

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO**

Civil Action No.

LASERMARX, INC. D/B/A QUALITY ARCHERY DESIGNS, INC. and QTM, LLC,

Plaintiffs,

v.

HAMSKEA ARCHERY SOLUTIONS LLC,

Defendant.

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**COMPLAINT FOR PATENT INFRINGEMENT**

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Plaintiffs Lasermarx, Inc. d/b/a Quality Archery Designs, Inc. (“QAD”) and QTM, LLC (“QTM”) (collectively, “Plaintiffs”), by their attorneys Talus Law Group LLC and Barclay Damon LLP, file the following Complaint against Hamskea Archery Solutions LLC (“Hamskea”) and allege as follows:

**Nature of Action**

1. This action, brought under the Patent Laws of the United States, 35 U.S.C. § 1 *et seq.*, including specifically 35 U.S.C. § 271, seeks relief arising out of Hamskea’s willful infringement of one or more claims of U.S. Patent No. 11,098,974 (“the ’974 Patent”) and U.S. Patent No. 11,359,884 (“the ’884 Patent”) (collectively, the “Patents-in-Suit”). Plaintiffs seek injunctive relief to prevent Hamskea from continuing to infringe the Patents-in-Suit. Plaintiffs also seek monetary damages resulting from Hamskea’s infringement of the Patents-in-Suit.

2. Plaintiffs assert infringement of the Patents-in-Suit by Hamskea based upon its unauthorized making, using, offering to sell, selling, and/or importing of archery bow accessory

mounts and accessories, including Hamskea’s C.O.R. Mount Riser Interface, C.O.R. Universal Adaptor Bracket kit, and Epsilon Arrow Rest (the “Infringing Products”).

**The Parties**

3. QAD is a corporation organized and existing under the laws of the Commonwealth of Virginia, with its principal place of business at 301 E. Progress Lane, Madison Heights, Virginia 24572.

4. QTM is a limited liability company organized and existing under the laws of the Commonwealth of Virginia, with its principal place of business at 301 E. Progress Lane, P.O. Box 940, Madison Heights, Virginia 24572.

5. Upon information and belief, Hamskea is a limited liability company organized and existing under the laws of the State of Colorado, with its principal place of business at 5969 Iris Pkwy, Unit A, Frederick, Colorado 80504.

**Jurisdiction and Venue**

6. This action arises under the patent laws of the United States, 35 U.S.C. §§ 100 *et seq.* This Court has subject matter jurisdiction over the asserted claims pursuant to 28 U.S.C. §§ 1331 and 1338(a).

7. This Court has personal jurisdiction over Hamskea because Hamskea is a Colorado limited liability company, has its principal place of business in the State of Colorado and in this District, including at 5969 Iris Pkwy, Unit A, Frederick, Colorado 80504, and/or because Hamskea has been conducting and/or is presently conducting business in the District of Colorado on a regular basis.

8. Venue is proper in the District of Colorado pursuant to 28 U.S.C. § 1400(b) because Hamskea has committed acts of infringement in Colorado and Hamskea is organized in Colorado and has its principal place of business in the District of Colorado, and therefore resides in Colorado and the District of Colorado for the purposes of the statute.

**QAD, QTM and the Patents-in-Suit**

9. QAD is a recognized innovator and leader in the research, development, manufacture and distribution of archery products in the United States and around the world.

10. QAD developed the Integrate Mounting System™ design standard, which comprises mounting specifications for archery bows and accessories. QAD provides these specifications to, among others, archery bow manufacturers that use the specifications. QAD makes and sells arrow rests that conform to this standard. Pictured below is QAD’s Ultrarest Integrated MX arrow rest as depicted at <https://www.qadinc.com/>:



11. A key design feature that confers these benefits is the dovetail that is included in QAD’s Integrate Mounting System™ industry standard.

12. QTM owns the patents directed to the inventions developed by QAD, and the companies have invested a substantial amount of capital in product development and improvement to maintain their position as a leading producer of innovative archery products. As a result of this investment, QTM owns a robust patent portfolio that includes the Patents-in-Suit. QTM is the sole owner of the Patents-in-Suit, and QAD is the sole licensee of the Patents-in-Suit with the right to grant sublicenses thereto.

13. The '974 Patent claims priority to U.S. Patent Application Serial No. 15/247,456, filed on August 25, 2016, which was published as U.S. Patent Publication No. 2017/0059269 on March 2, 2017.

14. The '974 Patent, titled "Archery Device and Method," was filed on April 2, 2020 and issued on August 24, 2021. A true and correct copy of the '974 Patent is attached hereto as **Exhibit A**.

15. As described in the Background, the '974 Patent solves problems, disadvantages and shortcomings related to attaching bow accessories to bows, including the difficulty of adjusting the accessory after it is installed, unexpected detachment, misalignment, and instability. (Ex. A at 1:25–2:3.)

16. The '884 Patent claims priority to U.S. Patent Application Serial No. 16/682,416, filed on November 13, 2019, which was published as U.S. Patent Publication No. 2020/0149838 on May 14, 2020.

17. The '884 Patent, titled "Archery Coupling Assembly and Method," was filed on November 9, 2020 issued on June 14, 2022. A true and correct copy of the '884 Patent is attached hereto as **Exhibit B**.

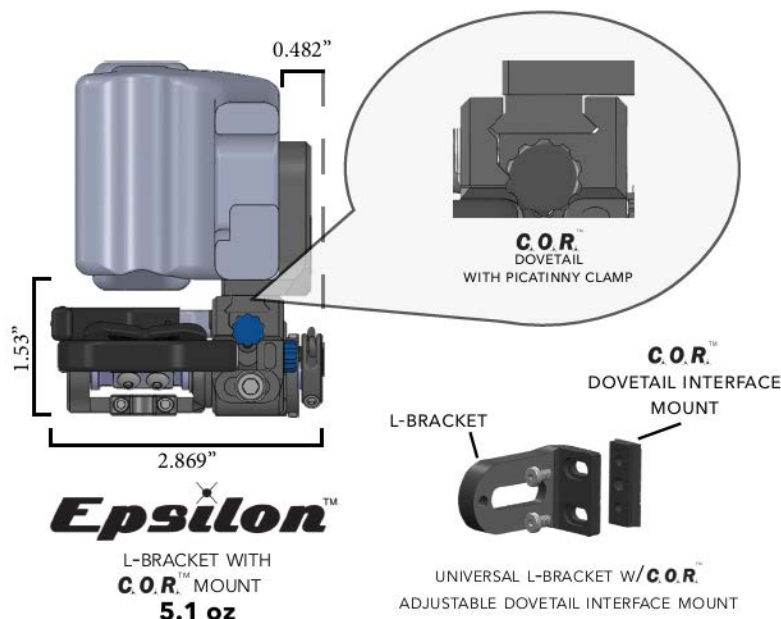
18. As described in the Background, the '884 Patent solves problems, disadvantages and shortcomings related to attaching bow accessories to bows, loosening if the accessory and loss of accuracy, damage to arrows, and increased cost for replacing arrows. (Ex. B at 1:17-51.)

### Hamskea's Infringing Products

19. Hamskea has no right or authority to practice or to license others to practice the Patents-in-Suit.

20. On information and belief, Hamskea launched the Infringing Products, including the C.O.R. Mount Riser Interface and related products, at the Archery Trade Association trade show in Louisville, which took place January 7-9, 2022.

21. The following figures from Hamskea's 2022 Product Catalog (**Exhibit C**) illustrates the construction of Hamskea's C.O.R.<sup>TM</sup> dovetail mounts and brackets that is nearly identical to the representative figures of the Patents-in-Suit and QAD's Integrate Mounting System<sup>TM</sup> mounting rail and accessories.



(Ex. C, p. 3.)

22. QAD and Hamskea initiated licensing discussions during the summer of 2021. Hamskea was thus either already aware of, or was made aware of, QAD issued patents and was also advised that there were other pending patent applications.

23. On February 7, 2022, counsel for QAD sent a letter to Hamskea regarding its patent rights, including the '974 Patent, and seeking samples of the Infringing Products. A true and correct copy of the letter is attached as **Exhibit D**. Therefore, Hamskea had actual knowledge of at least the '974 Patent at least as early as February 7, 2022.

24. On June 16, 2022, counsel for QAD sent a follow-up letter that offered to keep licensing discussions open and informed Hamskea of the '884 Patent's issuance on June 14, 2022. A true and correct copy of the letter is attached as **Exhibit E**. Therefore, Hamskea had actual knowledge of at least the '884 Patent as of June 16, 2022.

25. Although the parties continued to correspond, no agreement was reached.

26. The Infringing Products are not suitable for any substantial non-infringing use relative to the claims of the '974 and '884 Patents.

27. On information and belief, Hamskea designed the Infringing Products specifically to compete with QAD's patented archery bow rail and accessory designs and to copy the patented features and functionality of those designs.

28. When used as intended by Hamskea, the Infringing Products have no other purpose than to practice the inventions of the '974 and '884 Patents as described in the claim charts below.

29. Hamskea does not offer for sale, sell, or instruct its customers to use the Infringing Products for any purpose other than in a manner that would infringe the '974 and '884 Patents as described in the claim charts below.

30. On information and belief, Hamskea has continued to infringe the Patents-in-Suit as alleged herein.

31. Hamskea was again given notice of its infringement of the the Patents-in-Suit on August 5, 2022, when Hamskea was provided with a copy of the Complaint in this action.

32. Before offering the Infringing Products, Hamskea was aware of the Patents-in-Suit because the parties are direct competitors, and through various industry events, communications and forums.

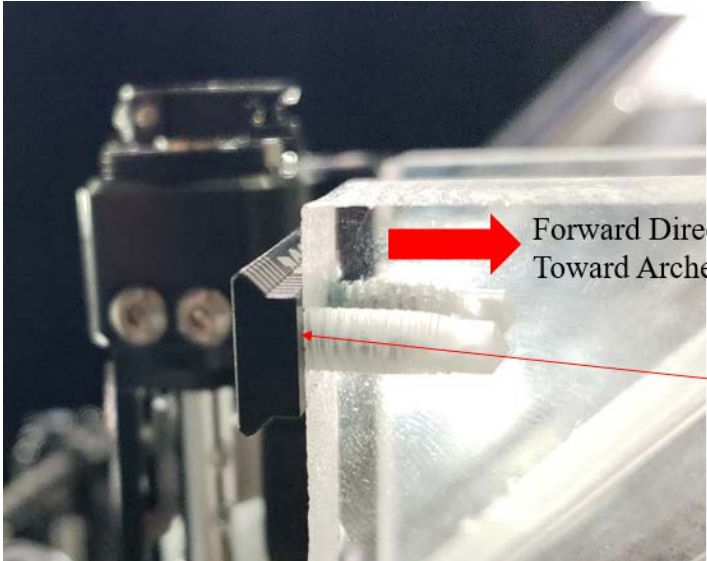
33. On information and belief, before manufacturing, using, offering for sale, and selling the Infringing Products, Hamskea failed to obtain any written opinion from competent patent counsel that its activities would not infringe upon any of the Patents-in-Suit, or that Hamskea's customers' use of the Infringing Products would not infringe upon any of the Patents-in-Suit. On information and belief, Hamskea chose not to seek any such opinion because it knew that competent patent counsel would not clear its unlawful activities and, therefore, that seeking a non-infringement opinion would be futile.

34. On information and belief, Hamskea has purposefully copied QTM's patented archery bow and accessory design to unlawfully compete with QTM and QAD and with intent to cause Hamskea's customers to infringe upon the Patents-in-Suit in complete disregard for QTM's patent rights.

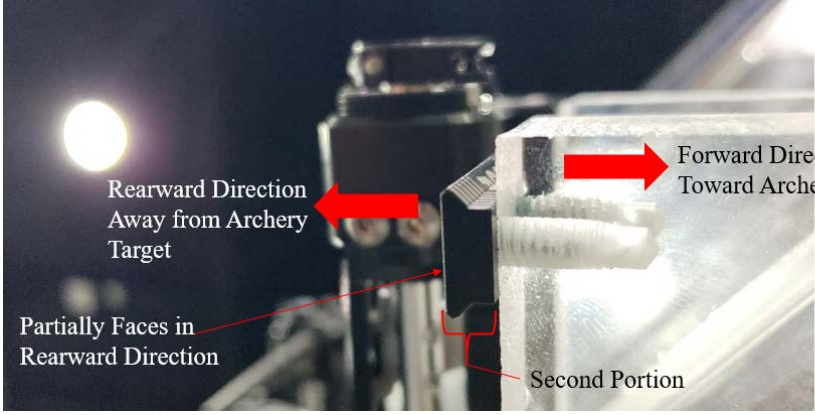
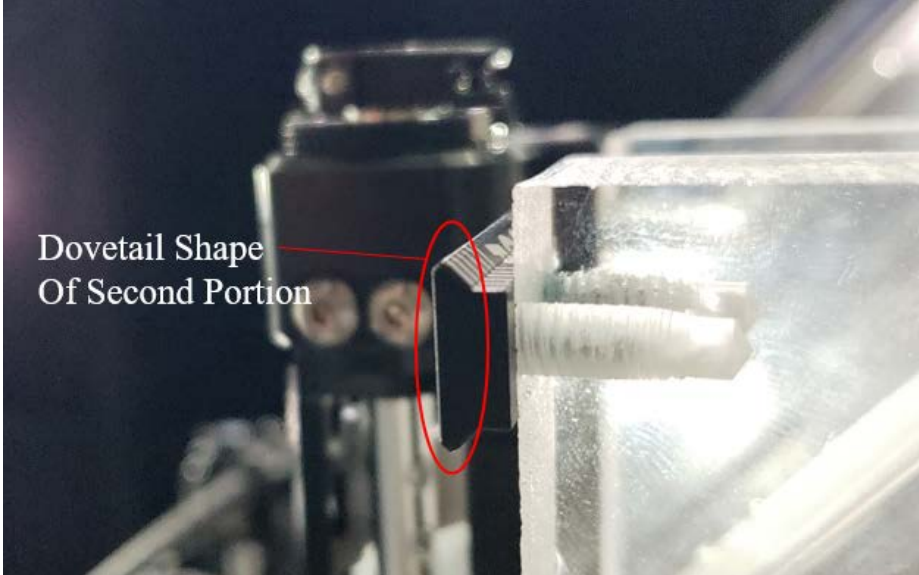
**Count I**  
***(Infringement of the '974 Patent)***

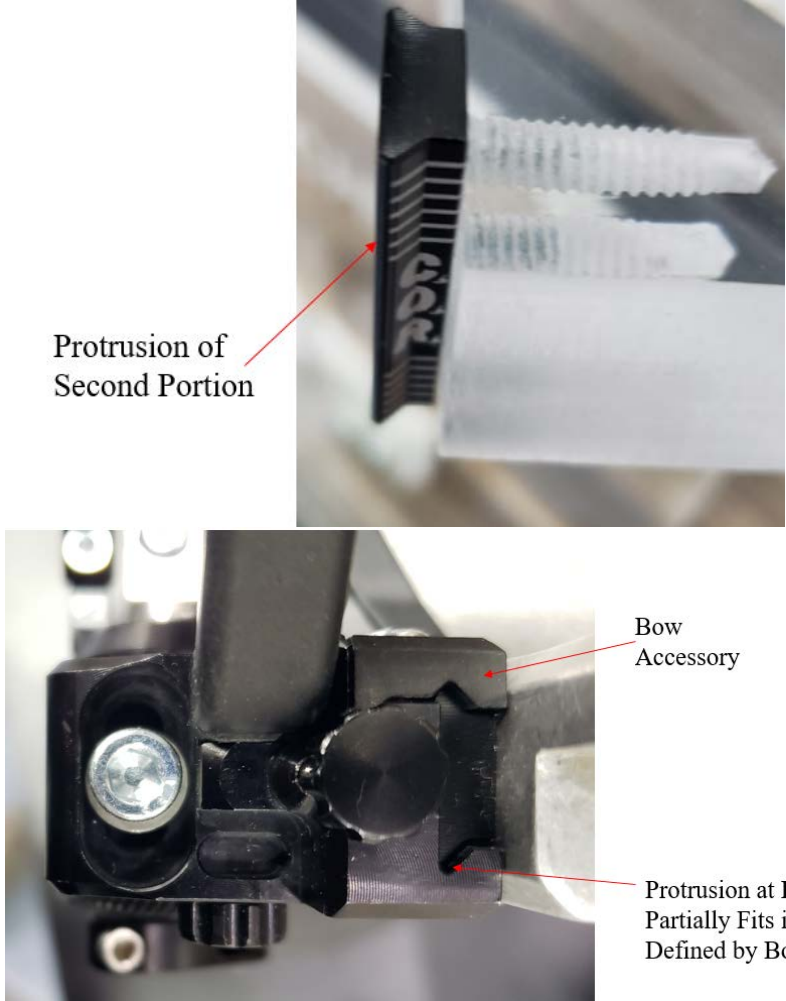
35. Plaintiffs repeat and reassert all of the foregoing allegations as if they were stated in full herein.

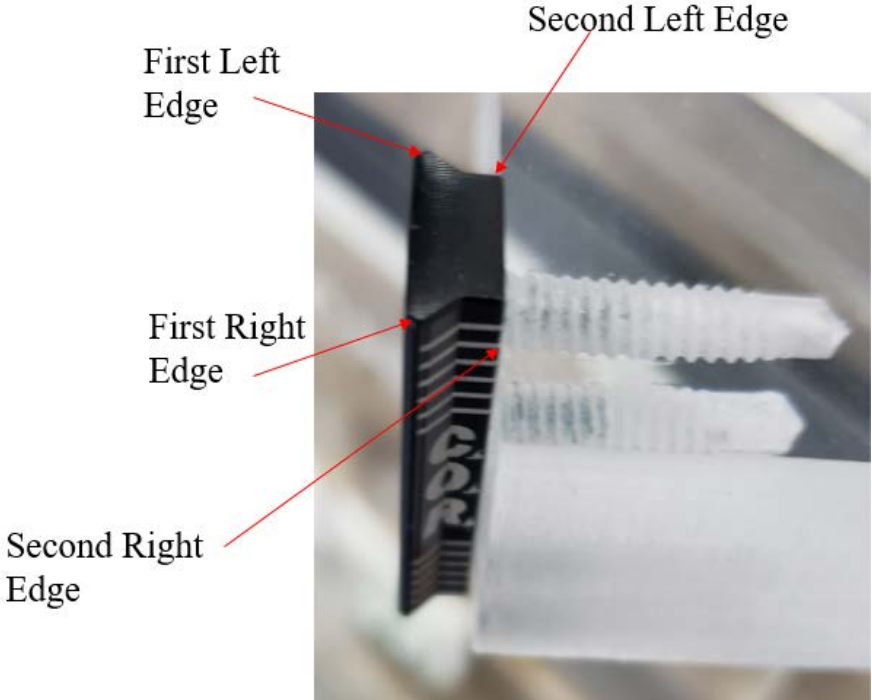
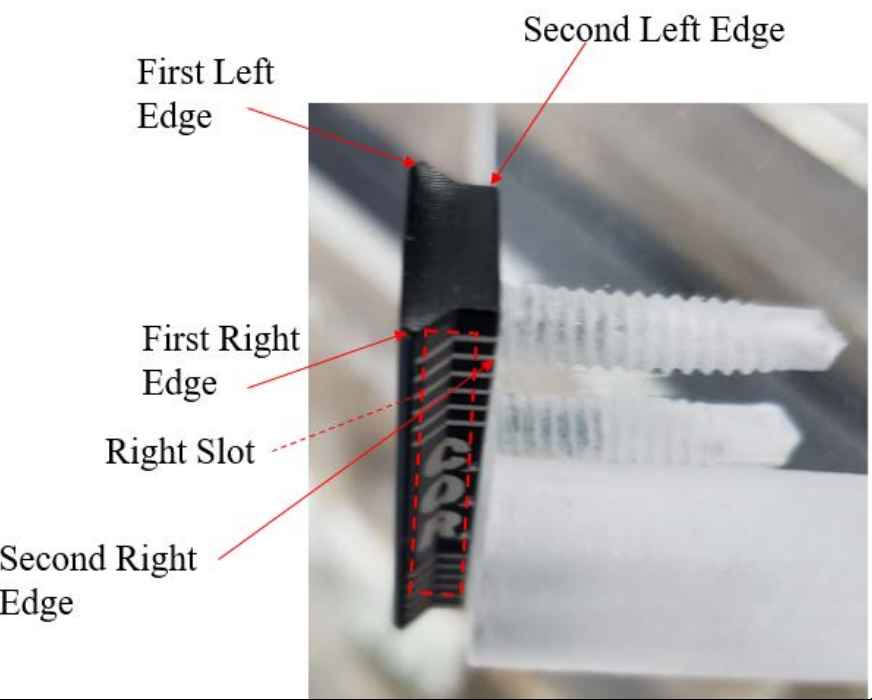
36. As illustrated in the representative claim chart below, Hamskea has directly infringed and continues to directly infringe at least Claim 11 of the '974 Patent, within the meaning of 35 U.S.C. § 271(a) and either literally or under the doctrine of equivalents, by using, selling, offering for sale, and/or importing the Infringing Products in the United States, without license or authorization by Plaintiffs.

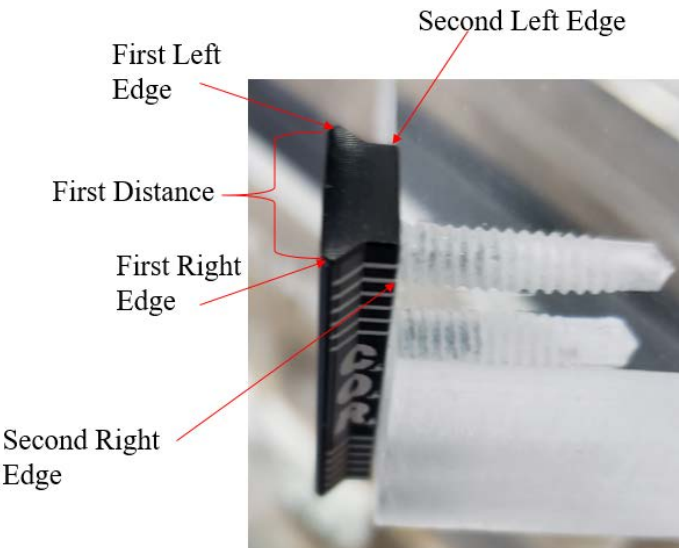
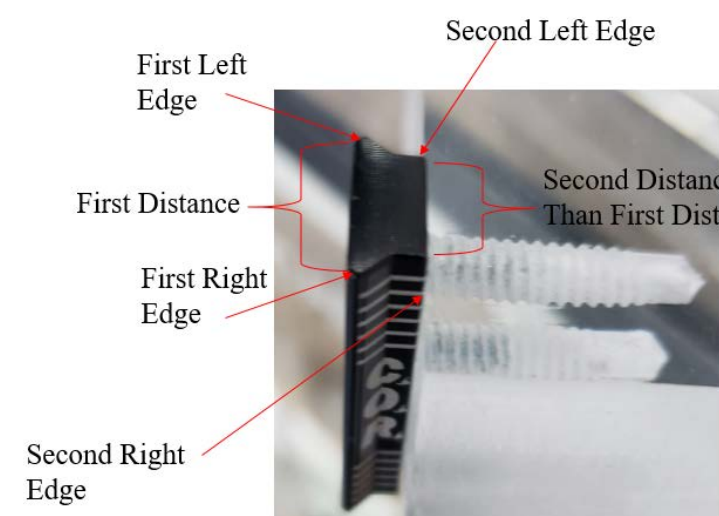
'974 Patent	C.O.R. Mount Riser Interface
<p><b>Claim 11.</b> An archery device usable with a bow accessory, the archery device comprising:</p>	<p>Non limiting preamble, however if deemed to be limiting, the Product is an archery device that is sold to be used with a bow accessory.</p>
<p>a first portion configured to at least partially face in a forward direction toward an archery target; and</p>	
<p>a second portion configured to at least partially face in a rearward direction away from the archery target,</p>	



'974 Patent	C.O.R. Mount Riser Interface
	 <p>Rearward Direction Away from Archery Target</p> <p>Forward Direction Toward Archery Target</p> <p>Partially Faces in Rearward Direction</p> <p>Second Portion</p>
<p>wherein: the second portion at least partially comprises a dovetail shape; and</p>	 <p>Dovetail Shape Of Second Portion</p>

'974 Patent	C.O.R. Mount Riser Interface
<p>the second portion comprises a protrusion configured to at least partially fit into a space defined by the bow accessory;</p>	 <p>Protrusion of Second Portion</p> <p>Bow Accessory</p> <p>Protrusion at Least Partially Fits in Space Defined by Bow Accessory</p>

'974 Patent	C.O.R. Mount Riser Interface
<p>the second portion comprises a first right edge, a first left edge, a second right edge, and a second left edge;</p>	 <p>Diagram illustrating the C.O.R. Mount Riser Interface. The interface is shown as a black, stepped component with a white threaded section. Red arrows point to the following edges: First Left Edge, Second Left Edge, First Right Edge, and Second Right Edge.</p>
<p>the first right edge and the second right edge define a right slot;</p>	 <p>Diagram illustrating the C.O.R. Mount Riser Interface. The interface is shown as a black, stepped component with a white threaded section. Red arrows point to the following edges: First Left Edge, Second Left Edge, First Right Edge, and Second Right Edge. A dashed red line indicates the Right Slot defined by the First Right Edge and Second Right Edge.</p>
<p>the first left edge and the second left edge define a left slot;</p>	<p>See above as the left side of the Product is the same as the right side.</p>

'974 Patent	C.O.R. Mount Riser Interface
<p>the first right edge and the first left edge are separated by a first distance; and</p>	 <p>The diagram shows a close-up of a black plastic riser interface with a white serrated edge. Red arrows point to the 'First Left Edge' at the top left, the 'First Right Edge' at the top right, and the 'Second Right Edge' at the bottom right. A bracket labeled 'First Distance' spans the gap between the first left and right edges. Another bracket labeled 'Second Left Edge' points to the top of the second serrated edge.</p>
<p>the second right edge and the second left edge are separated by a second distance that differs from the first distance.</p>	 <p>This diagram is similar to the one above but includes an additional label 'Second Distance – Different Than First Distance' with a bracket indicating the distance between the 'Second Left Edge' and the 'Second Right Edge'.</p>

37. The Infringing Products include each of the elements of at least Claim 11 of the '974 Patent and Hamskea's manufacture, importation, use, offer for sale, and/or sale of such products in the united states constitutes infringement of the '974 Patent.

38. Hamskea has had actual notice of its infringement of the '974 Patent at least as a result of the QAD's February 7, 2022 letter to Hamskea, if not as early as the start of Hamskea's

infringement. Since at least receipt of this February 7, 2022 letter, Hamskea’s infringement of the ’974 Patent has been willful, egregious, deliberate, and/or intentional.

39. As a direct and proximate result of the infringement of the ’974 Patent by Hamskea, Plaintiffs have been and continue to be damaged.

40. Hamskea’s infringement of the ’974 Patent has caused irreparable injury to Plaintiffs, to which there exists no adequate remedy at law, and will continue to cause irreparable injury to PLAINTIFFS unless enjoined by this Court.

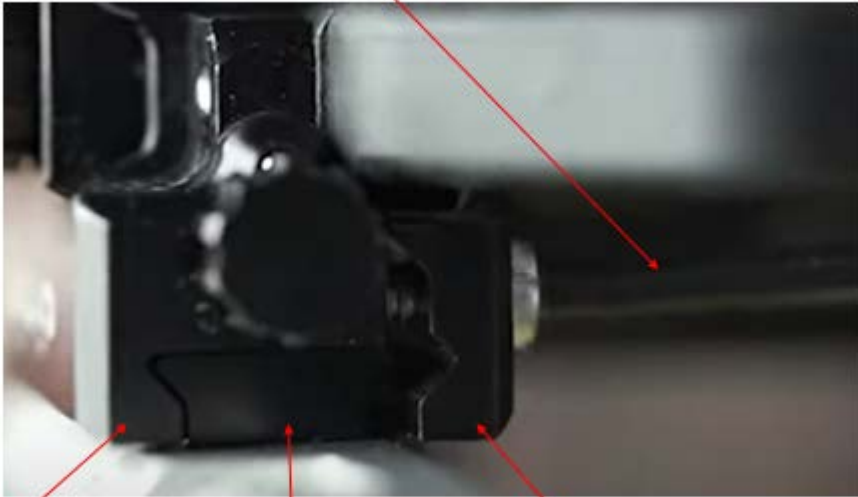
**Count II**  
***(Infringement of the ’884 Patent)***

41. Plaintiffs repeat and reassert all of the foregoing allegations as if they were stated in full herein.

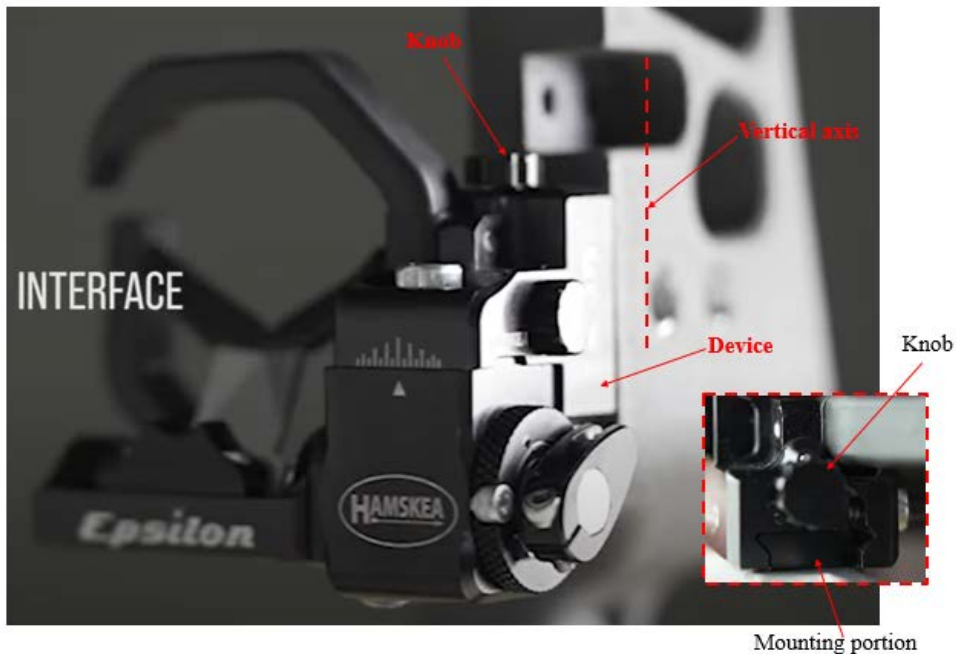
42. As illustrated in the representative claim chart below, Hamskea has directly infringed and continues to directly infringe at least Claim 12 of the ’884 Patent, within the meaning of 35 U.S.C. § 271(a) and either literally or under the doctrine of equivalents, by using, selling, offering for sale, and/or importing the Infringing Products in the United States, without license or authorization by Plaintiffs.

<b>’884 Patent</b>	<b>C.O.R. Mount Riser Interface with Epsilon Arrow Rest</b>
<b>Claim 12.</b> An archery coupling assembly comprising:	Non limiting preamble, however if deemed to be limiting, the Product is an archery coupling assembly.

<p>a mounting portion configured to be coupled to a body of an archery bow, wherein the mounting portion, when vertically oriented, extends at least partially along a vertical axis; and</p>	
<p>a device moveably coupled to the mounting portion, wherein the device comprises:</p> <p>a first engager configured to engage a first part of the mounting portion; and</p> <p>a second engager configured</p>	 <p>See frames 1:05 to 1:10 of the video at <a href="https://www.hamskearchery.com/product/epsilon-arrow-rest-w-mathews-approved-bracket/">https://www.hamskearchery.com/product/epsilon-arrow-rest-w-mathews-approved-bracket/</a>.</p>

<p>to engage a second part of the mounting portion,</p>	
<p>wherein the first and second engagers are arranged to at least partially compress the mounting portion,</p>	<p>Allen wrench brings first and second engagers together to compress the mounting portion.</p>  <p>Second engager      Mounting portion      First engager</p> <p>See frames 1:10 to 1:18 of the video at <a href="https://www.hamskearchery.com/product/epsilon-arrow-rest-w-mathews-approved-bracket/">https://www.hamskearchery.com/product/epsilon-arrow-rest-w-mathews-approved-bracket/</a>.</p>

wherein the device is configured to be moved, along the vertical axis, relative to the mounting portion when the device is coupled to the mounting portion.



When the knob is rotated, the device moves along the vertical axis relative to the mounting portion. See frames 2:33 to 2:39 of the video at <https://www.hamskearchery.com/product/epsilon-arrow-rest-w-mathews-approved-bracket/>.

43. The Infringing Products include each of the elements of at least Claim 12 of the '884 Patent and Hamskea's manufacture, importation, use, offer for sale, and/or sale of such products in the united states constitutes infringement of the '884 Patent.

44. Hamskea has had actual notice of its infringement of the '884 Patent at least as a result of the QAD's June 16, 2022 letter to Hamskea, if not as early as the start of Hamskea's infringement. Since at least receipt of this June 16, 2022 letter, Hamskea's infringement of the '884 Patent has been willful, egregious, deliberate, and/or intentional.

45. As a direct and proximate result of the infringement of the '884 Patent by Hamskea, Plaintiffs have been and continue to be damaged.



46. Hamskea's infringement of the '884 Patent has caused irreparable injury to Plaintiffs, to which there exists no adequate remedy at law, and will continue to cause irreparable injury to Plaintiffs unless enjoined by this Court.

**Prayer for Relief**

WHEREFORE, Plaintiffs pray for judgement in their favor and against Hamskea, as follows:

A. Entry of judgment that Hamskea infringed one or more claims of the Patents-in-Suit;

B. Entry of judgment that preliminarily and permanently enjoins Hamskea and its representatives, assigns or successors, or any subsidiaries, parents, divisions, agents, servants, employees thereof, and those in privity with Hamskea from infringing the Patents-in-Suit;

C. An award of compensatory damages for Plaintiffs as a result of infringement, as provided in 35 U.S.C. § 284, the extent of which will be determined at trial, but in no event less than a reasonable royalty, together with interest and costs;

D. A determination that Hamskea's acts of infringement of one or more claims of the Patents-in-Suit have been, and continue to be, egregious and/or willful, and that Plaintiffs are entitled to an award of enhanced damages of up to three times the amount of actual damages pursuant to 35 U.S.C. § 284;

E. A determination that, pursuant to 35 U.S.C. § 285, this is an exceptional case and that Plaintiffs be awarded their reasonable attorneys' fees;

F. An award of interest on any judgment rendered in this action;

G. An award of Plaintiffs' costs in this action; and

H. Such other and further relief as is just and proper.

**Jury Demand**

Plaintiffs demand a trial by jury on all issues so triable.

Dated: August 5, 2022

Respectfully submitted,

By: /s/ Benjamin B. Lieb

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