringed the Inclined-T Trade Dress and have engaged in unfair competition and false designations of origin;
- C. A permanent injunction, pursuant to 35 U.S.C. § 283, enjoining Defendants and their agents, servants, officers, directors, employees, affiliated entities and all persons acting in concert or privity with them, from infringing each of the AXTS Patents;
- D. A permanent injunction, pursuant to 15 U.S.C. § 1116(a), enjoining Defendants and their agents, servants, officers, directors, employees, affiliated entities and all persons acting in concert or privity with them, from infringing the Inclined-T Trade Dress, and from engaging in unfair competition and false designations of origin;
- E. A judgment and order requiring Defendants to pay AXTS all damages caused by their infringement of each of the AXTS Patents (but in no event less than a reasonable royalty) pursuant to 35 U.S.C. § 284; or the total profits made by Defendants from their infringement of such patents pursuant to 35 U.S.C. § 289;
- F. A judgment and order requiring Defendants to pay AXTS all damages suffered by AXTS as a result of their infringement of the Inclined-T Trade Dress, unfair competition and false designations of origin pursuant to 15 U.S.C. § 1117(a);
- G. A judgment and order requiring Defendants to pay AXTS any profits attributable to its infringement of the Inclined-T Trade Dress, unfair competition and false designations of origin pursuant to 15 U.S.C. § 1117(a);
- H. A judgment and order requiring Defendants to pay AXTS supplemental damages

or profits for any continuing post-verdict infringement up until the entry of a final judgment, with an accounting, if needed;

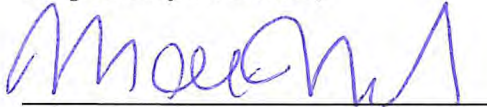
- I. A judgment and order requiring Defendants to pay AXTS increased damages up to three times the amount found or assessed pursuant to 35 U.S.C. § 284; and 15 U.S.C. § 1117(a);
- J. A judgment and order requiring Defendants to pay AXTS pre-judgment and post-judgment interest on any damages or profits awarded;
- K. A determination that this action is an exceptional case pursuant to 35 U.S.C. § 285;
- L. A determination that this action is an exceptional case pursuant to 15 U.S.C. § 1117(a);
- M. An award of AXTS's attorney fees, costs and expenses incurred in bringing and prosecuting this action, pursuant to 35 U.S.C. § 285 and 15 U.S.C. § 1117(a);
- N. A judgment and Order that Defendants pay AXTS \$7,794.00 as damages to satisfy the breach of contract cause of action.
- O. Such other and additional relief as this Court deems just and proper.

DEMAND FOR JURY TRIAL

Pursuant to Fed. R. Civ. P. 38(b), AXTS respectfully requests a trial by jury of all issues so triable.

Dated: December 21, 2018.

Respectfully submitted,



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Of Attorneys for Plaintiff, AXTS, INC.

EXHIBIT 1

US00D694354S

(12) **United States Design Patent**
Underwood(10) **Patent No.:** **US D694,354 S**(45) **Date of Patent:** **** Nov. 26, 2013**(54) **FIREARM CHARGING HANDLE**(76) Inventor: **Joshua A. Underwood, Salem, OR (US)**(**) Term: **14 Years**(21) Appl. No.: **29/416,613**(22) Filed: **Mar. 23, 2012**(51) **LOC (9) Cl.** **22-01**(52) **U.S. Cl.**
USPC **D22/108**(58) **Field of Classification Search**USPC D22/108; D21/572-575; 42/51, 71.01,
42/75.01, 75.02, 90, 94, 134, 136, 139,
42/125, 72, 111; 89/40.06, 41.19, 37.04,
89/33.04, 191.01, 200-204; 124/67, 66,
124/72, 74

See application file for complete search history.

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(Continued)

Primary Examiner — Michael A Pratt(74) *Attorney, Agent, or Firm* — Stolowitz Ford Cowger LLP(57) **CLAIM**

An ornamental design for the firearm charging handle, as shown and described.

DESCRIPTION

FIG. 1 is a perspective view of an embodiment of my firearm charging handle showing front, bottom, and side surfaces of the handle.

FIG. 2 is an enlarged perspective view of the firearm charging handle shown in FIG. 1.

FIG. 3 is a front view of the firearm charging handle shown in FIG. 1.

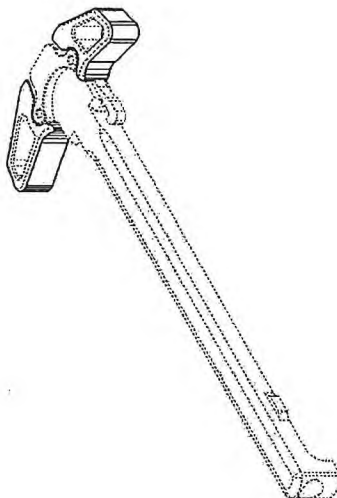
FIG. 4 is a back view of the firearm charging handle shown in FIG. 1.

FIG. 5 is a first side view of the firearm charging handle shown in FIG. 1.

FIG. 6 is a second side view of the firearm charging handle shown in FIG. 1; and,

FIG. 7 is a top view of the firearm charging handle shown in FIG. 1.

The broken line showing is included for the purpose of illustrating portions of the article and forms no part of the claimed design.

1 Claim, 5 Drawing Sheets

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(56)

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U.S. Patent

Nov. 26, 2013

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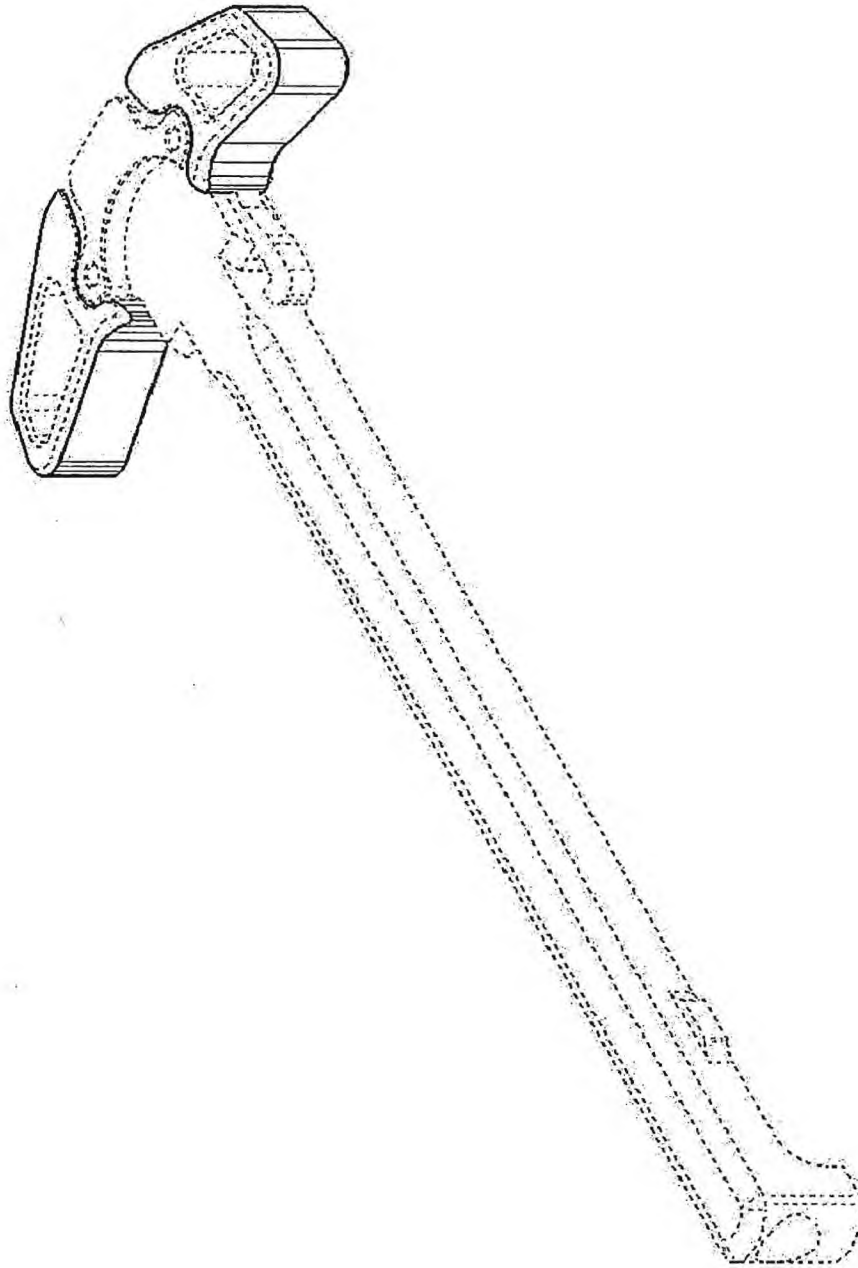


FIG. 1

U.S. Patent

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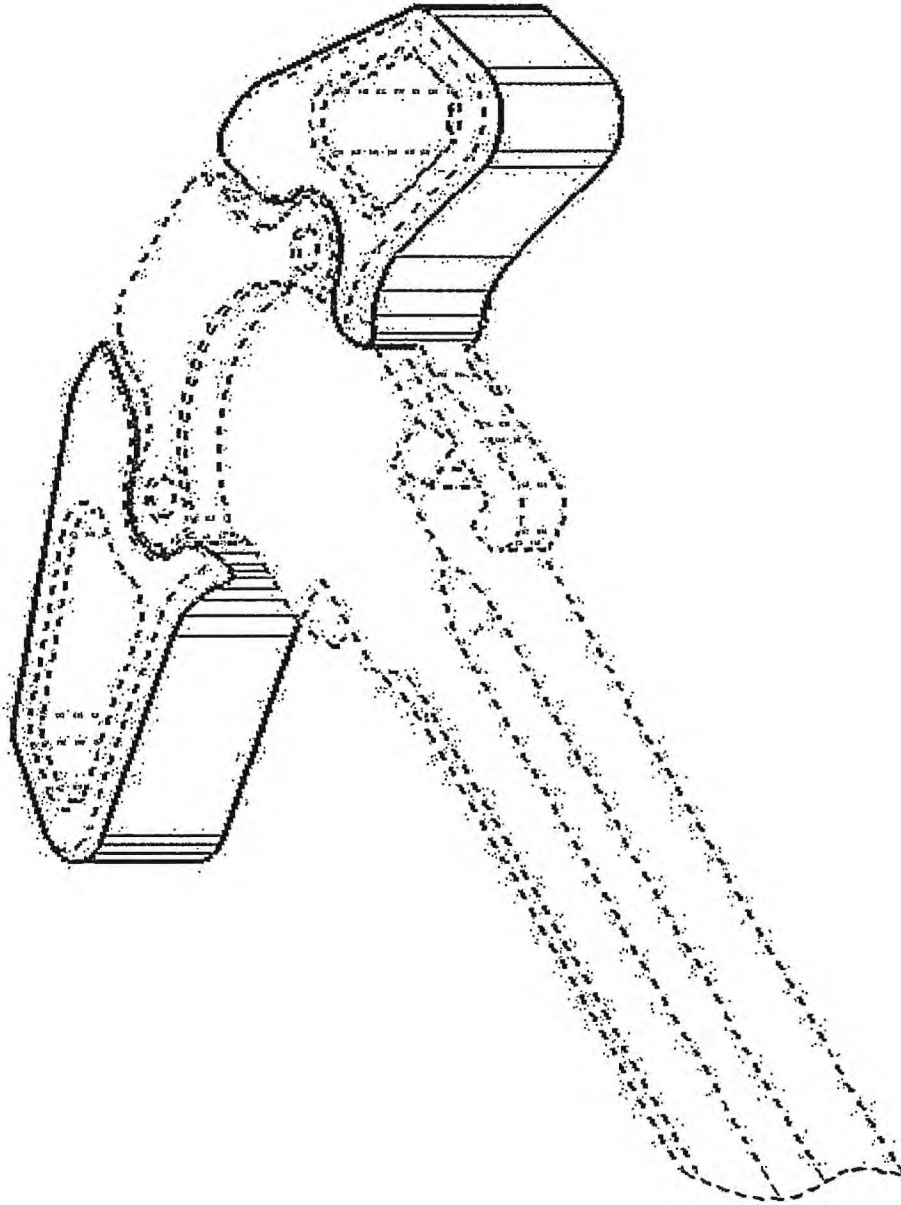


FIG. 2

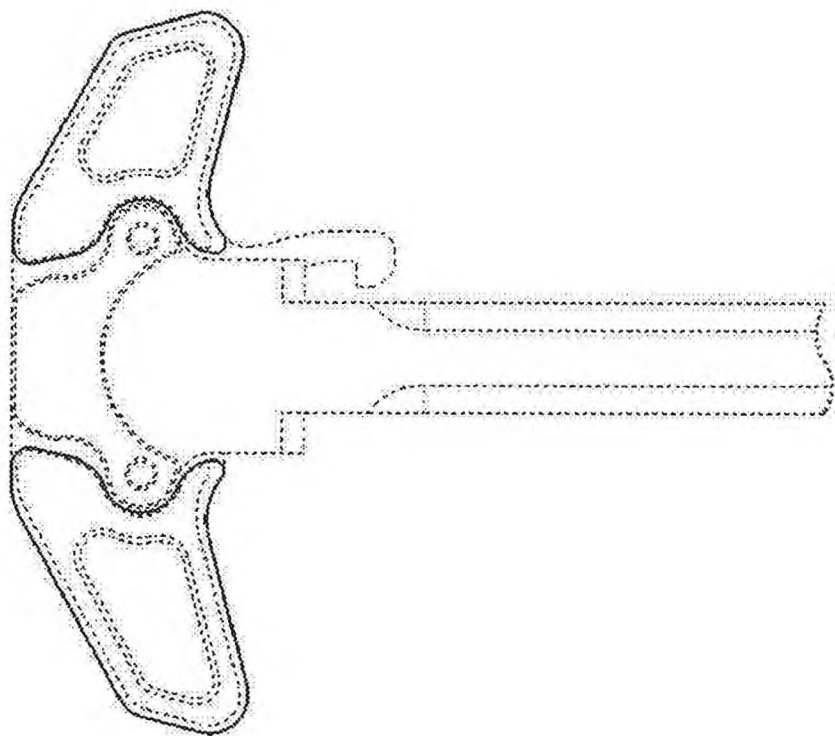


FIG. 4

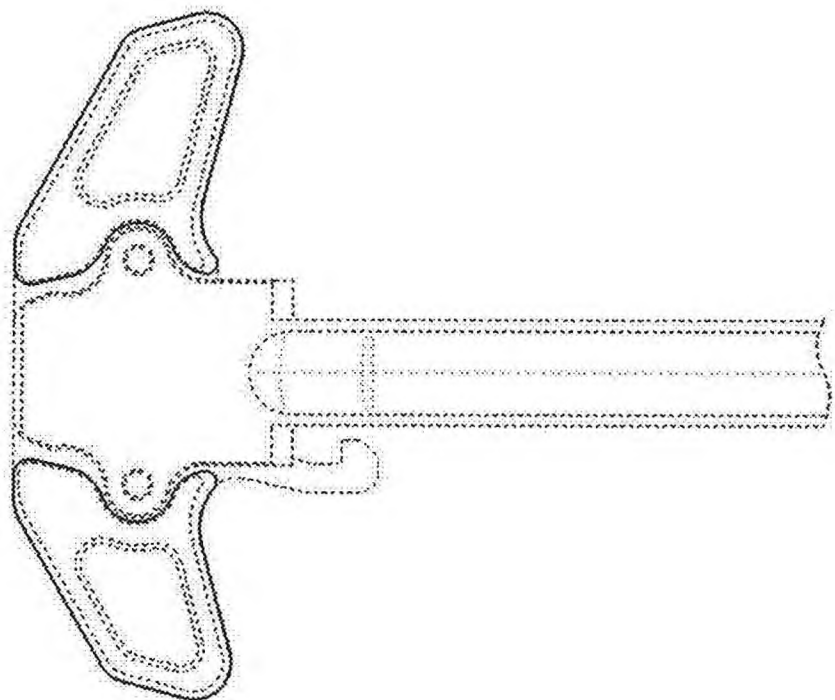


FIG. 3

U.S. Patent

Nov. 26, 2013

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US D694,354 S



FIG. 5

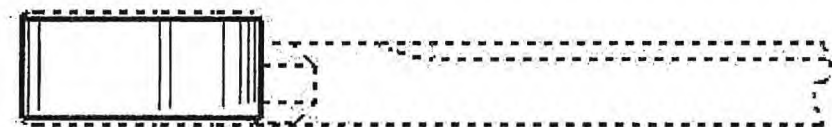


FIG. 6

U.S. Patent

Nov. 26, 2013

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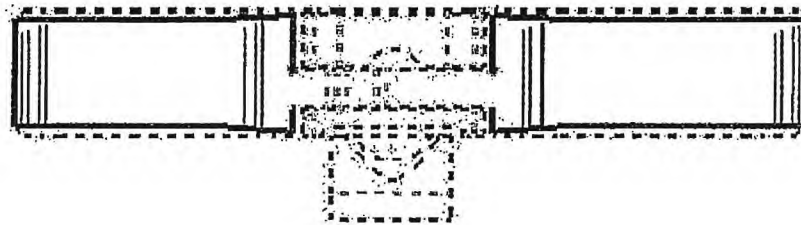


FIG. 7

EXHIBIT 2

US00D705384S

(12) **United States Design Patent**
Underwood(10) **Patent No.:** **US D705,384 S**(45) **Date of Patent:** **** May 20, 2014**(54) **FIREARM CHARGING HANDLE**(71) Applicant: **Joshua A. Underwood**, Salem, OR (US)(72) Inventor: **Joshua A. Underwood**, Salem, OR (US)(73) Assignee: **AXTS Weapons Systems**, Salem, OR (US)(**) Term: **14 Years**(21) Appl. No.: **29/469,218**(22) Filed: **Oct. 8, 2013****Related U.S. Application Data**

(63) Continuation of application No. 29/416,613, filed on Mar. 23, 2012, now Pat. No. Des. 694,354.

(51) **LOC (10) Cl.** **22-01**(52) **U.S. Cl.**USPC **D22/108**(58) **Field of Classification Search**

USPC D22/108; D21/572-575; 42/51, 71.01, 42/75.01, 75.02, 90, 94, 134, 136, 139, 42/125, 72, 111; 89/40.06, 41.19, 37.04, 89/33.04, 191.01, 200-204; 124/67, 66, 124/72, 74

See application file for complete search history.

(56) **References Cited****U.S. PATENT DOCUMENTS**

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4,834,437	A	5/1989	Howard, Sr.
4,835,892	A	6/1989	Ruger et al.
5,109,752	A	5/1992	Yu
7,240,600	B1	7/2007	Bordson
7,707,921	B1	5/2010	Hoel
7,832,322	B1	11/2010	Hoel
7,861,635	B1	1/2011	Hoel
7,900,546	B2	3/2011	Bordson
8,104,393	B2	1/2012	Kincel
8,156,854	B2	4/2012	Brown

8,261,649	B2	9/2012	Fitzpatrick et al.
8,336,436	B2	12/2012	Kincel
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2011/0005372	A1	1/2011	Kincel
2011/0214558	A1	9/2011	Kincel
2011/0265636	A1	11/2011	Overstreet et al.
2012/0167424	A1	7/2012	Gomez
2012/0167433	A1	7/2012	Robbins et al.
2012/0180355	A1	7/2012	Martin et al.
2012/0291612	A1	11/2012	Kincel
2012/0318124	A1	12/2012	Brown

OTHER PUBLICATIONS

United States Department of the Army, "Operator's Manual for Rifle, 5.56-MM, M16 (1005-00-856-6885); Rifle, 5.56-MM, M16A1 (1005-00-073-9421)", No. TM 9-1005-249-10 C2, Washington, D.C., May 11, 1990, 154 pages.

United States Department of the Army, "Operator's Manual for Rifle, 5.66 MM, M16A2 W/E (1005-01-128-9936) (EIC:4GM); Rifle, 5.56 MM, M16A3 (1005-01-367-5112); Rifle, 5.56 MM, M16A4 (1005-01-383-2872) (EIC:4F9); Carbine, 5.56 MM, M4 W/E (1005-01-231-0973) (EIC:4FJ); Carbine, 5.56 MM, M4A1 (1005-01-382-0953) (EIC:4GC)", No. Army TM 9-1005-319-10, Washington, D.C., Oct. 1998, 230 pages.

United States Department of the Army, "FM 23-9", Washington, D.C., Jul. 3, 1989, 305 pages.

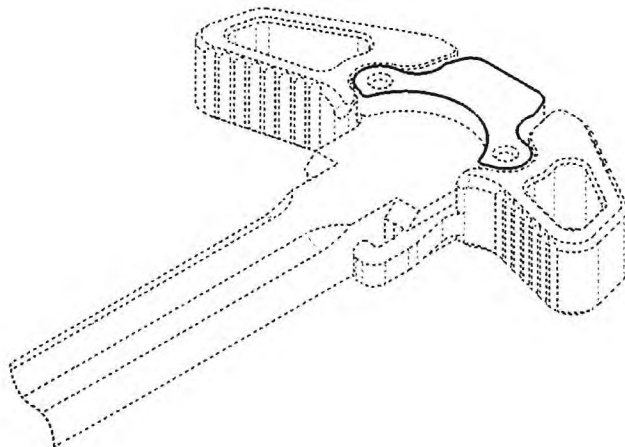
Primary Examiner — Michael A Pratt(74) *Attorney, Agent, or Firm* — Stolowitz Ford Cowger LLP(57) **CLAIM**

An ornamental design for the firearm charging handle, as shown and described.

DESCRIPTION

FIG. 1 is a perspective view of a firearm charging handle, comprising a top surface of the firearm charging handle; and, FIG. 2 is a top view of the firearm charging handle shown in FIG. 1.

The broken lines are included for the purpose of illustrating the environment and form no part of the claimed design.

1 Claim, 2 Drawing Sheets

U.S. Patent

May 20, 2014

Sheet 1 of 2

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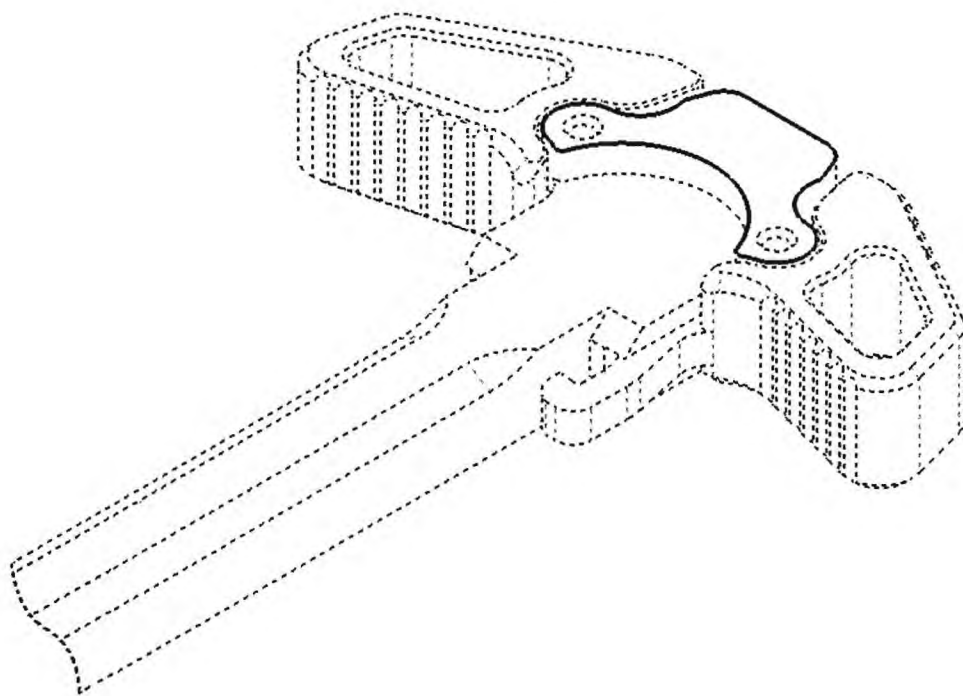


FIG. 1

U.S. Patent

May 20, 2014

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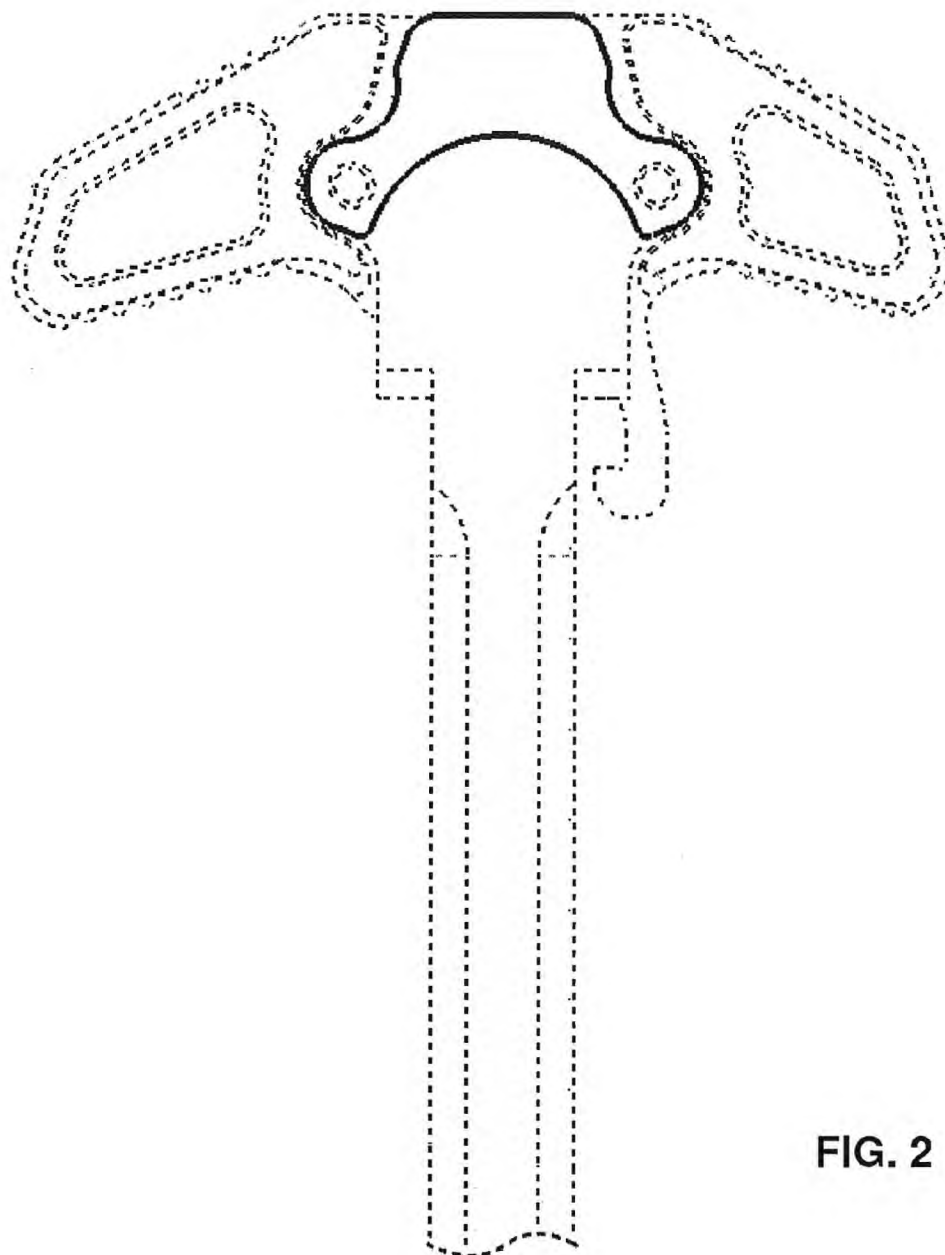


FIG. 2

EXHIBIT 3

(12) **United States Design Patent**
Underwood

(10) **Patent No.:** **US D738,452 S**

(45) **Date of Patent:** **** Sep. 8, 2015**

(54) **FIREARM CHARGING HANDLE**

(71) Applicant: **AXTS Weapons Systems, Salem, OR (US)**

(72) Inventor: **Joshua A. Underwood, Salem, OR (US)**

(73) Assignee: **AXTS WEAPONS SYSTEMS, Salem, OR (US)**

(**) Term: **14 Years**

(21) Appl. No.: **29/486,782**

(22) Filed: **Apr. 2, 2014**

5,726,377	A *	3/1998	Harris et al.	89/191.01
5,832,911	A *	11/1998	Mayville et al.	124/73
6,311,603	B1 *	11/2001	Dunlap	89/1.4
7,240,600	B1	7/2007	Bordson	
D614,718	S	4/2010	Hoel	
7,707,921	B1	5/2010	Hoel	
7,798,045	B1 *	9/2010	Fitzpatrick et al.	89/1.4
7,832,322	B1	11/2010	Hoel	
7,861,635	B1	1/2011	Hoel	
7,900,546	B2	3/2011	Bordson	
8,104,393	B2	1/2012	Kincel	
8,156,854	B2	4/2012	Brown	
8,261,649	B2	9/2012	Fitzpatrick et al.	
8,336,436	B2	12/2012	Kincel	
8,356,537	B2	1/2013	Kincel	
8,567,301	B1 *	10/2013	Sharron	89/1.4

(Continued)

Related U.S. Application Data

(63) Continuation of application No. 29/469,218, filed on Oct. 8, 2013, which is a continuation of application No. 29/413,613, filed on Mar. 23, 2012, now Pat. No. Des. 694,354.

(51) **LOC (10) Cl.** **22-01**

(52) **U.S. Cl.**

USPC **D22/108**

(58) **Field of Classification Search**

USPC D22/103, 108; D21/572-575; 42/51, 42/71.01, 75.01, 75.02, 90, 94, 134, 136, 42/139, 125, 72, 111; 89/40.06, 41.19, 89/37.04, 33.04, 191.01, 200-204; 124/67, 66, 72, 74

CPC F41C 7/00; F41C 7/11; F41C 7/12

See application file for complete search history.

OTHER PUBLICATIONS

United States Department of the Army, "Operator's Manual for Rifle, 5.56-MM, M16 (1005-00-856-6885); Rifle, 5.56-MM, M16A1 (1005-00-073-9421)", No. TM 9-1005-249-10 C2, Washington, D.C., May 11, 1990, 154 pages.

(Continued)

Primary Examiner — Michael A Pratt

(74) *Attorney, Agent, or Firm* — Stolowitz Ford Cowger LLP

(57) **CLAIM**

An ornamental design for the firearm charging handle, as shown and described.

DESCRIPTION

FIG. 1 is a top view of an embodiment of my firearm charging handle; and,

FIG. 2 is an enlarged top view of the firearm charging handle shown in FIG. 1.

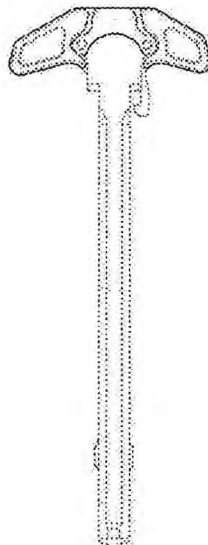
The broken lines are included for the purpose of illustrating the environment and form no part of the claimed design.

1 Claim, 2 Drawing Sheets

(56) **References Cited**

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4,521,985	A	6/1985	Smith et al.
4,834,437	A	5/1989	Howard, Sr.
4,835,892	A	6/1989	Ruger et al.
5,109,752	A	5/1992	Yu



US D738,452 S

Page 2

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2012/0167433	A1	7/2012	Robbins et al.	
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OTHER PUBLICATIONS

United States Department of the Army, "Operator's Manual for Rifle, 5.66 MM, M16A2 W/E (1005-01-128-9936) (EIC:4GM); Rifle, 5.56 MM, M16A3 (1005-01-367-5112); Rifle, 5.56 MM, M16A4 (1005-01-383-2872) (EIC:4F9); Carbine, 5.56 MM, M4 W/E (1005-01-231-0973) (EIC:4FJ); Carbine, 5.56 MM, M4A1 (1005-01-382-0953) (EIC:4GC)", No. Army TM 9-1005-319-10, Washington, D.C., Oct. 1998, 230 pages.

United States Department of the Army, "FM 23-9", Washington, D.C., Jul. 3, 1989, 305 pages.

Stolowitz Ford Cowger LLP, Listing of Related Cases; Jun. 4, 2014, 1 page.

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U.S. Patent

Sep. 8, 2015

Sheet 1 of 2

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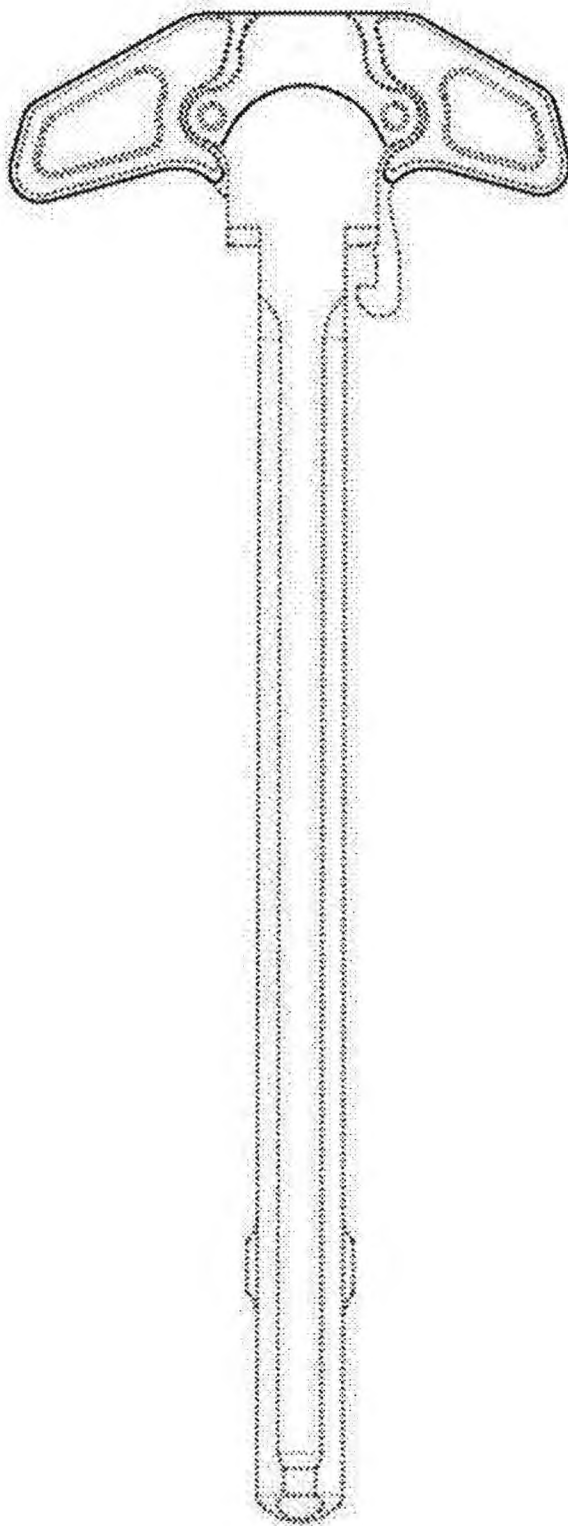


FIG. 1

U.S. Patent

Sep. 8, 2015

Sheet 2 of 2

US D738,452 S

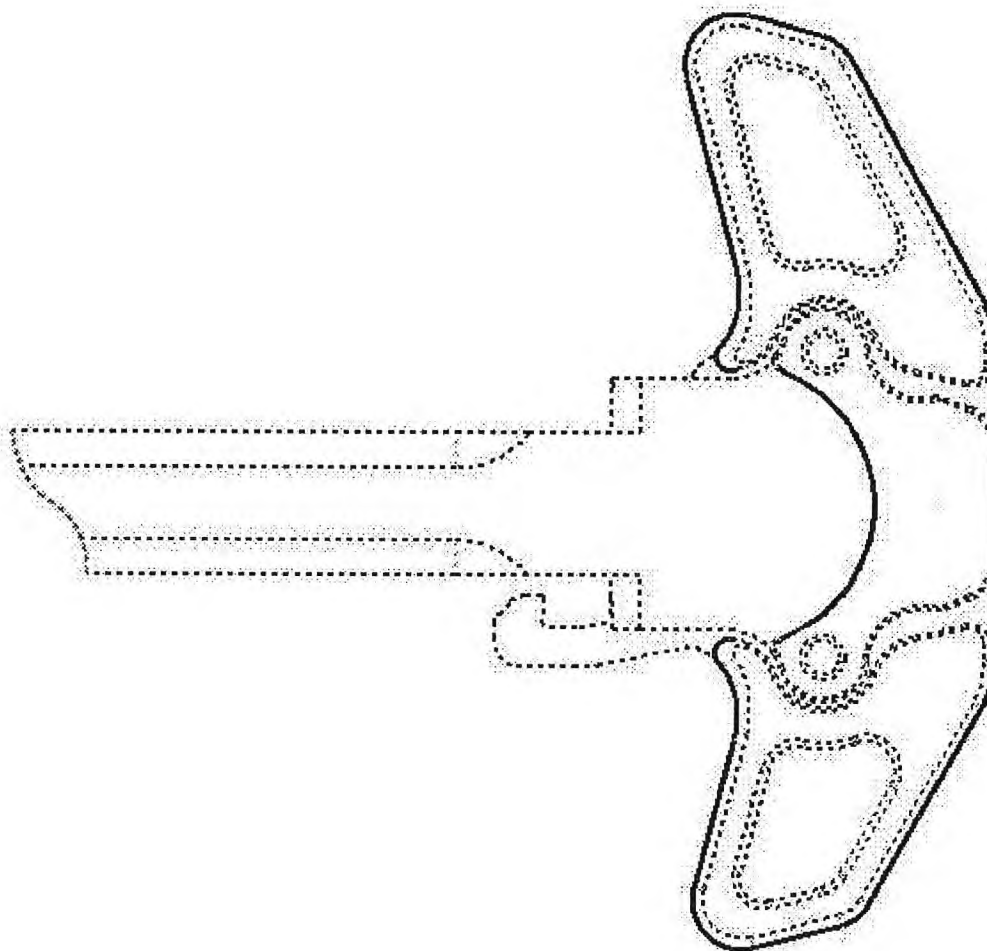


FIG. 2

EXHIBIT 4

Radian Weapons Radian Raptor Ambidextrous Charging Handle
LAW ENFORCEMENT & MILITARY
REGISTER NOW AND SAVE UP TO 20%
(/LE-MIL-REGISTRATION).

(<https://radianweapons.com/>).



<https://radianweapons.com/checkout/cart/>

GET A DISCOUNT ON A TALON™ SAFETY SELECTOR WHEN PURCHASED WITH A RAPTOR™ CHARGING HANDLE



RAPTOR AMBIDEXTROUS CHARGING HANDLE

\$79.95

The Raptor™ is truly revolutionary in design & function. From rapid palm "blading" or finger thumb charges of the weapon, the motion is fluid & fast from either strong or support side. Made in the USA from aircraft grade 7075 aluminum and milspec anodized.

<https://radianweapons.com/accessories/charging-handles/raptor-charging-handle>

Exhibit 4
Page 1 of 3

1/3

COLOR

Black Anodized

LAW ENFORCEMENT & MILITARY

REGISTER NOW AND SAVE UP TO 20%

(/LE-MIL-REGISTRATION).

SIZE

<https://radianweapons.com/>

AR15/M16 (Out of Stock)

<https://radianweapons.com/checkout/cart/>

Out of Stock

**STAY UPDATED***Don't miss out on product launches, events, and free SWAG.*

Your Email Address

SIGN UP

Radian Weapons Radian Raptor Ambidextrous Charging Handle
LAW ENFORCEMENT & MILITARY
 REGISTER NOW AND SAVE UP TO 20%
 (/LE-MIL-REGISTRATION).

You can also find us on:

(<https://radianweapons.com/>)



(<https://www.instagram.com/radianweapons/>)



(<https://www.facebook.com/radianweapons/>)



(<https://www.twitter.com/radianweapons/>)



(<https://radianweapons.com/checkout/cart/>)

(https://www.youtube.com/channel/UCYeGpDjcSIKFMt7MeJ_T9w/)



(<https://www.vimeo.com/radianweapons/>)

RADIAN RIFLES (/RIFLE)

ACCESSORIES (/ACCESSORIES)

APPAREL (/APPAREL)

SUPPORT (/SUPPORT)

ABOUT (/ABOUT)

CAREERS (/ABOUT#CAREERS)

LE/MIL (/LE-MIL-REGISTRATION)

DEALER LOCATOR (/DEALER-LOCATOR)

DEALER REGISTRATION (/DEALER-REGISTRATION)

PRODUCT REGISTRATION (/PRODUCT-REGISTRATION)

MY ACCOUNT (/CUSTOMER/ACCOUNT)

CONTACT (/CONTACT)

RADIAN WEAPONS \ COPYRIGHT 2017 \ ALL RIGHTS RESERVED \ [PRIVACY POLICY \(/PRIVACY\)](#) \ [TERMS OF SERVICE \(/TERMS\)](#)

EXHIBIT 5



EXHIBIT 6

Burnside, Samantha J.

Subject: FW: REVISED Purchase Order 156516 from Stag Arms LLC
Attachments: PO_156516_from_Stag_Arms_LLC_21320.pdf

From: <jonathan@stagarms.com>
Date: Tue, Jul 10, 2018 at 6:06 AM
Subject: REVISED Purchase Order 156516 from Stag Arms LLC
To: <po@radianweapons.com>
Cc: <josiah@radianweapons.com>


HI,

I have revised this PO and changed the 7/2 delivery to 200 pcs.

Please let me know when this will ship.

Thanks,
Jonathan

--

	<p>MIKE FRY</p> <p>COMPLIANCE & CUSTOMER SUPPORT</p> <p>O: 503.616.2792</p> <p>WWW.RADIANWEAPONS.COM</p> <p>Radian Weapons / 875 NE Kingwood ave Redmond, OR 97756 / Phone: 503.893.2987 Fax: 503.342.2736</p>
---	---

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Stag Arms LLC

New Britain, CT 06051

Purchase Order

Date	P.O. No.
3/13/2018	156516

Vendor
Radian Weapons 1851 Cordon Rd SE Salem, OR 97317

Ship To
Stag Arms LLC New Britain, CT 06051

Terms
Net 30

Item	Description	Qty	Rate	MPN	Expected	Ship Ref	Amount
STAG300267	Stag Arms Ambi Charging Handle (Polymer Handles)	200	38.97	R0148	3/26/18	156516-1	7,794.00
STAG300267	Stag Arms Ambi Charging Handle (Polymer Handles)	100	38.97	R0148	4/9/18	156516-2	3,897.00
STAG300267	Stag Arms Ambi Charging Handle (Polymer Handles)	100	38.97	R0148	4/30/18	156516-3	3,897.00
STAG300267	Stag Arms Ambi Charging Handle (Polymer Handles)	100	38.97	R0148	5/21/18	156516-4	3,897.00
STAG300267	Stag Arms Ambi Charging Handle (Polymer Handles)	100	38.97	R0148	6/11/18	156516-5	3,897.00
STAG300267	Stag Arms Ambi Charging Handle (Polymer Handles)	200	38.97	R0148	7/2/18	156516-6	7,794.00
STAG300267	Stag Arms Ambi Charging Handle (Polymer Handles)	100	38.97	R0148	7/23/18	156516-7	3,897.00
STAG300267	Stag Arms Ambi Charging Handle (Polymer Handles)	100	38.97	R0148	8/13/18	156516-8	3,897.00
				Total		\$38,970.00	

Burnside, Samantha J.

Subject: FW: Purchase Order 157060 from Stag Arms LLC
Attachments: PO_157060_from_Stag_Arms_LLC_5408.pdf

From: <jonathan@stagarms.com>
Date: Mon, Jul 23, 2018 at 9:03 AM
Subject: Purchase Order 157060 from Stag Arms LLC
To: <po@radianweapons.com>
Cc: <josiah@radianweapons.com>, <amanda@radianweapons.com>, <mallory@radianweapons.com>

Dear Vendor:

Please review the attached Purchase Order. Feel free to contact us if you have any questions.

Thank you for your service.

Sincerely,
Stag Arms LLC

8602299994 x221

--



MIKE FRY

COMPLIANCE & CUSTOMER SUPPORT

O: 503.616.2792

WWW.RADIANWEAPONS.COM

Radian Weapons / [875 NE Kingwood ave Redmond, OR 97756](#) / Phone: 503.893.2987 Fax: 503.342.2736

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Stag Arms LLC

New Britain, CT 06051

Purchase Order

Date	P.O. No.
7/23/2018	157060

Vendor
Radian Weapons 1851 Cordon Rd SE Salem, OR 97317

Ship To
Stag Arms LLC New Britain, CT 06051

							Terms
							Net 30
Item	Description	Qty	Rate	MPN	Expected	Ship Ref	Amount
STAG300267	Stag Arms Ambi Charging Handle (Polymer Handles) Ship Ref# 157060-1	100	38.97	R0148	8/13/18	157060-1	3,897.00
STAG300267	Stag Arms Ambi Charging Handle (Polymer Handles) Ship Ref# 157060-2	100	38.97	R0148	8/20/18	157060-2	3,897.00
STAG300267	Stag Arms Ambi Charging Handle (Polymer Handles) Ship Ref# 157060-3	100	38.97	R0148	9/3/18	157060-3	3,897.00
STAG300267	Stag Arms Ambi Charging Handle (Polymer Handles) Ship Ref# 157060-4	100	38.97	R0148	9/10/18	157060-4	3,897.00
STAG300267	Stag Arms Ambi Charging Handle (Polymer Handles) Ship Ref# 157060-5	100	38.97	R0148	9/17/18	157060-5	3,897.00
STAG300267	Stag Arms Ambi Charging Handle (Polymer Handles) Ship Ref# 157060-6	200	38.97	R0148	10/1/18	157060-6	7,794.00
STAG300267	Stag Arms Ambi Charging Handle (Polymer Handles) Ship Ref# 157060-7	100	38.97	R0148	10/8/18	157060-7	3,897.00
STAG300267	Stag Arms Ambi Charging Handle (Polymer Handles) Ship Ref# 157060-8	100	38.97	R0148	10/15/18	157060-8	3,897.00
				Total		\$35,073.00	

EXHIBIT 7

STAG ARMS



Stripped Lower \$48.99



300 Blackout Comp \$8.99



Nickel Boron 2 Stage \$59.99



Nickel Boron BCG \$79.99



Diamondhead Hole Shot \$79.99



Complete Tactical Lower \$129.99



Mag/Phos BCG \$69.99



Flag Engraved BCG \$84.99



Diamondhead Narrow Rear Sight \$16.99



Set of 5 G.I. Mags 30rd \$49.99



NiB Flag Engraved BCG \$99.99



Geissele 3 Gun \$174.99



Lower Parts Kit w/o Trigger \$19.99



Blem Stripped Upper Receiver \$42.50



Upper Parts Kit \$9.99



Carbine Receiver Extension Kit \$24.99



Stag Ambi Charging Handle \$14.99

Free Shipping!